
STATUTORY INSTRUMENTS

2019 No. 1514

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

PART 8

Public Service Pension Schemes

Local Government

121.—(1) In the Local Government Pension Scheme (Amendment and Transitional Provision) Regulations (Northern Ireland) 2014⁽¹⁾, regulation 17 (survivor benefits) is amended as follows.

(2) In paragraph (5)—

(a) the words from “the definition of “eligible child”” to the end become sub-paragraph (a), and

(b) after that sub-paragraph insert—

“(b) subject to sub-paragraph (d), any calculation of the survivor benefit payable under the former regulations to a person who is the surviving same-sex civil partner of a member or who is the surviving spouse of a same sex marriage with a member is to be on the basis that the survivor is a widow, irrespective of the sex of the member;

(c) any calculation of the survivor pension payable under the former regulations to a person who is a surviving opposite-sex civil partner of a member is to be on the basis that the survivor is a widow or widower, depending on their sex;

(d) in respect of a calculation under sub-paragraph (b) where the member left under a scheme to which the 2000 Regulations or the 2002 Regulations apply and died before 1st April 2015, any reference to contracted out membership is to be read as including contracted in membership.”.

(3) In paragraph (7)—

(a) omit sub-paragraph (a),

(b) in sub-paragraph (b)—

(i) before “survivor” insert “male”, and

(ii) omit the “and” at the end, and

(c) after sub-paragraph (c) insert—

“; and

(d) the male survivor of a female—

(i) deferred member, or

(ii) pensioner member,

⁽¹⁾ S.R. (N.I.) 2014/189. Regulation 17 was amended by S.R. (N.I.) 2016/128 and S.R. (N.I.) 2019/206.

where the survivor was in an opposite-sex civil partnership with the member which was formed after the member's active membership ceased.”.

(4) For paragraphs (8) and (9) substitute—

“(8) Any calculation of any survivor pension payable under the former regulations is only to take account of membership accrued by that member after 5th April 1978 where—

- (a) a member enters into a same-sex civil partnership or same-sex marriage after leaving active membership and dies;
- (b) a male deferred member or pensioner member marries and dies leaving a female survivor; or
- (c) a male deferred member or pensioner member enters into an opposite-sex civil partnership and dies leaving a female survivor.

(9) Despite paragraph (5)(b), for the purposes of paragraphs (6) and (8), membership includes—

- (a) relevant additional membership that would have counted as membership for the purposes of regulations 44 and 44A of the 2002 Regulations (reduction of some surviving spouses' and civil partners' pensions);
- (b) membership that would have counted under regulation F3, F4 or F5 (spouse pensions in certain cases) of the 2000 Regulations by virtue of regulation F6 (post-retirement marriages) of those Regulations; and
- (c) any membership purchased under regulation 14A of the Benefit Regulations (elections to pay additional contributions: survivor benefits).

(10) In this regulation—

“opposite-sex civil partnership” means a civil partnership formed between two persons who are not of the same sex;

“same-sex civil partnership” means a civil partnership formed between two persons who are of the same sex;

“surviving opposite-sex civil partner of a member” means a person who, at the time of a member's death, was in a civil partnership with the member and was of the opposite sex to the member;

“surviving same-sex civil partner of a member” means a person who, at the time of a member's death, was in a civil partnership with the member and was of the same sex as the member;

“surviving spouse of a same-sex marriage with a member” means a person who, at the time of a member's death, was married to the member and was of the same sex as the member.”.