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STATUTORY INSTRUMENTS

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**2019 No. 1514**

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

**PART 8**

**Public Service Pension Schemes**

**Civil Service**

**122.**—(1) The Principal Civil Service Pension Scheme (Northern Ireland) 1981, made on 20th November 1981<sup>(1)</sup>, is amended as follows.

(2) In Section 1 (the 2002 Section), after rule E1.A insert—

**“Marriage of a same-sex couple**

**E.1B.**—(1) In this Section of the Scheme—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”

(3) In Section 2 (the 1972 Section), in Section 4 (widows’ and dependants’ benefits), in Part 8 (civil partnership), after rule 4.79 insert—

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<sup>(1)</sup> The Scheme was most recently amended by the Principal Civil Service Pension Scheme (Amendment No.3) Scheme (Northern Ireland) 2014 made on 11th July 2014. The Scheme rules (updated October 2015) are available at: <https://www.finance-ni.gov.uk/articles/scheme-rules>.

**4.79A.** For the purposes of rule 4.79 it does not matter whether the civil servant or the civil servant’s surviving civil partner is a man or a woman but a surviving civil partner is only entitled to pension and other benefits payable under the rules of this scheme as they apply to them as either a widow or widower (and not as both).

**4.79B.** Where rule 4.79 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

**4.79C.** For the purposes of rules 4.79, 4.79A and 4.79B it does not matter how a reference is expressed.”.

(4) In Section 2 (the 1972 Section), in Section 4 (widows’ and dependants’ benefits), after Part 8 insert—

**“Part 9: Marriage of a same-sex couple**

**4.84.** In this scheme—

- (i) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (ii) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (iii) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (iv) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

**4.85.** Where rule 4.84 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

**4.86.** For the purposes of rules 4.84 and 4.85 it does not matter how a reference is expressed.

**4.87.** Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this scheme.

**4.88.** Regulation 6(1) and (2) of those Regulations have effect subject to rules 4.84 to 4.87.”.

(5) In Section 3 (the 2007 Section), after rule F.1 insert—

**“F.1A Marriage of a same-sex couple**

(1) In this Section—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”.