

SCHEDULE 3

Consequential and related amendments

PART 1

Primary legislation

Population (Statistics) Act 1938

1. In paragraph 1 of the Schedule to the Population (Statistics) Act 1938(1)—
 - (a) for sub-paragraphs (c) and (d) substitute—
 - “(c) where the birth is of a child whose father and mother were married to, or civil partners of, each other at the time of the child’s birth (or a child to whom section 1(3) of the Family Law Reform Act 1987 applies by reason of a marriage or civil partnership between the child’s parents)—
 - (i) the date of the marriage or formation of the civil partnership, and
 - (ii) whether before she married, or formed the civil partnership with, the child’s other parent, the mother had been married to, or had formed a civil partnership with, any other person;”;
 - (b) in sub-paragraph (e), omit “or (d)”.

Children and Young Persons Act 1969

2. In section 70 of the Children and Young Persons Act 1969(2)—
 - (a) in subsection (1A)(a), after “married to” insert “, or civil partners of;”;
 - (b) in subsection (1B), after “married to” insert “, or civil partners of;”.

Inheritance (Provision for Family and Dependents) Act 1975

- 3.—(1) The Inheritance (Provision for Family and Dependents) Act 1975(3) is amended as follows.
 - (2) In section 1—
 - (a) in subsection (1)(ba), omit “or (1B)”;
 - (b) in subsection (1A)(b), for “as the husband or wife of the deceased” substitute “as if that person and the deceased were a married couple or civil partners”;
 - (c) omit subsection (1B).
 - (3) In section 3(2A)(a), for the words from “as the husband” to the end substitute “in the same household as the deceased as if the applicant and the deceased were a married couple or civil partners”.

(1) 1938 c. 12. The Schedule was substituted by the Population (Statistics) Act 1960, section 1(2); paragraph 1(c)-(e) was substituted by the Welfare Reform Act 2009, section 56 and Schedule 6, paragraph 20(1)(b), (2); and paragraph 1(d) was substituted by SI 2014/560.

(2) 1969 c. 54. Section 70(1A) and (1B) was inserted by the Family Law Reform Act 1987, sections 8(1) and 33(1), Schedule 2, paragraph 26; and was substituted by the Crime and Disorder Act 1998 (c. 37), section 106, Schedule 7, paragraph 10.

(3) 1975 c. 63. Relevant amendments were made to sections 1 and 3 by the Law Reform Succession Act 1995 (c. 41), section 2; and the Civil Partnership Act 2004, Schedule 4, paragraphs 15 and 18.

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Rent (Agriculture) Act 1976

4. In section 4(5A) of the Rent (Agriculture) Act 1976(4), for paragraphs (a) and (b) substitute “a person who was living with the original occupier as if they were a married couple or civil partners shall be treated as the spouse or civil partner of the original occupier;”.

Rent Act 1977

5. In paragraph 2 of Schedule 1 to the Rent Act 1977(5)—

(a) for sub-paragraph (2) substitute—

“(2) For the purposes of this paragraph, a person who was living with the original tenant as if they were a married couple or civil partners is to be treated as the spouse or civil partner of the original tenant.”;

(b) in sub-paragraph (3), for the words from “, or if that person” to the end substitute “or civil partner”.

Interpretation Act 1978

6. In Schedule 1 to the Interpretation Act 1978(6), in the entry headed “Construction of certain references to relationships”, in paragraph (b), after “married to” insert “, or civil partners of,”.

Pneumoconiosis etc (Workers’ Compensation) Act 1979

7. In section 3(2A) of the Pneumoconiosis etc (Workers’ Compensation) Act 1979(7), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Mobile Homes Act 1983

8. In section 5(3) of the Mobile Homes Act 1983(8), in the words after paragraph (b), for “as husband and wife or as if they were civil partners” substitute “as if they were a married couple or civil partners”.

Child Abduction Act 1984

9. In each of the following provisions of the Child Abduction Act 1984(9), after “married to” insert “, or civil partners of,”—

(a) section 1(2)(b);

(b) section 2(2)(a) and (b) and (3)(a);

(c) section 3(d).

Housing Act 1985

10.—(1) The Housing Act 1985(10) is amended as follows.

