

Statutory Document No. 2016/0193



Marriage and Civil Partnership (Amendment) Act 2016

MARRIAGE AND CIVIL PARTNERSHIP (AMENDMENT) ACT 2016 (APPOINTED DAY, ETC) ORDER 2016

Made: 19 July 2016
Laid before Tynwald: 20 July 2016

The Council of Ministers makes the following Order under sections 2 and 3 of the Marriage and Civil Partnership (Amendment) Act 2016.

1 Title

This Order is the Marriage and Civil Partnership (Amendment) Act 2016 (Appointed Day, Etc) Order 2016.

2 Interpretation

In this Order —

“**the 2011 Act**” means the Civil Partnership Act 2011; and

“**the Act**” means the Marriage and Civil Partnership (Amendment) Act 2016.

3 Commencement of this Order

- (1) This Order comes into operation as follows.
- (2) Article 5 comes into operation —
 - (a) immediately after this Order is made, so far as it relates to the amendment of the Act by paragraph 11 of Schedule 1; and
 - (b) on 22 July 2016, for all other purposes.
- (3) The remainder of the Order comes into operation immediately after it is made.

4 Commencement of the Act

The Act comes into operation as follows —

- (a) immediately after paragraph 11 of Schedule 1 comes into operation, for the purpose of making subordinate legislation,

including the making of subordinate legislation under the 2011 Act as amended by the Act; and

(b) on 22 July 2016, for all other purposes.

5 Consequential and incidental provisions

- (1) Schedule 1 (general consequential and incidental amendments) has effect.
- (2) Schedule 2 (consequential amendments to social security and pension schemes legislation) has effect.

6 Transitional provision in respect of places approved under Marriage Act 1984 s.19 for marriages of a man and a woman

- (1) Any place which, immediately before the coming into operation of the Act, was approved by the Chief Registrar under section 19 of the Marriage Act 1984 (as it then stood) for the celebration of marriages between men and women generally is also approved under that section (as substituted by the Act) for the celebration of marriages of same sex couples until the existing approval expires.
- (2) For the avoidance of doubt, no further fee is payable for the approval conferred by paragraph (1).

MADE 19TH JULY 2016

W GREENHOW
Chief Secretary

SCHEDULE 1

[Article 5(1)]

GENERAL CONSEQUENTIAL AND INCIDENTAL AMENDMENTS

1 Forgery Act 1952

- (1) The Forgery Act 1952 is amended as follows.
- (2) In section 3 (forgery of certain documents with intent to defraud or deceive) —
 - (a) in subsection (2)(a) —
 - (i) after “marriages” insert **66**, civil partnerships, conversions^{**62**}; and
 - (ii) after “marriage” insert **66**, civil partnership, conversion^{**62**};
 - (b) in subsection (2)(b), after “marriages” insert **66**, civil partnerships, conversions^{**62**};
 - (c) in subsection (3) —
 - (i) in paragraph (h) after “celebration of marriage” insert **66**, entering into of a civil partnership, or a conversion^{**62**};
 - (ii) in paragraph (i) after “celebration of marriage” insert **66** or entering into a civil partnership^{**62**};
 - (d) after subsection (3) insert —
66(4) In this section “conversion” means the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section.^{**62**}

2 Perjury Act 1952

- (1) The Perjury Act 1952 is amended as follows.
- (2) In section 3 (false statements, etc, with reference to marriage) —
 - (a) in subsection (1)(b) —
 - (i) after “register of marriage” insert **66** or register of conversions^{**62**}; and
 - (ii) after “marriage” in the second place it occurs insert **66** or any civil partnership which is to be converted into a marriage^{**62**};
 - (b) after subsection (3) insert —
66(4) In subsection (1)(b), “register of conversions” means the register of conversions of civil partnerships into marriages kept by the Chief Registrar in accordance with section 27A of the *Civil Partnership Act 2011* and regulations made under that section.^{**62**}

3 Marriage Act 1984

- (1) The Marriage Act 1984 is amended as follows.
- (2) In section 29E (Church buildings subject to sharing agreements: cancellation of registration under section 29A), after subsection (6) insert —
 - 6A** (6A) Where a sharing Church withdraws from the sharing of a church building which is registered under section 29D, and the building continues to be used by another Church other than the Church of England, the withdrawal does not of itself cause the registration to be cancelled. **6A**.
- (3) In section 30 (cancellation of registration and substitution of another building), after subsection (2) insert —
 - 2A** (2A) If the registration of a building is cancelled under this section, any registration of the building under section 29A must also be cancelled by the Chief Registrar. **2A**.

