

SCHEDULE

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)(1) (Category B retirement pension: general), after “spouse” there shall be inserted “or civil partner”.
3. In section 54(3)(2) (Category A and Category B retirement pensions: supplemental provisions), after “marriage” there shall be inserted “or civil partnership”.
4. In section 55(3) (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)(4) (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)(5), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
 - (b) in paragraph 2(5)(a)(6), for “paragraph 4, 5, 5A or 6” there shall be substituted “paragraph 4, 5, 5A, 6 or 6A”;
 - (c) in paragraph 2A(7), 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)(8), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
 - (e) in paragraph 3C(9)—

-
- (1) 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.)).
 - (2) Section 54(3) was substituted by paragraph 18(8) of Schedule 2 to the Pensions (Northern Ireland) Order 1995
 - (3) Section 55 was substituted by Article 273(1) of the Pensions (Northern Ireland) Order 2005
 - (4) Section 62(1)(c) was inserted by paragraph 16(b) of Schedule 9 to the Pensions (Northern Ireland) Order 2005
 - (5) Paragraph A1 was inserted by paragraph 3 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
 - (6) Paragraph 2(5)(a) was amended by paragraph 18(12) of Schedule 2 to the Pensions (Northern Ireland) Order 1995
 - (7) Paragraph 2A was inserted by paragraph 6 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
 - (8) Paragraph 3B was inserted by paragraph 7 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
 - (9) Paragraph 3C was inserted by paragraph 8 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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)(**10**)—
 - (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)(**11**), 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(**12**)—
 - (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

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

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

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

- (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(13) 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)(14)—
- (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)(15) for “paragraph 5, 5A or 6” there shall be substituted “paragraph 5, 5A, 6 or 6A”;
- (j) in paragraph 7A(16)—
- (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(17)—
- (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(18), at the end there shall be added “and civil partners”, and
- (ii) in sub-paragraph (3)(19)—
- (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”.

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

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

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

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

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

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

(19) 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.