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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 434**

**CIVIL PARTNERSHIP**

**The Civil Partnership (Pensions and Benefit Payments)  
(Consequential, etc. Provisions) Order (Northern Ireland) 2005**

*Made - - - - 29th September 2005  
Coming into operation in accordance with Article 1(2)  
and (3)*

*To be laid before Parliament  
under paragraph 7(3) of the  
Schedule to the Northern  
Ireland Act 2000*

The Department for Social Development in exercise of the powers conferred on it by sections 254(5) and 259 of the Civil Partnership Act 2004(1), and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005.

(2) In this Order—

- (a) paragraph 5 of the Schedule shall come into operation, for the purposes only of making regulations under section 62 of the Contributions and Benefits Act(2);
- (b) paragraph 6(e) and (k) of the Schedule shall come into operation, for the purposes only of making regulations under paragraphs 3C and 7B of Schedule 5 to the Contributions and Benefits Act(3); and
- (c) paragraph 27 of the Schedule shall come into operation, for the purposes only of making regulations under Article 49(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(4),

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(1) 2004 c. 33; section 254(5) applies section 171(3), (5) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to the exercise of powers under section 259. *See also* Article 293 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(2) 1992 c. 7; section 62 was amended by Article 128 of, and paragraph 7 of Schedule 2 to, the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and paragraph 16 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(3) Paragraphs 3C and 7B were inserted by paragraphs 8 and 10 respectively of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(4) S.I. 1999/3147 (N.I. 11); Article 49(2) was amended by paragraph 20 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

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on 10th November 2005.

(3) Subject to paragraph (2), this Order shall come into operation on 5th December 2005.

(4) In this Order “the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

**Amendment of legislation**

2. The Schedule, which contains amendments of provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners, shall have effect.

Sealed with the Official Seal of the Department for Social Development on 29th September 2005

L.S.

*John O'Neill*  
A senior officer of the  
Department for Social Development

## SCHEDULE

## Article 2

### **Amendment of provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners**

#### **PART 1**

##### **Amendment of the Contributions and Benefits Act**

1. The Contributions and Benefits Act is amended as follows.
2. In section 48C(4)(5) (Category B retirement pension: general), after “spouse” there shall be inserted “or civil partner”.
3. In section 54(3)(6) (Category A and Category B retirement pensions: supplemental provisions), after “marriage” there shall be inserted “or civil partnership”.
4. In section 55(7) (pension increase or lump sum where entitlement to retirement pension is deferred)—
  - (a) in subsection (2), after “deceased spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
  - (b) in subsection (3)(a)(ii)—
    - (i) after “a spouse's” there shall be inserted “or civil partner's”, and
    - (ii) after “the spouse” there shall be inserted “or civil partner”.
5. In section 62(1)(c)(8) (graduated retirement benefit)—
  - (a) after “widowed person” there shall be inserted “or surviving civil partner”; and
  - (b) at the end there shall be added “or civil partner”.
6. In Schedule 5 (pension increase or lump sum where entitlement to retirement pension is deferred)—
  - (a) in paragraph A1(4)(9), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
  - (b) in paragraph 2(5)(a)(10), for “paragraph 4, 5, 5A or 6” there shall be substituted “paragraph 4, 5, 5A, 6 or 6A”;
  - (c) in paragraph 2A(11), for “paragraphs 5 to 6” (in each place where it occurs) there shall be substituted “paragraphs 5 to 6A”;
  - (d) in paragraph 3B(5)(b)(i)(12), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
  - (e) in paragraph 3C(13)—

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(5) Section 48C was substituted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995. Subsection (4) was amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 33(12) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)).

(6) Section 54(3) was substituted by paragraph 18(8) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(7) Section 55 was substituted by Article 273(1) of the Pensions (Northern Ireland) Order 2005

(8) Section 62(1)(c) was inserted by paragraph 16(b) of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(9) Paragraph A1 was inserted by paragraph 3 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(10) Paragraph 2(5)(a) was amended by paragraph 18(12) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(11) Paragraph 2A was inserted by paragraph 6 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(12) Paragraph 3B was inserted by paragraph 7 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(13) Paragraph 3C was inserted by paragraph 8 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