4 Legitimacy Act 1985

- (1) The Legitimacy Act 1985 is amended as follows.
- (2) In the cross sub-heading before section 1 and in the heading to section 1 (legitimacy of children of certain void marriages) after “marriages” insert **6A** and civil partnerships **6A**.
- (3) In section 1, after subsection (3) insert —
 - 4** (4) Subsections (1) and (3) are to be read, in relation to the child of a void marriage which has resulted from the purported conversion of a civil partnership under section 27A of the *Civil Partnership Act 2011* and regulations made under that section, as if the reference to the time of the celebration of the marriage was a reference to the date of the purported conversion of the civil partnership into a marriage.
 - (5) Subject to subsection (4), after the commencement of the *Marriage and Civil Partnership (Amendment) Act 2016*, references in this section to marriage are to be read as including references to civil partnership. **4**.
- (4) In the title of section 2 (legitimation by parents’ subsequent marriage) after “marriage” insert **6A** or civil partnership **6A**.
- (5) In section 2, after subsection (3) insert —
 - 4** (4) After the commencement of the *Marriage and Civil Partnership (Amendment) Act 2016*, references in this section to marriage are to be read as including references to civil partnership. **4**.

- (6) In section 11 (interpretation), before the definition of “void marriage” insert —
- “void civil partnership”** means a void civil partnership, not being voidable only, in respect of which the High Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were or had been domiciled in the Island.
- (7) In Schedule 2 (savings and transitional provisions) —
- (a) in the cross-heading before paragraph 2, after “void marriage” insert **“or void civil partnership”**; and
- (b) in paragraph 5(3)(e), for sub-paragraphs (i) and (ii) substitute —
- (i) after his death his parents marry or form a civil partnership, or have married or formed a civil partnership; and
- (ii) he would, if living at the time of the marriage or civil partnership, have become a legitimated person.

5 Wills Act 1985

- (1) The Wills Act 1985 is amended as follows.
- (2) In section 7 (revocation of will by marriage) —
- (a) in subsection (1), for “(4)” substitute **“(5)”**; and
- (b) after subsection (4) insert —
- (5)** Nothing in this section applies in the case of marriage which results from the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section.
- (3) After section 8B (effect of dissolution or annulment of civil partnership on wills) insert —

8C Effect on subsisting will of conversion of civil partnership into marriage

- (1) The conversion of a civil partnership into a marriage does not —
- (a) revoke any will made by a party to the civil partnership before the conversion; or
- (b) affect any disposition in such a will.
- (2) The conversion of a civil partnership into a marriage does not affect any previous application of section 8A(2) to (6) to —
- (a) a will made by a party to the civil partnership before the conversion; or

- (b) a disposition in such a will.
- (3) Subsections (1) and (2) are subject to subsection (4).
- (4) Any reference in a will to a civil partnership or civil partners (however expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.
- (5) Subsection (4) is subject to any contrary intention appearing from the will.
- (6) In this section “conversion” means the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section, and “converted” is to be read accordingly. **22**.

