STATUTORY RULES OF NORTHERN IRELAND

2005 No. 434

CIVIL PARTNERSHIP

The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005

Made - - - - 29th September 2005
Coming into operation in accordance with Article 1(2) and (3)
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

The Department for Social Development in exercise of the powers conferred on it by sections 254(5) and 259 of the Civil Partnership Act 2004(**1**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005.

(2) In this Order—

(a) paragraph 5 of the Schedule shall come into operation, for the purposes only of making regulations under section 62 of the Contributions and Benefits Act(**2**);

(b) paragraph 6(e) and (k) of the Schedule shall come into operation, for the purposes only of making regulations under paragraphs 3C and 7B of Schedule 5 to the Contributions and Benefits Act(**3**); and

(c) paragraph 27 of the Schedule shall come into operation, for the purposes only of making regulations under Article 49(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**4**),

(**1**) 2004 c. 33; section 254(5) applies section 171(3), (5) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to the exercise of powers under section 259. *See also* Article 293 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**2**) 1992 c. 7; section 62 was amended by Article 128 of, and paragraph 7 of Schedule 2 to, the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and paragraph 16 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**3**) Paragraphs 3C and 7B were inserted by paragraphs 8 and 10 respectively of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**4**) S.I. 1999/3147 (N.I. 11); Article 49(2) was amended by paragraph 20 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

on 10th November 2005.

(3) Subject to paragraph (2), this Order shall come into operation on 5th December 2005.

(4) In this Order "the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Amendment of legislation

2. The Schedule, which contains amendments of provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners, shall have effect.

Sealed with the Official Seal of the Department for Social Development on 29th September 2005

John O'Neill
A senior officer of the
Department for Social Development

SCHEDULE

Article 2

Amendment of provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners

PART 1

Amendment of the Contributions and Benefits Act

1. The Contributions and Benefits Act is amended as follows.

2. In section 48C(4)(**5**) (Category B retirement pension: general), after "spouse" there shall be inserted "or civil partner".

3. In section 54(3)(**6**) (Category A and Category B retirement pensions: supplemental provisions), after "marriage" there shall be inserted "or civil partnership".

4. In section 55(**7**) (pension increase or lump sum where entitlement to retirement pension is deferred)—

(a) in subsection (2), after "deceased spouse" (in each place where it occurs) there shall be inserted "or civil partner";

(b) in subsection (3)(a)(ii)—

(i) after "a spouse's" there shall be inserted "or civil partner's", and

(ii) after "the spouse" there shall be inserted "or civil partner".

5. In section 62(1)(c)(**8**) (graduated retirement benefit)—

(a) after "widowed person" there shall be inserted "or surviving civil partner"; and

(b) at the end there shall be added "or civil partner".

6. In Schedule 5 (pension increase or lump sum where entitlement to retirement pension is deferred)—

(a) in paragraph A1(4)(**9**), for "paragraphs 5 to 6" there shall be substituted "paragraphs 5 to 6A";

(b) in paragraph 2(5)(a)(**10**), for "paragraph 4, 5, 5A or 6" there shall be substituted "paragraph 4, 5, 5A, 6 or 6A";

(c) in paragraph 2A(**11**), for "paragraphs 5 to 6" (in each place where it occurs) there shall be substituted "paragraphs 5 to 6A";

(d) in paragraph 3B(5)(b)(i)(**12**), for "paragraphs 5 to 6" there shall be substituted "paragraphs 5 to 6A";

(e) in paragraph 3C(**13**)—

(**5**) Section 48C was substituted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995. Subsection (4) was amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 33(12) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(**6**) Section 54(3) was substituted by paragraph 18(8) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(**7**) Section 55 was substituted by Article 273(1) of the Pensions (Northern Ireland) Order 2005

(**8**) Section 62(1)(c) was inserted by paragraph 16(b) of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**9**) Paragraph A1 was inserted by paragraph 3 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**10**) Paragraph 2(5)(a) was amended by paragraph 18(12) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(**11**) Paragraph 2A was inserted by paragraph 6 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**12**) Paragraph 3B was inserted by paragraph 7 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**13**) Paragraph 3C was inserted by paragraph 8 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(i) in the heading, after "deceased spouse" there shall be inserted "or civil partner",

(ii) in sub-paragraph (1)(a), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner",

