
STATUTORY INSTRUMENTS

2020 No. 1143

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

PART 7

Amendments of Legislation

Pension Schemes (Northern Ireland) Act 1993

- 40.**—(1) The Pension Schemes (Northern Ireland) Act 1993(1) is amended as follows.
- (2) In section 13(2) (minimum pensions for surviving spouses and civil partners)—
- (a) after paragraph (b) insert—
- “(ba) if the earner is a man, or a woman in a relevant gender change case, who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner’s pension in the case of a surviving civil partner who is a woman will be not less than the widow’s guaranteed minimum;”, and
- (b) in paragraph (c), at the beginning insert “subject to paragraph (ba),”.
- (3) In section 13(12) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (4) In section 20D (survivors’ benefits)—
- (a) in subsection (3), before “a civil partner” insert “(subject to subsection (3A))”,
- (b) after subsection (3) insert—
- “(3A) The third benefit is that if the earner is a man, or a woman in a relevant gender change case, who is a civil partner and the earner dies (whether before or after attaining normal pension age) leaving a surviving civil partner who is a woman, she is entitled to a pension of at least half the value of the pension to which the earner would have been entitled by reference to employment during the period—
- (a) beginning with 6th April 1978, and
- (b) ending with 5th April 1997.”, and
- (c) in subsection (4) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (5) In section 33 (alteration of rules of contracted-out schemes)—
- (a) in subsection (5)(d), after “with an earner” insert “, except for a surviving civil partner who is a woman in the case of an earner to whom subsection (5A) applies”,

(1) 1993 c. 49. Section 13(2) was amended by S.I. 2005/433 and 2019/1514. Section 13(12) was inserted by S.I. 2019/1514. Section 20D was inserted by the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by S.I. 2019/1514. Section 33(1) to (3) were substituted by the Pensions Act (Northern Ireland) 2015. Sections 33(4) to (7) and 34A were inserted by S.I. 2019/1514.

- (b) after subsection (5) insert—
 - “(5A) This subsection applies to an earner who is—
 - (a) a man, or
 - (b) a woman in a relevant gender change case.”, and
- (c) in subsection (6) (meaning of “relevant gender change case”)—
 - (i) for the words from the beginning to “subsection (5)(c)” substitute “A reference in subsection (5)(c) or (d) or (5A)”, and
 - (ii) in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner.”.
- (6) In section 34A (regulations about relevant gender change cases)—
 - (a) in subsection (2)(a), after “couples” insert “or civil partnerships where the civil partners are of the same sex”,
 - (b) in subsection (2)(b), after “couples” insert “or civil partners”, and
 - (c) in subsection (6)(c), after “couples” insert “, or civil partners who are of the same sex,”.