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- (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”,
- (ii) in sub-paragraph (1)(a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”,
- (iii) in sub-paragraph (1)(b)—
  - (aa) after “married to” there shall be inserted “or was the civil partner of”, and
  - (bb) after “marriage” there shall be inserted “or civil partnership”,
- (iv) in sub-paragraph (5)—
  - (aa) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”, and
  - (bb) after “deceased spouse” there shall be inserted “or civil partner”;
- (f) in paragraph 4—
  - (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”,
  - (ii) in sub-paragraph (1)(**14**)—
    - (aa) for “widow or widower” (in each place where it occurs) there shall be substituted “widow, widower or surviving civil partner”,
    - (bb) after “married to” there shall be inserted “or was the civil partner of”, and
    - (cc) after “other party to the marriage” there shall be inserted “or civil partnership”,
  - (iii) in sub-paragraph (1A)(**15**), for “paragraphs 5 to 6” (in each place where it occurs) there shall be substituted “paragraphs 5 to 6A”,
  - (iv) in sub-paragraph (3)—
    - (aa) before “, the rate” there shall be inserted “or a civil partner dies on or after 5th December 2005”,
    - (bb) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
    - (cc) in paragraph (a), after “deceased spouse” there shall be inserted “or civil partner”,
  - (v) in sub-paragraph (4), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
- (g) in paragraph 5(**16**)—
  - (i) in sub-paragraph (1)(a)—
    - (aa) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”,
    - (bb) after “married to” there shall be inserted “or was the civil partner of”, and
    - (cc) after “marriage” there shall be inserted “or civil partnership”,
  - (ii) in sub-paragraph (2)—
    - (aa) at the end of paragraph (a) “and” shall be omitted, and
    - (bb) at the end of paragraph (b) there shall be inserted—  
“, and

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**(14)** Sub-paragraph (1) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

**(15)** Sub-paragraph (1A) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

**(16)** Paragraph 5 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

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- (c) where W is a surviving civil partner, an amount equal to the sum of the amounts set out in paragraph 6A(2) below”;
- (h) after paragraph 6(17) there shall be inserted the following paragraph—
- “6A.—(1) This paragraph applies where W (referred to in paragraph 5 above) is a surviving civil partner.
- (2) The amounts referred to in paragraph 5(2)(c) above are the following—
- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
- (b) one-half of the appropriate amount after it has been reduced by the amount of any increases under section 105 of the Pensions Act, and
- (c) one-half of any increase to which the deceased civil partner had been entitled under paragraph 5 above.”;
- (i) in paragraph 7—
- (i) in sub-paragraph (1)(18)—
- (aa) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”, and
- (bb) in paragraph (b) after “surviving spouse” there shall be inserted “or civil partner”,
- (ii) in sub-paragraph (2)(19) for “paragraph 5, 5A or 6” there shall be substituted “paragraph 5, 5A, 6 or 6A”;
- (j) in paragraph 7A(20)—
- (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”, and
- (ii) in sub-paragraph (2) after “widowed person's” there shall be inserted “or surviving civil partner's”;
- (k) in paragraph 7B(21)—
- (i) in the heading, and in sub-paragraphs (1) and (5), after “widowed person's” there shall be inserted “or surviving civil partner's”,
- (ii) in sub-paragraph (2) after “other party to the marriage” there shall be inserted “or civil partnership”, and
- (iii) in sub-paragraph (5)(b)(i) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
- (l) in paragraph 8—
- (i) in the heading(22), at the end there shall be added “and civil partners”, and
- (ii) in sub-paragraph (3)(23)—
- (aa) after “married person” there shall be inserted “or a civil partner”, and
- (bb) after “other party to the marriage” there shall be inserted “or civil partnership”.

(17) Paragraph 6 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(18) Sub-paragraph (1) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(19) Sub-paragraph (2) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(20) Paragraph 7A was inserted by paragraph 10 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(21) Paragraph 7B was inserted by paragraph 11 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(22) The heading was substituted by paragraph 12 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(23) Sub-paragraph (3) was substituted by paragraph 18(18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

## PART 2

### Amendment of the Social Security Administration (Northern Ireland) Act 1992

7. The Social Security Administration (Northern Ireland) Act 1992(24) is amended as follows.
8. In section 125(1) (furnishing of addresses for maintenance proceedings, etc.)—
  - (a) for “man or woman” (in each place where it occurs) there shall be substituted “person”;
  - (b) in paragraph (a) for “man’s wife or former wife, or the woman’s husband or former husband” there shall be substituted “person’s spouse, former spouse, civil partner or former civil partner”; and
  - (c) for paragraph (b) there shall be substituted the following paragraph—
    - “(b) for the maintenance or education of any child of the person, or of any child of the person’s spouse, former spouse, civil partner or former civil partner.”.
9. In section 135(7)(c)(25) (effect of alteration of rates of benefits under Parts II to V of the Contributions and Benefits Act), for “widows and widowers” there shall be substituted “widows, widowers and surviving civil partners”.
10. In section 139B(6)(26) (effect of alterations affecting state pension credit), in the definition of “war widow’s or widower’s pension”—
  - (a) in paragraph (a), for “any widow’s or widower’s” there shall be substituted “any widow’s, widower’s or surviving civil partner’s”; and
  - (b) in paragraph (b), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

