

SCHEDULE 1

Amendments of the Pension Schemes Act 1993 (c. 48) relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners

4. Amend section 17 (minimum pensions for widows and widowers)(1) as follows—
- (a) in subsection (1), for “widow or widower” (in each place) substitute “widow, widower or surviving civil partner”;
 - (b) in subsection (2), after paragraph (b) add the following paragraph—
 - “(c) if the earner is a person who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner’s pension will not be less than the surviving civil partner’s guaranteed minimum.”;
 - (c) in subsection (4), after “widower's” insert “or surviving civil partner's”;
 - (d) in subsection (4A)—
 - (i) at the beginning insert “Subject to subsection (4B)”;
 - (ii) for “widow or widower's” substitute “widow's, widower’s or surviving civil partner's”;
 - (iii) for “widow or widower” (in each place, other than sub-paragraphs (i) and (ii) of paragraph (c)) substitute “widow, widower or surviving civil partner”;
 - (iv) for sub-paragraphs (i) and (ii) of paragraph (c) substitute the following sub-paragraphs—
 - “(i) comprises a period during which the widow, widower or surviving civil partner and—
 - (a) a person of the opposite sex are living together as husband and wife; or
 - (b) a person of the same sex are living together as if they were civil partners; nor
 - (ii) falls after the time of any—
 - (a) marriage; or
 - (b) formation of a civil partnership,by the widow or widower or surviving civil partner which takes place after the earner’s death.”;
 - (e) after subsection (4A), insert the following subsection—
 - “(4B) Sub-paragraphs (i)(b) and (ii)(b) of subsection (4A)(c) do not apply where the earner dies before 5th December 2005.”;
 - (f) in subsection (6), for “widower’s pension to be payable to him” substitute “widower’s or surviving civil partner’s pension to be payable”;
 - (g) in subsection (7), for “widowers or widows” substitute “widows, widowers or surviving civil partners”;
 - (h) after subsection (8) add the following subsection—

(1) In section 17, subsection (4A) was inserted by and subsection (6) amended by paragraph 1 of Schedule 5 to the Child Support, Pensions and Social Security Act 2000 (c. 19), and subsection (7) was amended by paragraph 39 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and by paragraph 29 of Schedule 5 to the Pensions Act 1995 (c. 26), and subsection (8) is added by section 284(2) of the Pensions Act 2004 (c. 35).

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

“(9) For the purposes of subsection (4A), 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.”