

# **THE PRINCIPAL CIVIL SERVICE PENSION SCHEME (AMENDMENT NO.2) SCHEME 2014**

**Laid before Parliament on 17<sup>th</sup> December 2014 under section 2(11) of the  
Superannuation Act 1972**

The Minister for the Civil Service, in exercise of the powers conferred by sections 1 and 2(9) of the Superannuation Act 1972<sup>(a)</sup> and now vested in him<sup>(b)</sup>, after consultation with persons appearing to the Minister to represent persons likely to be affected by it, makes the following scheme, which shall form part of the Principal Civil Service Pension Scheme within the meaning of section 2 of that Act:

1.–(1) This scheme may be cited as the Principal Civil Service Pension Scheme (Amendment No.2) Scheme 2014.

(2) This scheme shall come into operation on 18<sup>th</sup> December 2014.

2. The Principal Civil Service Pension Scheme 1974, which was laid before Parliament on 19<sup>th</sup> November 1974 and was subsequently amended, shall have effect subject to the amendments listed in the Schedule to this scheme.

3. The amendments listed in the Schedule to this scheme have effect from 18<sup>th</sup> December 2014.

**Authorised on behalf of  
the Minister for the Civil Service**

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<sup>(a)</sup> 1972 c.11. Section 1 was amended (and section 1A inserted) by the Public Service Pensions Act 2013 (c.25), Schedule 9 paragraphs 2 and 3. These provisions came into force on the day on which the Public Service Pensions Act 2013 was passed (section 41(1)(a) of that Act).

<sup>(b)</sup> See article 2(1)(c) of S.I. 1981/1670 and article 3 of S.I. 1995/269.

**SCHEDULE**  
*(with effect from 18<sup>th</sup> December 2014)*

**2002 Section**

**Rule E.1B**

In rule E.1B, after paragraph (5), insert—

- “(6) Paragraph 2(1) and (2) of Schedule 1 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 does not apply to the interpretation of this Section of the Scheme.
- (7) Paragraphs 1(1) and (2) and 2(5) and (6) of Schedule 1 to that Order have effect subject to paragraphs (1) to (3) and (6) of this rule.”.

**New Rule E.1C**

Insert after rule E.1B—

**“E.1C Continuation of marriage where scheme member acquires new legal gender**

- (1) Where —
- (a) a deceased member of this Section of the Scheme was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) at the time of the deceased member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the member’s widow is to be treated for the purposes of this Section of the Scheme as if the certificate had not been issued.

- (2) Where —
- (a) a deceased member of this Section of the Scheme was a man by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) at the time of the deceased member’s death, he was married to a man and that marriage subsisted before the time when the certificate was issued,

the member’s widower is to be treated for the purposes of this Section of the Scheme as if the certificate had not been issued.”.

## **1972 Section**

### **Section 4**

#### **Part 9**

Insert after rule 4.85—

“4.86 Paragraph 2(1) and (2) of Schedule 1 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 does not apply to the interpretation of this scheme.

4.87 Paragraphs 1(1) and (2) and 2(5) and (6) of Schedule 1 to that Order have effect subject to rules 4.81 to 4.83 and 4.86.”.

#### **New Part 10 of Section 4**

Insert after Part 9—

#### **“Part 10: Continuation of marriage where scheme member acquires new legal gender**

4.88 Where —

- (a) a civil servant who dies was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the civil servant’s death she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the civil servant’s widow is to be treated for the purposes of this scheme as if the certificate had not been issued.

4.89 Where —

- (a) a civil servant who dies was a man by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the civil servant’s death he was married to a man and that marriage subsisted before the time when the certificate was issued,

the civil servant’s widower is to be treated for the purposes of this scheme as if the certificate had not been issued.”.

## **2007 Section**

### **Rule F.1A**

In rule F.1A, after paragraph (5), insert—

- “(6) Paragraph 2(1) and (2) of Schedule 1 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 does not apply to the interpretation of this Section.
  
- (7) Paragraphs 1(1) and (2) and 2(5) and (6) of Schedule 1 to that Order have effect subject to paragraphs (1) to (3) and (6) of this rule.”.

## **EXPLANATORY NOTE**

*(This Explanatory Note does not form part of the Scheme)*

The Schedule to this Scheme amends the rules of the Principal Civil Service Pension Scheme (“the PCSPS”) from 18<sup>th</sup> December 2014.

The amendments are as a consequence of the coming into force of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5); the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (“the 2014 Order”); and the provisions of the Marriage (Same Sex Couples) Act 2013 (c. 30) (“the 2013 Act”) which allow, subject to certain conditions, a couple to remain married if one or both of them changes their legal gender.

The amendments in the Schedule to this Scheme disapply the effect of the statutory gloss in paragraph 2(1) of Schedule 1 to the 2014 Order so that pension rights under the PCSPS will continue throughout the UK to extend to married same sex couples in the same way as they are currently available to civil partners. The effect of the equivalent statutory gloss in section 11(1) and (2) of, and paragraphs 1 to 3 of Schedule 3 to, the 2013 Act has already been disapplied, by the Principal Civil Service Pension Scheme (Amendment) Scheme 2014.

The amendments also have the effect of maintaining the existing position regarding the survivor benefits available to the spouse of a member of the PCSPS in a case where the member has acquired a new legal gender and the couple remain married.