(iii) in sub-paragraph (1)(b)—

(aa) after "married to" there shall be inserted "or was the civil partner of", and

(bb) after "marriage" there shall be inserted "or civil partnership",

(iv) in sub-paragraph (5)—

(aa) for "paragraphs 5 to 6" there shall be substituted "paragraphs 5 to 6A", and

(bb) after "deceased spouse" there shall be inserted "or civil partner";

(f) in paragraph 4—

(i) in the heading, after "deceased spouse" there shall be inserted "or civil partner",

(ii) in sub-paragraph (1)(**14**)—

(aa) for "widow or widower" (in each place where it occurs) there shall be substituted "widow, widower or surviving civil partner",

(bb) after "married to" there shall be inserted "or was the civil partner of", and

(cc) after "other party to the marriage" there shall be inserted "or civil partnership",

(iii) in sub-paragraph (1A)(**15**), for "paragraphs 5 to 6" (in each place where it occurs) there shall be substituted "paragraphs 5 to 6A",

(iv) in sub-paragraph (3)—

(aa) before ", the rate" there shall be inserted "or a civil partner dies on or after 5th December 2005",

(bb) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner", and

(cc) in paragraph (a), after "deceased spouse" there shall be inserted "or civil partner",

(v) in sub-paragraph (4), after "spouse" (in each place where it occurs) there shall be inserted "or civil partner";

(g) in paragraph 5(**16**)—

(i) in sub-paragraph (1)(a)—

(aa) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner",

(bb) after "married to" there shall be inserted "or was the civil partner of", and

(cc) after "marriage" there shall be inserted "or civil partnership",

(ii) in sub-paragraph (2)—

(aa) at the end of paragraph (a) "and" shall be omitted, and

(bb) at the end of paragraph (b) there shall be inserted—

", and

(**14**) Sub-paragraph (1) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(**15**) Sub-paragraph (1A) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(**16**) Paragraph 5 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(c) where W is a surviving civil partner, an amount equal to the sum of the amounts set out in paragraph 6A(2) below";

(h) after paragraph 6(**17**) there shall be inserted the following paragraph—

"6A.—(1) This paragraph applies where W (referred to in paragraph 5 above) is a surviving civil partner.

(2) The amounts referred to in paragraph 5(2)(c) above are the following—

(a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,

(b) one-half of the appropriate amount after it has been reduced by the amount of any increases under section 105 of the Pensions Act, and

(c) one-half of any increase to which the deceased civil partner had been entitled under paragraph 5 above.";

(i) in paragraph 7—

(i) in sub-paragraph (1)(**18**)—

(aa) for "paragraphs 5 to 6" there shall be substituted "paragraphs 5 to 6A", and

(bb) in paragraph (b) after "surviving spouse" there shall be inserted "or civil partner",

(ii) in sub-paragraph (2)(**19**) for "paragraph 5, 5A or 6" there shall be substituted "paragraph 5, 5A, 6 or 6A";

(j) in paragraph 7A(**20**)—

(i) in the heading, after "deceased spouse" there shall be inserted "or civil partner", and

(ii) in sub-paragraph (2) after "widowed person's" there shall be inserted "or surviving civil partner's";

(k) in paragraph 7B(**21**)—

(i) in the heading, and in sub-paragraphs (1) and (5), after "widowed person's" there shall be inserted "or surviving civil partner's",

(ii) in sub-paragraph (2) after "other party to the marriage" there shall be inserted "or civil partnership", and

(iii) in sub-paragraph (5)(b)(i) for "paragraphs 5 to 6" there shall be substituted "paragraphs 5 to 6A";

(l) in paragraph 8—

(i) in the heading(**22**), at the end there shall be added "and civil partners", and

(ii) in sub-paragraph (3)(**23**)—

(aa) after "married person" there shall be inserted "or a civil partner", and

(bb) after "other party to the marriage" there shall be inserted "or civil partnership".

(**17**) Paragraph 6 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(**18**) Sub-paragraph (1) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(**19**) Sub-paragraph (2) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(**20**) Paragraph 7A was inserted by paragraph 10 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**21**) Paragraph 7B was inserted by paragraph 11 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**22**) The heading was substituted by paragraph 12 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**23**) Sub-paragraph (3) was substituted by paragraph 18(18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005