6 Children and Young Persons Act 2001

- (1) The Children and Young Persons Act 2001 is amended as follows.
- (2) In section 5(1) (meaning of “marital child”), after paragraph (a) insert —
- 23**(aa) a person whose parents were in a civil partnership with each other at the time of his birth or (if the civil partnership has been terminated before his birth) at the time of the act of intercourse resulting in his birth; **22**.
- (3) In section 31(3) (care and supervision orders), after “married” insert **23** or in a civil partnership **22**.
- (4) In section 87 (meaning of “father”) —
- (a) for subsection (2) substitute —
- 23**(2) If —
- (a) at the time of the placing in her of the embryo or the sperm and eggs or of her insemination, the woman was a party to a marriage or in a civil partnership with a man, and
- (b) the creation of the embryo carried by her was not brought about with the sperm of her husband or her civil partner,
- then, subject to subsection (5), her husband or her civil partner shall be treated as the father of the child unless it is shown that he did not consent to the placing in her of the embryo or the sperm and eggs or to her insemination (as the case may be). **22**.
- (b) after subsection (7) insert —
- 23**(7A) The reference in subsection (2) to the woman being in a civil partnership with a man at the time there referred to —

- (a) is to the man and the woman being in a civil partnership subsisting at that time, unless a judicial separation was then in force, but
 - (b) includes the parties to a void civil partnership between the man and the woman if either or both of them reasonably believed at the time that the civil partnership was valid, and for the purposes of this subsection it shall be presumed, unless the contrary is shown, that one of them reasonably believed at the time that the civil partnership was valid. **22**.
- (5) In section 89 (parental orders in favour of donors), after subsection (7) insert —
- 23**(7A) After the commencement of the *Marriage and Civil Partnership (Amendment) Act 2016* this section applies to the parties to a civil partnership between a man and a woman as it does to the parties to a marriage, and accordingly references to “the husband” and “the wife” are to be construed in such cases as references to the male civil partner and female civil partner respectively. **22**.

7 Matrimonial Proceedings Act 2003

- (1) The Matrimonial Proceedings Act 2003 is amended as follows.
- (2) In section 12(1) (grounds on which a marriage is void), after “A marriage” insert **23**, other than a marriage to which section 13A applies, **22**.
- (3) In section 13(1) (grounds on which a marriage is voidable), after “A marriage” insert **23**, other than a marriage to which section 13A applies, **22**.
- (4) After section 13 insert —

23 13A Grounds on which a marriage converted from a civil partnership is void or voidable

- (1) This section applies to a marriage which has been converted, or is purported to be converted, from a civil partnership under section 27A of the 2011 Act and regulations made under that section.
- (2) A marriage which results from the purported conversion of a void civil partnership is void.
- (3) A marriage which results from the conversion of a civil partnership is voidable if any of paragraphs (c) to (h) of section 13(1) applied at the date from which the marriage is treated as having subsisted in accordance with section 27A(4) of the 2011 Act.

(4) In this section the “2011 Act” means the Civil Partnership Act 2011. **22**.

(5) In paragraph 3(1)(b) of Schedule 1, for “its celebration” substitute **23** they entered into it **22**.

8 Gender Recognition Act 2009

(1) The Gender Recognition Act 2009 is amended as follows.

(2) For section 11 (foreign gender change and marriage) substitute —

23 11 Foreign gender change

A person’s gender is not to be regarded as having changed by reason only that it has changed under the law of a country or territory outside the Island and the United Kingdom. **22**.

9 The 2011 Act

(1) The 2011 Act is amended as follows.

(2) In section 1(3) (civil partnership) —

(a) after “only” insert **23** (a) **22**; and

(b) after “annulment” insert **23**, or

(b) in the case of a civil partnership which was formed in the Island under Part 2, on the conversion of the civil partnership into a marriage under section 27A. **22**.

(3) In Schedule 14 (minor and consequential amendments), omit paragraph 121(3).

10 Control of Employment Act 2014

(1) The Control of Employment Act 2014 is amended as follows.

(2) For section 9(5) (spouse or civil partner of permit holder etc) substitute —

23 (5) Regulations may provide that, in such circumstances and subject to such conditions as may be prescribed, two persons who are living together as if they were spouses or civil partners are to be treated as spouses for the purposes of subsection (1). **22**.

11 The Act

(1) The Act is amended as follows.

(2) In paragraph 5 of Schedule 3 (which amends the 2011 Act) —

(a) in sub-paragraph (6), for “33” substitute **23** 32 **22**; and

(b) omit sub-paragraph (16).