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- (4) 1976 c. 80. Section 4(5A) was inserted by the Housing Act 1988 (c. 50) section 39(4); and substituted by the Civil Partnership Act 2004, Schedule 8, paragraph 10.
- (5) 1977 c. 42. Schedule 1, paragraph 2 was substituted by the Housing Act 1980 (c. 51), section 76; paragraph 2(2) was inserted by the Housing Act 1988, section 39, Schedule 4, paragraph 2, and substituted by the Civil Partnership Act 2004, section 81, Schedule 8, paragraph 13.
- (6) 1978 c.30. The entry referred to was inserted by the Family Law Reform Act 1987, section 33(1), Schedule 2, paragraph 73.
- (7) 1979 c. 41. Section 3(2A) was substituted by S.I. 2014/560 and 3229.
- (8) 1983 c. 34. Section 5(3) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 88.
- (9) 1984 c. 37. Relevant amendments were made by the Children Act 1989, Schedule 12, paragraphs 37(2), 38(2) and 39.
- (10) 1985 c. 68.

- (2) In section 86A(11) (prospectively re-numbered as section 86G)—
 - (a) for subsection (5) substitute—

“(5) For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;
 - (b) in subsection (7), omit the words from “(according to” to “the tenant)”.
- (3) In section 113(1)(a)(12), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.
- (4) In section 186(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.
- (5) In section 325(1), for “husband and wife” substitute “a married couple or civil partners”.
- (6) In Part 1 of Schedule 2, in Ground 2A(13)—
 - (a) omit “, a couple living together as husband and wife”;
 - (b) after “as if they were” insert “a married couple or”.

Landlord and Tenant Act 1987

11. In section 4(5)(a) of the Landlord and Tenant Act 1987(14), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Housing Act 1988

12.—(1) The Housing Act 1988(15) is amended as follows.

- (2) In section 17(16)—
 - (a) for subsection (4) substitute—

“(4) For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;
 - (b) in subsection (5), for the words from “, or if that person” to the end substitute “or civil partner”.
- (3) In Part 2 of Schedule 2, in Ground 14A(17)—
 - (a) omit “, a couple living together as husband and wife”;
 - (b) after “as if they were” insert “a married couple or”.
- (4) In paragraph 3 of Schedule 3, for sub-paragraph (5) substitute—

“(5) For the purposes of sub-paragraph (2)(a) above, a person who, immediately before the previous qualifying occupier’s death, was living together with the previous occupier as if they were a married couple or civil partners shall be treated as the widow, widower or surviving civil partner of the previous occupier.”

(11) Section 86A was inserted by the Localism Act 2011 (c. 20), section 160(1). Amendments (which are not yet in force) were made by the Housing and Planning Act 2016 (c. 22), Schedule 8, paragraph 3.

(12) Sections 113(1)(a) and 186(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 27.

(13) Ground 2A was added by the Housing Act 1996 (c. 52), section 145, and amended by the Civil Partnership Act 2004, Schedule 8, paragraph 33.

(14) 1987 c. 31. Section 4(5)(a) was amended by the Civil Partnership Act 2004, Schedule 8, paragraph 40.

(15) 1988 c. 50.

(16) Relevant amendments were made to section 17(4) and (5) by the Civil Partnership Act 2004, Schedule 8, paragraph 41 and by S.I. 2014/560.

(17) Ground 14A was added by the Housing Act 1996, section 149. Relevant amendments were made by the Civil Partnership Act 2004, Schedule 8, paragraph 43.

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Child Support Act 1991

- 13.—(1) The Child Support Act 1991(**18**) is amended as follows.
- (2) In section 26(2), in Case A1, for paragraph (b) (not including the final “and”) substitute—
- “**(b)** the Secretary of State is satisfied that the alleged parent is a man who was married to, or the civil partner of, the child’s mother at some time in the period beginning with the conception and ending with the birth of the child;”.
- (3) In section 32L(5)(**19**), after “marriage” insert “or formation of civil partnership”.
- (4) In Schedule 1, in paragraph 10C(5)(b), at the end insert “or civil partners”.

