
STATUTORY INSTRUMENTS

2020 No. 1143

**The Marriage and Civil Partnership
(Northern Ireland) (No. 2) Regulations 2020**

PART 7

Amendments of Legislation

Social Security Pensions (Northern Ireland) Order 1975

35.—(1) Article 69 of the Social Security Pensions (Northern Ireland) Order 1975(1) (increase of official pensions) is amended in accordance with paragraphs (2) to (7).

(2) In paragraph (5ZB), for sub-paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

(i) of her deceased male spouse,

(ii) of her deceased female spouse in a relevant gender change case,

(iii) of her deceased male civil partner, or

(iv) of her deceased female civil partner in a relevant gender change case,

one half of the rate of the deceased spouse’s, or deceased civil partner’s, guaranteed minimum pension at the relevant time;”.

(3) In paragraph (5ZB)(b)—

(a) for the words from “a widower’s” to “2019,” substitute “any other surviving spouse’s pension,”, and

(b) for “wife’s” substitute “spouse’s”.

(4) In paragraph (5ZB)(c), for “case of a” substitute “case of any other”.

(5) In paragraph (5ZC), for sub-paragraph (a) substitute—

“(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

(i) the deceased member’s pension in respect of that service became payable before 24th September 1990,

(ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and

(1) *S.I. 1975/1503 (N.I. 15)*, Article 69(5ZA), and the definition of “widower’s pension” in Article 69(7), were inserted by Article 7 of *S.I. 1990/1509 (N.I. 13)*. Article 69(5ZA) was amended, and Article 69(5ZB) and (5ZC) were inserted, by section 110 of the *Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.))*. Article 69(5ZB) and (5ZC) were amended by *S.I. 2019/1514*. There are also amendments of the provisions of Article 69 not being amended by these Regulations.

- (iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.
- (6) In paragraph (7), after the definition of “beginning date” insert—
- ““conversion”, in relation to a marriage, means—
- (a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
 - (b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.
- (7) In paragraph (7), after the definition of “lump sum” insert—
- ““relevant gender change case” means a case where—
- (a) the deceased spouse, or deceased civil partner, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004(2), and
 - (b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death), or the civil partnership of the deceased civil partner and the surviving civil partner (that ends with the deceased civil partner’s death), subsisted before the time when the certificate was issued;”.
- (8) In consequence of paragraphs (2) and (3), in the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019(3) omit regulation 61(2) and (3).

(2) 2004 c. 7. For the main provisions about full certificates see sections 4 to 11D of the Act, as amended by the Civil Partnership Act 2004 (c. 33), the Crime and Courts Act 2013 (c. 22), the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), S.I. 2014/3229, S.I. 2019/1458 and S.I. 2019/1514.

(3) S.I. 2019/1514.