

SCHEDULE 2

Amendments of provisions of Regulations relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners

PART 4

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

10. The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996 (1) are amended in accordance with paragraphs 11 to 23.

Commencement Information

I1 Sch. 2 para. 10 in operation at 5.12.2005, see art. 1(3)

11. In regulation 1 (citation, commencement and interpretation) after paragraph (1) there shall be inserted the following paragraph—

“(1A) For the purposes of these Regulations, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”.

Commencement Information

I2 Sch. 2 para. 11 in operation at 5.12.2005, see art. 1(3)

^{F1}12.

Textual Amendments

F1 Sch. 2 para. 12 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2

13. In regulation 23(b) (requirements for meeting the statutory standard) for “widows or widowers”, in each place where it occurs, there shall be substituted “widows, widowers or surviving civil partners”.

Commencement Information

I3 Sch. 2 para. 13 in operation at 5.12.2005, see art. 1(3)

(1) S.R. 1996 No. 493; relevant amending regulations are S.R. 1997 No. 160, S.R. 1997 No. 162, S.R. 1998 No. 208, S.R. 2000 No. 336, S.R. 2002 No. 109 and S.I. 2002/681. See also Schedule 2 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order (Northern Ireland) 2005, PART 4. (See end of Document for details)

14. For regulation 26 (reference scheme: circumstances in which widows' or widowers' pensions need not be payable) there shall be substituted the following regulation—

“Reference scheme: circumstances in which widows', widowers' or surviving civil partners' pensions need not be payable

26.—(1) For the purposes of section 8B(4)(a)(2) of the Act (reference scheme to provide widows', widowers' and surviving civil partners' pensions except in prescribed circumstances), and subject to paragraph (2), the prescribed circumstances are where—

- (a) the scheme member marries or forms a civil partnership after having received benefits under the scheme;
- (b) the widow, widower or surviving civil partner of the scheme member—
 - (i) remarries or, as the case may be, marries;
 - (ii) forms a civil partnership or, as the case may be, forms a subsequent civil partnership;
 - (iii) lives together as husband and wife with another person to whom he or she is not married, or
 - (iv) lives together with a person of the same sex as if they were civil partners, after having received benefits under the scheme;
- (c) the widow, widower or surviving civil partner of the scheme member is at the time of the member's death—
 - (i) living together as husband and wife with another person to whom he or she is not married, or
 - (ii) living together with a person of the same sex as if they were civil partners.

(2) Paragraph (1)(b)(ii) and (iv) and (c)(ii) does not apply where the scheme member dies before 5th December 2005.”.

Commencement Information

I4 Sch. 2 para. 14 in operation at 5.12.2005, see **art. 1(3)**

15. In regulation 45(3A)(3) (approval of arrangements for schemes ceasing to be contracted-out) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

Commencement Information

I5 Sch. 2 para. 15 in operation at 5.12.2005, see **art. 1(3)**

16. In regulation 50A(4) (persons to be regarded as members) for “widow's or widower's” there shall be substituted “widow's, widower's or surviving civil partner's”.

(2) Section 8B was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 and amended by regulation 2 of S.R. 1997 No. 162
(3) Paragraph (3A) was inserted by regulation 3(3) of S.R. 1997 No. 162
(4) Regulation 50A was inserted by regulation 5 of S.R. 1998 No. 208

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order (Northern Ireland) 2005, PART 4. (See end of Document for details)

Commencement Information

I6 Sch. 2 para. 16 in operation at 5.12.2005, see **art. 1(3)**

^{F2}17.

Textual Amendments

F2 Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), **Sch. 2**

^{F2}18.

Textual Amendments

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^{F2}19.

Textual Amendments

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^{F2}20.

Textual Amendments

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^{F2}21.

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^{F2}22.

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^{F2}23.

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Changes to legislation:

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