Social Security Contributions and Benefits Act 1992

- 14.—(1) The Social Security Contributions and Benefits Act 1992(**20**) is amended as follows.
- (2) In each of the following provisions, for “as a married couple” substitute “as if they were a married couple or civil partners”—
- (a) section 37(4)(b)(**21**);
- (b) section 38(3)(c);
- (c) section 39A(5)(b);
- (d) in section 137(1), in the definition of “couple”, paragraph (b);
- (e) in Schedule 7, paragraph 4(3)(a)(ii).
- (3) In section 77(9)(**22**)—
- (a) for “a husband and wife are residing together” substitute “a man and woman are married to, or civil partners of, each other and are residing together;”;
- (b) for “the wife” substitute “the woman”.
- (4) In section 145A(**23**)—
- (a) in subsection (2)(b), for “an unmarried couple or a cohabiting same-sex couple” substitute “a cohabiting couple”;
- (b) in subsection (5)—
- (i) in the definition of “civil partnership”, omit “of the same sex”;
- (ii) for the definition of “cohabiting same-sex couple” substitute—
- ““cohabiting couple” means two people who are not married to, or civil partners, of each other but are living together as if they were a married couple or civil partners;”;
- (iii) omit the definition of “unmarried couple”;
- (c) omit subsection (6).
- (5) In Schedule 10—
- (a) for paragraph 3 substitute—

(18) 1991 c. 48. In section 26(2), Case A1 was inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 15(1); and amended by S.I. 2012/2007.

(19) Section 32L was added by the Child Maintenance and Other Payments Act 2008 (c. 6), section 24.

(20) 1992 c. 4.

(21) Sections 37(4)(b), 38(3)(c), 39A(5)(b), the definition of “couple” in section 137(1), and Schedule 7, paragraph 4(3)(a)(ii) were amended by S.I. 2014/560 and 3229.

(22) Section 77(9) was amended by the Child Benefit Act 2005 (c. 6), Schedule 1, paragraph 4.

(23) Section 145A was added by the Tax Credits Act 2002 (c. 21), section 55(1)(a). Relevant amendments were made by the Civil Partnership Act 2004, Schedule 24, paragraph 48.

“Opposite-sex spouses or civil partners

3. Subject to paragraphs 1 and 2 above, as between a man and woman who are married to, or civil partners of, each other and are residing together, the woman shall be entitled.”;
- (b) in paragraph 4(2)(24), for “not husband and wife” substitute “do not fall within paragraph 3”.

Taxation of Chargeable Gains Act 1992

15. In section 87H of the Taxation of Chargeable Gains Act 1992(25), for subsection (2) substitute—

“(2) For the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Local Government Finance Act 1992

16. In section 9 of the Local Government Finance Act 1992(26), for subsections (3) and (4) substitute—

“(3) For the purposes of this section, two persons are to be treated as married to, or civil partners of, each other if they are living together as if they were a married couple or civil partners.”.

Pension Schemes Act 1993

17. In section 17(4A)(c)(i) of the Pension Schemes Act 1993(27), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Jobseekers Act 1995

18. In section 35(1) of the Jobseekers Act 1995(28), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Family Law Act 1996

19. In section 62(1)(a) of the Family Law Act 1996(29), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Housing Act 1996

20.—(1) The Housing Act 1996(30) is amended as follows.

(2) In section 62(1)(a)(31), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(24) Paragraph 4(2) was amended by the Child Benefit Act 2005, Schedule 1, paragraph 18.

(25) 1992 c. 12. Section 87H was added by the Finance Act 2018 (c. 3), Schedule 10, paragraph 1.

(26) 1992 c. 14. Section 9(4) was inserted by the Civil Partnership Act 2004, Schedule 27, paragraph 140.

(27) 1993 c. 48. Subsection (4A) was inserted by the Child Support, Pensions and Social Security Act 2000, paragraph 1. Relevant amendments were made by S.I. 2005/2050.

(28) 1995 c. 18. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(29) 1996 c. 27. Section 62(1)(a) was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 13.

(30) 1996 c. 52.

(31) Sections 62(1)(a) and 140(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 51.