SCHEDULE 2

[Article 5(2)]

CONSEQUENTIAL AMENDMENTS TO SOCIAL SECURITY AND PENSION SCHEMES LEGISLATION

PART 1

SOCIAL SECURITY

1 Social Security Pensions Act 1975 (of Parliament)

- (1) The Social Security Pensions Act 1975^[1] as it has effect in the Island^[2] is amended as follows.
- (2) In section 59(5ZA)^[3] —
 - (a) in the opening words, for the words “widow’s, widower’s” substitute **“surviving spouse’s”**; and
 - (b) in paragraph (c), for the words “widow’s, widower’s” substitute **“surviving spouse’s”**.

2 Social Security Contributions and Benefits Act 1992 (of Parliament)

- (1) The Schedule^[4] to the Social Security Contributions and Benefits Act 1992 (Application) Order 1994 is amended as follows.
- (2) For the entry relating to section 36(2)^[5] (bereavement payment) substitute —
 - “(2) A bereavement payment shall not be payable to a person if that person and a person whom that person was not married to, or in a civil partnership with, were living together as a married couple at the time of the spouse’s or civil partner’s death.”**
- (3) In the entry relating to section 37(4) (widowed mother’s allowance), after paragraph (a) insert **“or”** and for paragraphs (b) and (c)^[6] substitute —

^[1] 1975 c.60.

^[2] The Social Security Pensions Act 1975 was applied to the Island by the Social Security Legislation (Application) (Pensions) Order 1977 (GC 137/77) subject to the exceptions, adaptations and modifications provided for in article 3 of, and the Schedule to, that Order.

^[3] Subsection (5ZA) inserted by section 5(1) of the Pensions (Miscellaneous Provisions) Act 1990 (see GC 291/92) and amended by section 137 of the Pensions Act 2008 (see SD 851/09).

^[4] The Schedule sets out the Social Security Contributions and Benefits Act 1992 as it has effect in the Island (see SD 505/94).

^[5] Section 36(2) substituted by paragraph 16 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[6] Paragraphs (b) and (c) amended by Schedule 30 and paragraph 19 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

- 64**(b) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple. **62**.
- (4) In the entry relating to section 38(3)^[7] (widow's pension), after paragraph (b) insert **64** or **62** and for paragraphs (c) and (d)^[8] substitute —
- 64**(c) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple. **62**.
- (5) In the entry relating to section 39A(5)^[9] (widowed parent's allowance), after paragraph (a) insert **64** or **62** and for paragraphs (b) and (c)^[10] substitute —
- 64**(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple. **62**.
- (6) In the entry relating to section 39B(5)^[11] (bereavement allowance where no dependent children), after paragraph (a) insert **64** or **62** and for paragraphs (b)^[12] and (c)^[13] substitute —
- 64**(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple. **62**.
- (7) In the entry relating to section 48 (use of former spouse's or civil partner's contributions) after subsection (4)^[14] insert —
- 64**(5) For the purposes of this section, a civil partnership is not to be treated as having terminated by reason of its having been converted into a marriage under section 27A of the Civil Partnership Act 2011. **62**.
- (8) In the entry relating to section 122 (interpretation of Parts 1 to 6 and supplementary provisions) omit subsection (1A)^[15].

^[7] Section 38(3) amended by paragraph 19 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 (see SD 654/05).

^[8] Paragraph (d) inserted by paragraph 19 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[9] Section 39A inserted by section 55 of the Welfare Reform and Pensions Act 1999 (see SD 600/00).

^[10] Paragraph (c) inserted by paragraph 20 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[11] Section 39B inserted by section 55 of the Welfare Reform and Pensions Act 1999 (see SD 600/00).

