

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5

CONSEQUENTIAL MODIFICATIONS TO PRIMARY LEGISLATION

National Insurance Act 1965

5.—(1) In section 37(1) of the National Insurance Act 1965(**1**) (special provisions as to graduated retirement benefit for widows, widowers and surviving civil partners), as that section has effect in relation to a survivor who attained pensionable age on or after 6th April 2010(**2**), after “widower”, in each place it occurs, insert “, surviving same sex spouse”.

(2) In section 37(1) of that Act, as that section has effect in relation to a survivor who attained pensionable age before 6th April 2010, after paragraph (c) insert—

“or

- (d) where a man, having paid graduated contributions as an insured person, dies leaving a widower, and they have both attained pensionable age at the time of his death; or
- (e) where a woman, having paid graduated contributions as an insured person, dies leaving a widow, and they both attained pensionable age at the time of her death,”.

Commencement Information

II Sch. 5 para. 5 in force at 16.12.2014, see [art. 1\(2\)](#)

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- (1) [1965 c.51](#). Sections 36 and 37 of the National Insurance Act 1965 were repealed by the Social Security Act 1973 ([c.38](#)) with effect from 6th April 1975 but continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1992 ([c.6](#)). The relevant regulations are the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 ([S.I. 1978/393](#)), as amended by [S.I. 1989/1642](#), [S.I. 1995/2606](#), [S.I. 1996/1345](#), [S.I. 1997/1642](#), [S.I. 1999/2422](#), [S.I. 2005/454](#), [S.I. 2009/497](#) and [S.I. 2009/2206](#).
- (2) Section 37(1) was most recently amended by regulation 4(1) to (3) of the Social Security (State Pension and National Insurance Credits) Regulations 2009 ([S.I. 2009/2206](#)) but regulation 4(4) of those Regulations provides that the amendment made by regulation 4(2) of those Regulations does not apply where the survivor attained pensionable age before 6th April 2010.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 6(1A) inserted by [S.I. 2019/1514 reg. 10\(3\)\(b\)](#)