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(3) In section 140(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(4) In section 178(3)(32)—

(a) in the definition of “co-habitants”, for paragraphs (a) and (b) substitute “two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners”;

(b) in the definition of “relative”, in the words after paragraph (b)—

(i) for “husband and wife” substitute “if they were a married couple or civil partners”;

(ii) after “married to” insert “, or civil partners of,”.

Social Security Act 1998

21. In section 72 of the Social Security Act 1998(33), omit subsection (3).

State Pension Credit Act 2002

22. In section 17(1) of the State Pension Credit Act 2002(34), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Tax Credits Act 2002

23.—(1) Part 1 of the Tax Credits Act 2002(35) (as it continues to have effect by virtue of article 3 of the Welfare Reform Act 2012 (Commencement No 32 and Savings and Transitional Provisions) Order 2019(36)) is amended as follows.

(2) In section 3(5A), for paragraphs (a) to (d) substitute—

“(a) two people who are married to, or civil partners of, each other and are neither—

(i) separated under a court order, nor

(ii) separated in circumstances in which the separation is likely to be permanent, or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(3) In section 48, omit subsection (2).

Adoption and Children Act 2002

24. In section 55(1) of the Adoption and Children Act 2002(37), after “marriage of” insert “, or formation of a civil partnership by,”.

Income Tax (Earnings and Pensions) Act 2003

25.—(1) The Income Tax (Earnings and Pensions) Act 2003(38) is amended as follows.

(2) In section 61, for subsections (4) and (5)(39) substitute—

(32) The definitions of “cohabitants” and “relative” were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 61.

(33) 1998 c. 14. Subsection (3) was added by the Civil Partnership Act 2004, Schedule 24, paragraph 138.

(34) 2002 c. 16. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(35) Section 3(5A) was substituted by the Civil Partnership Act 2004, Schedule 24, paragraph 144. Part 1 of the Tax Credits Act 2002 was repealed (subject to savings in S.I. 2019/167) by the Welfare Reform Act 2012, Schedule 14, paragraph 1.

(36) S.I. 2019/167.

(37) 2002 c. 38.

(38) 2003 c. 1.

(39) Section 61(5) was added by S.I. 2005/3229.

“(4) For the purposes of this Chapter, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(3) In section 61I(40), for subsection (7) substitute—

“(7) For the purposes of subsection (2), two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(4) In section 554Z1(41), for subsection (2) substitute—

“(2) In applying section 993 of ITA 2007 for the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(5) In section 681G(42)—

- (a) in subsection (1), for “any of conditions A to D” substitute “either condition A or condition B”;
- (b) in subsection (2), for “a man and a woman who are married to” substitute “married to, or civil partners of,”;
- (c) in subsection (3), for the words from “a man and a woman” to the end substitute “not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners”;
- (d) omit subsections (4) and (5).

Housing Act 2004

26.—(1) The Housing Act 2004(43) is amended as follows.

(2) In section 141(1)(b), for “husband or wife” substitute “a married couple or civil partners”.

(3) In section 142(1)(b), for “husband or wife” substitute “a married couple or civil partners”.

(4) In section 258—

- (a) in subsection (3)(a), for the words from “each other” to the end substitute “, or civil partners of, each other or live together as if they were a married couple or civil partners”;
- (b) in subsection (4)(a), omit “are married to each other or otherwise”.

(5) In section 259(3), in the words after paragraph (b), for “to whom they are or were married” substitute “who are or were their spouses or civil partners”.

Income Tax (Trading and Other Income) Act 2005

27. In section 643H of the Income Tax (Trading and Other Income) Act 2005(44), for subsection (2) substitute—

“(2) For the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(40) Section 61I was added by the Finance Act 2017 (c. 10), Schedule 3, paragraph 4.

(41) Section 554Z1 was added by the Finance Act 2011 (c. 11), Schedule 2, paragraph 1.

(42) Section 681G was added by the Finance Act 2012 (c. 14), Schedule 1, paragraph 1.

(43) 2004 c. 34.

(44) 2005 c. 5. Section 643H was added by the Finance Act 2018, Schedule 10, paragraph 11.

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Mental Capacity Act 2005

28. In paragraph 185(b) of Schedule A1 to the Mental Capacity Act 2005(**45**), after “married couple” insert “or civil partners”.