^[12] Paragraph (b) amended by paragraph 21 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[13] Paragraph (c) inserted by paragraph 21 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[14] Subsections (3) and (4) in section 48 substituted by paragraph 24 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[15] Subsection (1A) inserted by paragraph 41 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

- (9) In the entry relating to section 137^[16] (interpretation of Part 7 and supplementary provisions) –
- (a) in subsection (1), for the definition of “couple”^[17] substitute –
- “couple” means –**
- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;^[18] and
- (b) omit subsection (1A)^[18].
- (10) For the entry relating to section 145A^[19] (entitlement after death of child or qualifying young person) substitute –

145A Entitlement after death of child or qualifying young person

- (1) If –
- (a) a child or qualifying young person (C) dies; and
- (b) a person (P) is entitled to child benefit in respect of C for the week in which C’s death occurs,
- P shall be entitled to child benefit in respect of C for a prescribed period following that week.
- (2) If P dies before the end of that prescribed period and, at the time of P’s death, P was –
- (a) a member of a married couple or civil partnership and living with the person (A) who was P’s spouse or civil partner; or
- (b) not a member of a married couple or civil partnership but was living with another person (B) as a married couple,
- A or B (as the case may be) shall be entitled to child benefit for the period for which P would have been entitled to child benefit under subsection (1) above but for P’s death.
- (3) If C dies before the end of the week in which C is born, subsections (1) and (2) apply in C’s case as if –

^[16] Section 137 inserted by SD 308/95.

^[17] Definition of “couple” inserted by paragraph 46 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[18] Subsection (1A) inserted by paragraph 46 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[19] Section 145A inserted by section 55 of the Tax Credits Act 2002 (SD120/03) and amended by paragraph 12 of Schedule 1 to the Child Benefit Act 2005 (see SD 29/07) and paragraph 48 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

- (a) references to the person entitled to child benefit in respect of a child for the week in which C's death occurs and to P were to the person who would have been so entitled if C had been alive at the beginning of that week; and
 - (b) any conditions which were satisfied, and any facts which existed, at the time of C's death were satisfied or existed then.
- (4) If P is entitled to child benefit in respect of C under this section, section 77 applies with the omission of subsections (4) to (6).
- (5) In this section —
- “civil partnership”** means two people who are civil partners of each other and are neither —
- (a) separated under a court order, nor
 - (b) separated in circumstances in which the separation is likely to be permanent, and
- “married couple”** means two people who are married to each other and are neither —
- (a) separated under a court order, nor
 - (b) separated in circumstances in which the separation is likely to be permanent. **22**.
- (11) In the entry relating to Schedule 7 (industrial injuries benefits) —
- (a) in paragraph 4(3)(a)^[20] (increase for beneficiary's dependent children and qualifying young persons), after sub-paragraph (i) insert **23** or **22** and for sub-paragraphs (ii) and (iii) substitute —
 - 23**(ii) two people who are not married to, or civil partners of, each other but are living together as a married couple, and **22**; and
 - (b) in paragraph 15(3)^[21] (widow's benefit (entitlement)), for the words from “husband and wife” to the end substitute **23** a married couple with a person whom she is not married to or in a civil partnership with. **22**.

3 Jobseekers Act 1995 (of Parliament)

- (1) The Schedule^[22] to the Jobseekers Act 1995 (Application) Order 1996^[23] is amended as follows.

^[20] Paragraph 4(3)(a) inserted by paragraph 52 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[21] Paragraph 15(3) amended by paragraph 52 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[22] The Schedule sets out the Jobseekers Act 1995 (c.18) as it has effect in the Island.

^[23] SD 8/96.

- (2) In the entry relating to section 35 (interpretation) –
- (a) in subsection (1), for the definition of “couple”^[24] substitute –
- “couple” means –**
- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;^[2] and
- (b) omit subsection (1A)^[25].

4 Social Security (Credits) Regulations 1975

- (1) The Social Security (Credits) Regulations 1975^[26] as they have effect in the Island^[27] are amended as follows.
- (2) In regulation 8C(2)^[28] (credits on termination of bereavement benefits) for “a person of the opposite sex as husband and wife” substitute **“another person as a married couple”**.
- (3) In paragraph 3 of the Schedule^[29] (persons who may qualify as carers for a child under the age of 12) –
- (a) omit sub-paragraphs (a) and (b); and
- (b) after “consisting of” insert **“two people who are not married to or civil partners of each other but are living together as a married couple.”**

5 Social Security Benefit (Dependency) Regulations 1977

- (1) The Social Security Benefit (Dependency) Regulations 1977^[30] as they have effect in the Island^[31] are amended as follows.
- (2) In Schedule 2 (prescribed circumstances for increase of a carer's allowance) in paragraph 2C^[32] for the definition of “couple”^[33] substitute –

^[24] Definition inserted by paragraph 124 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[25] Subsection (1A) inserted by paragraph 124 of Schedule 24 to the Civil Partnership Act 2004 (see SD 654/05).