## PART 3

### Amendment of the Pension Schemes (Northern Ireland) Act 1993

11. The Pension Schemes (Northern Ireland) Act 1993(27) is amended as follows.
12. In section 66(1) (interpretation: Part IV), in the definition of “long service benefit”, for “wife or husband, widow or widower” there shall be substituted “wife, husband, civil partner, widow, widower or surviving civil partner”.
13. In section 80(5)(28) (basis of revaluation), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.
14. In section 92(3)(a)(29) (further provisions concerning exercise of option under section 91), for “widow’s or, as the case may be, widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s (as the case may be)”.
15. In section 109(2)(b) (disclosure of information about schemes to members, etc.), after “spouses” there shall be inserted “or civil partners”.
16. In section 125(3)(e) (overriding requirements)—

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(24) 1992 c. 8

(25) Subsection (7) was inserted by paragraph 3 of Schedule 4 to the Pensions (Northern Ireland) Order 1995

(26) Section 139B was inserted by paragraph 15 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I)). The definition of “war widow’s or widower’s pension” in subsection (6) was amended by paragraph 205 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1)

(27) 1993 c. 49

(28) Section 80(5) was amended by paragraph 52 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and Article 258 of the Pensions (Northern Ireland) Order 2005

(29) Section 92(3)(a) was amended by paragraph 53(b) of Schedule 3 to the Pensions (Northern Ireland) Order 1995

- (a) for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”;
- (b) in sub-paragraph (i) for “widow or widower married” there shall be substituted “widow, widower or surviving civil partner married or, as the case may be, formed a civil partnership”; and
- (c) in sub-paragraphs (ii) and (iii) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

17. In section 142(7)(b) (functions of the Pensions Ombudsman), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

18. In section 155A(2)(a)(i)(30) (no forfeiture on bankruptcy of rights under personal pension schemes), after “rights on divorce etc.” there shall be inserted “or on dissolution etc. of a civil partnership”.

19. In section 176(1) (general interpretation), in the definition of “money purchase benefits”, for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

20. In Schedule 2 (methods of revaluing accrued pension benefits), in paragraph 1(1)(a) (the final salary method) for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

## **PART 4**

### **Amendment of the Pensions (Northern Ireland) Order 1995**

21. The Pensions (Northern Ireland) Order 1995(31) is amended as follows.

22. In Article 41(4)(b) (provision of documents for members), after “spouses” there shall be inserted “or civil partners”.

23. In Article 63(2) (equal treatment rule: supplementary), for “family or marital status” there shall be substituted “family, marital or civil partnership status”.

24. In Article 89(5)(32) (inalienability of occupational pension), in sub-paragraphs (a), (b) and (c), after “widower” there shall be inserted “, surviving civil partner”.

25. In Article 90(3) (forfeiture, etc.), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) the spouse, civil partner, widow, widower or surviving civil partner of the member.”.

26. In Article 121(1) (interpretation of Part II), after the definition of “the Authority” there shall be inserted the following definition—

““civil partnership status” in relation to a person, means whether that person has previously formed a civil partnership and, if so, whether that civil partnership has ended.”.

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(30) Section 155A was inserted by Article 14(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(31) [S.I. 1995/3213 \(N.I. 22\)](#)

(32) Article 89(5) was amended by paragraph 46(4) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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## PART 5

### Amendment of the Welfare Reform and Pensions (Northern Ireland) Order 1999

27. In Article 49(2)(33) (preservation of rights in respect of additional pensions), for “widows or widowers” there shall be substituted “widows, widowers or surviving civil partners”.