Income Tax Act 2007

29.—(1) The Income Tax Act 2007(**46**) is amended as follows.

(2) In section 733A(**47**), for subsection (8) substitute—

“(8) For the purposes of subsection (7), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(3) In section 809ZQ(2)(**48**), in the inserted subsection (9), for paragraphs (a) and (b) substitute—

“(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.

(4) In section 809M(3)(**49**), for paragraphs (a) and (b) substitute—

“(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other,”.

Welfare Reform Act 2007

30. In paragraph 6(5) of Schedule 1 to the Welfare Reform Act 2007(**50**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Corporation Tax Act 2010

31.—(1) The Corporation Tax Act 2010(**51**) is amended as follows.

(2) In section 939H(2), in the inserted subsection (10), for paragraphs (a) and (b) substitute—

“(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.

Equality Act 2010

32.—(1) The Equality Act 2010(**52**) is amended as follows.

(2) In section 23(**53**)—

(a) in subsection (3), omit “to a person of the opposite sex”;

(b) in subsection (4), after “married to”, in both places it occurs, insert “, or the civil partner of,”.

(3) In section 67(7)(**54**)—

(45) 2005 c. 9. Schedule A1 was inserted by the Mental Health Act 2007 (c. 12), Schedule 7, paragraph 1. Paragraph 185(b) was substituted by S.I. 2014/560.

(46) 2007 c. 3.

(47) Section 733A was added by the Finance (No. 2) Act 2017 (c. 32), Schedule 8, paragraph 36.

(48) Section 809ZQ was added by the Finance Act 2011, Schedule 3, paragraph 1.

(49) Section 809M was added by the Finance Act 2008 (c. 9), Schedule 7, paragraph 1.

(50) 2007 c. 5. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(51) 2010 c. 4. Section 939H was added by the Finance Act 2011, Schedule 3, paragraph 2.

(52) 2010 c. 15.

(53) Section 23(3) and (4) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraphs 42 and 43.

(54) Section 67(7) was substituted by S.I. 2014/560 and 3229.

- (a) in paragraph (a)—
 - (i) after “married to”, in the first place it occurs, insert “, or the civil partner of,”;
 - (ii) after “married to”, in the second place it occurs, insert “ or (as the case may be) the civil partner of”;
- (b) for paragraph (b) substitute—
 - “(b) where A is married to, or the civil partner of, someone of the same sex, A is to be compared to B where B is married to or (as the case may be) the civil partner of someone of the same sex as B.”.

(4) In Schedule 5, in paragraph 3(6), for the words from “of—” to the end substitute “of two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

Localism Act 2011

- 33.** In section 30(3)(b) of the Localism Act 2011(**55**)—
- (a) in sub-paragraph (i), at the end insert “or”;
 - (b) omit sub-paragraph (ii) (including the “or”);
 - (c) in sub-paragraph (iii), after “as if they were” insert “a married couple or”.

Charities Act 2011

- 34.** In section 350 of the Charities Act 2011(**56**), for subsection (2) substitute—
- “(2) For the purposes of sections 118(2)(e), 188(1)(b), 200(1)(b) and 249(2)(b), where two people are not married to, or civil partners of, each other but live together as if they were a married couple or civil partners, each of them is to be treated as the spouse or civil partner of the other.”.

Welfare Reform Act 2012

- 35.** In section 39 of the Welfare Reform Act 2012(**57**)—
- (a) in subsection (1)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”;
 - (b) in subsection (3)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Finance Act 2013

- 36.**—(1) Schedule 45 to the Finance Act 2013(**58**) is amended as follows.
- (2) In paragraph 32(2)(b), for the words from “as husband and wife” to “as if they were” substitute “as if they were a married couple or”.
 - (3) In paragraph 52(4)—
 - (a) in paragraph (a), at the end insert “or”;
 - (b) in paragraph (b), for “as husband and wife” substitute “as if they were a married couple or civil partners”;

(55) 2011 c. 20.

(56) 2011 c. 25.

(57) 2012 c. 5. Section 39(1) and (3) was amended by S.I. 2014/560 and 3229.

(58) 2013 c. 29.

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(c) omit paragraph (c) (and the preceding “or”).