^[26] S.I. 1975/556.

^[27] The Social Security (Credits) Regulations 1975 were applied to the Island subject to the exceptions, adaptations and modifications provided for by article 3 of, and Schedule 37 to, the Social Security Subsidiary Legislation (Application) Order 1975 (GC 156/75).

^[28] Regulation 8C was inserted by S.I. 2000/1483 (see SD 40/01) and amended by S.I. 2005/2877 (see SD 866/05)

^[29] Schedule inserted by S.I. 2011/709 (see SD 248/11).

^[30] S.I. 1977/343.

^[31] The Social Security Benefit (Dependency) Regulations 1977 were applied to the Island by the Social Security Subsidiary Legislation (Application) (No. 3) Order 1977 (GC 187/77) subject to the exceptions, adaptations and modifications provided for by article 3 of, and Schedule 27 to, that Order.

“couple” means —

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[32]

6 Social Security (Claims and Payments) Regulations 1987

- (1) The Schedule^[34] to the Social Security Legislation (Application) (No. 4) Order 1998^[35] is amended as follows.
- (2) In the entry relating to regulation 2(1) (interpretation), for the definition of “couple”^[36] substitute —

“couple” means —

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[32]

7 Social Security (Incapacity for Work) (General) Regulations 1995

- (1) Schedule 6^[37] to the Social Security Legislation (Application) (No. 4) Order 1995^[38] is amended as follows.
- (2) In the entry relating to regulation 2(1) (interpretation), for the definition of “couple” substitute —

“couple” means —

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[32]

8 Jobseeker’s Allowance Regulations 1996

- (1) The Schedule^[39] to the Social Security Legislation (Application) (No. 8) Order 1996^[40] is amended as follows.

^[32] Paragraph 2C inserted by S.I. 1984/1699 (see GC 273/85).

^[33] Definition of “couple” inserted by S.I. 2005/2877 (see SD 886/05).

^[34] The Schedule sets out the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) as they have effect in the Island.

^[35] SD 360/98.

^[36] Definition of “couple” inserted by paragraph 14 of Schedule 3 to S.I. 2005/2877 (see SD 886/05).

^[37] Schedule 6 sets out the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. 1995/311) as they have effect in the Island.

^[38] SD 123/95.

^[39] The Schedule sets out the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) as they have effect in the Island.

- (2) In the entry relating to regulation 1(3) (interpretation), for the definition of “couple”^[41] substitute—

“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[2].

9 Social Security Benefit (Computation of Earnings) Regulations 1996

- (1) Schedule 1^[42] to the Social Security Legislation (Application) (No. 5) Order 2000^[43] is amended as follows.

- (2) In the entry relating to regulation 2(1) (interpretation), for the definition of “couple”^[44] substitute—

“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[2].

10 Social Security and Child Support (Decisions and Appeals) Regulations 1999

- (1) Schedule 1^[45] to the Social Security Legislation (Application) (No. 16) Order 2000^[46] is amended as follows.

- (2) In the entry relating to regulation 1(3) (interpretation), for the definition of “couple”^[47] substitute —

“couple” means —

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;^[2].

^[40] SD 634/96.

^[41] Definition of “couple” inserted by S.I. 2005/2877 (see SD 886/05).

^[42] Schedule 1 sets out the Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745) as they have effect in the Island.

^[43] SD 123/00.

^[44] Definition of “couple” substituted by S.I. 2005/2919 (see SD 866/05).

^[45] Schedule 1 sets out the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) as they have effect in the Island.

^[46] SD 602/00.

^[47] Definition of “couple” substituted by S.I. 2005/2878 (see SD 866/05).