## PART 6

### Amendment of the Pensions (Northern Ireland) Order 2005

28. The Pensions (Northern Ireland) Order 2005(34) is amended as follows.

29. In Article 20(6) (consequences of freezing order), in the definition of “pension earmarking order”—

(a) after paragraph (a) there shall be inserted the following paragraph—

“(aa) an order under Part 1 (financial provision in connection with dissolution, nullity or separation) of Schedule 15 to the Civil Partnership Act 2004 (financial relief in the High Court or a county court etc.: Northern Ireland) so far as it includes provision made by virtue of paragraphs 20 and 21 of Part 5 of that Schedule (powers to include provisions about pensions),”;

(b) in paragraph (b) “or” shall be omitted;

(c) at the end of paragraph (c) there shall be inserted—

“, or

(d) an order under Part 1 (financial provision in connection with dissolution, nullity or separation) of Schedule 5 to the Civil Partnership Act 2004 (financial relief in the High Court or a county court etc.) so far as it includes provision made by virtue of paragraphs 25 and 26 of Part 6 of that Schedule (powers to include provisions about pensions).”.

30. In Article 250 (resolution of disputes), in the substituted Article 50A(1)(b), after “widower” there shall be inserted “, surviving civil partner”

31. In Schedule 9 (deferral of retirement pensions and shared additional pensions), in paragraph 21 of Part 3 (transitional provisions)—

(a) in the heading, after “Widowers” there shall be inserted “and surviving civil partners”, and after “widowed person's” there shall be inserted “or surviving civil partner's”;

(b) after “widower” there shall be inserted “or surviving civil partner”;

(c) after “widowed person's” there shall be inserted “or surviving civil partner's”; and

(d) for “he was over pensionable age when his wife died” there shall be substituted “the widower or surviving civil partner was over pensionable age when his wife or, as the case may be, his or her civil partner died”.

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(33) Article 49(2) was amended by paragraph 20 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(34) S.I. 2005/255 (N.I. 1)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes amendments to provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners.

Article 1 provides for citation, commencement and interpretation, and Article 2 introduces the Schedule containing the amendments.

Part 1 of the Schedule contains amendments of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the Contributions and Benefits Act”).

Paragraphs 2 to 5 extend retirement pension provisions in sections 48C, 54, 55 and 62 of the Contributions and Benefits Act relating to spouses and surviving spouses to civil partners and surviving civil partners.

Paragraph 6 contains amendments of Schedule 5 to the Contributions and Benefits Act. The amendments provide for the rights to a pension increase or a lump sum where entitlement to state retirement pension is deferred to apply to civil partners and surviving civil partners.

Part 2 contains amendments of the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”).

Paragraphs 8 to 10 extend the duty to furnish addresses for maintenance proceedings, etc. in section 125 of the Administration Act to civil partners and former civil partners, extend the provisions of section 135 to surviving civil partners and amend section 139B of the Administration Act to include surviving civil partners within the provisions on the effect of alterations affecting state pension credit.

Part 3 contains amendments to sections 66, 80, 92, 109, 125, 142, 155A and 176 of, and paragraph 1 of Schedule 2 to, the Pension Schemes (Northern Ireland) Act 1993 to extend provisions in the Act in respect of spouses to civil partners, and in respect of widows or widowers to surviving civil partners.

Part 4 contains amendments to Articles 41, 63, 89, 90 and 121 of the Pensions (Northern Ireland) Order 1995 extending certain provisions to civil partners and surviving civil partners.

Part 5 amends Article 49(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, extending the provision on the preservation of rights in respect of additional pensions to surviving civil partners.

Part 6 amends the Pensions (Northern Ireland) Order 2005 (“the 2005 Order”).

Paragraph 29 amends the definition of “pension earmarking order” in Article 20(6) (consequences of freezing order) to include orders made under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (financial relief in the High Court or a county court etc.: Northern Ireland) and Part 1 of Schedule 5 to that Act (financial relief in the High Court or a county court etc.) (England and Wales).

Paragraph 30 amends the substituted Article 50A of the Pensions (Northern Ireland) Order 1995 (resolution of disputes), which is contained in Article 250 of the 2005 Order, extending its provisions to surviving civil partners.

Paragraph 31 extends a transitional provision in paragraph 21 of Schedule 9 (widowers' entitlement to increase of pension or widowed person's lump sum) to surviving civil partners.

An assessment of the impact on business, charities or the voluntary sector of the provisions in this Order is included in the Regulatory Impact Assessment that accompanied the Civil Partnership Act

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2004. A copy of that assessment has been placed in the libraries of both Houses of Parliament. Copies may be obtained from the DTI website at <http://www.dti.gov.uk/access/ria/index.htm#equality>.