
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 7

Amendments: Pensions and Social Security: Secondary Legislation

**Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland)
2006**

106.—(1) The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006⁽¹⁾ are amended as follows.

- (2) In regulation 3 (modifications to which subsisting rights provisions do not apply)—
- (a) omit the “or” at the end of paragraph (h),
 - (b) in paragraph (i), in each of sub-paragraphs (i) and (ii), for “widow or widower” substitute “surviving opposite sex spouse”, and
 - (c) after paragraph (i) insert—
“, or
 - (j) which provides in relation to all or part of a member’s subsisting rights that after the member’s death—
 - (i) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
 - (ii) the rights of any other survivor of the member are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

(3) In regulation 7(1) (modifications which trustees may make), for “widow or widower”, in both places it occurs, substitute “surviving opposite sex spouse”.

(4) After regulation 7 insert—

“Modification of schemes: surviving same sex spouses

7ZA. The trustees of a trust scheme may by resolution modify the scheme in relation to all or part of a member’s subsisting rights so that after the member’s death—

- (a) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
- (b) the rights of any other survivor are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

Status: *This is the original version (as it was originally made).*