11 Child Benefit (General) Regulations 2006

- (1) Schedule 2^[48] to the Social Security Legislation (Application) Order 2007^[49] is amended as follows.
- (2) In the entry relating to regulation 1 (citation, commencement and interpretation) –
- (a) in paragraph (3) –
- (i) in the definition of “civil partnership” omit “of the same sex”;
- (ii) omit the definition of “cohabiting same sex couple”; and
- (iii) for the definition of “couple”^[50] substitute –
- “couple”** means two people –
- (a) who are –
- (i) spouses residing together; or
- (ii) living together as if they were married to each other; or
- (b) who are –
- (i) civil partners in a civil partnership; or
- (ii) not civil partners in a civil partnership but are living together as if they were;^[51] and
- (b) in paragraph (4) –
- (i) omit “of the same sex”; and
- (ii) for the words from “husband” to the end substitute **“if they were married to each other”**.
- (3) In the entry relating to regulation 12(1) (child benefit not payable: qualifying young person living with another as member of couple) for sub-paragraph (b) substitute –
- (b) as if they were civil partners in a civil partnership,^[52]**

12 Income Support (General) (Isle of Man) Regulations 2000

- (1) The Income Support (General) (Isle of Man) Regulations 2000^[51] are amended as follows.
- (2) In regulation 2 (interpretation) omit paragraph (1A)^[52].

^[48] Schedule 2 sets out the Child Benefit (General) Regulations 2006 (S.I. 2006/223) as they have effect in the Island.

^[49] SD 30/07

^[50] Definition of “couple” substituted by paragraph 25 of Schedule 3 to S.I. 2005/2877 (see SD 866/05).

^[51] SD 26/00.

^[52] Paragraph (1A) inserted by regulation SD 656/05.

13 Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007

- (1) The Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007^[53] are amended as follows.
- (2) In regulation 3(1) (interpretation) for the definition of “couple” substitute —
—
| **“couple”** means —
| (a) two people who are married to, or civil partners of, each other and are members of the same household; or
| (b) two people who are not married to, or civil partners of, each other but are living together as a married couple; **“**

14 Employed Person’s Allowance (General) Regulations 2011

- (1) The Employed Person’s Allowance (General) Regulations 2011^[54] are amended as follows.
- (2) In regulation 3 (interpretation) omit paragraph (2).

PART 2

PENSION SCHEMES

15 Pension Schemes Act 1993 (of Parliament)

- (1) The Schedule^[55] to the Pension Schemes Act 1993 (Application) Order 1995^[56] is amended as follows.
- (2) In the entry relating to section 17 (minimum pension for widows and widowers) —
 - (a) in subsection (4A)(c)(i)^[57], for paragraphs (a) and (b) (but not the “nor” following paragraph (b)) substitute **“**another person are living together as a married couple; **“**; and
 - (b) omit subsection (9)^[58].
- (3) In the entry relating to section 99 (trustees’ duties after exercise of option) in subsection (3)(b) for “his widow” substitute **“**his or her surviving spouse or civil partner **“**.

^[53] SD 500/07.

^[54] SD 431/11.

^[55] The Schedule sets out the Pension Schemes Act 1993 as it has effect in the Island.

^[56] SD 531/95.

^[57] Sub-paragraph (i) substituted by S.I. 2005/2050 (see SD 744/05).

^[58] Subsection (9) added by S.I. 2005/2050 (see SD 744/05).

16 Pensions Act 1995 (of Parliament)

- (1) Schedule 2^[59] to the Pensions Act 1995 (Application) Order 1997^[60] is amended as follows.
- (2) In the entry relating to section 124(1) (interpretation of Part I) omit the definition of “civil partnership status”^[61].

17 Occupational Pension Schemes (Contracting-out) Regulations 1996

- (1) Schedule 1^[62] to the Pension Schemes Legislation (Application) (No. 4) Order 1997^[63] is amended as follows.
- (2) In the entry relating to regulation 1 (citation, commencement and interpretation), omit paragraph (1A)^[64].
- (3) In the entry relating to regulation 26^[65] (reference scheme: circumstances in which widows’, widowers’ or surviving civil partners’ pensions need not be payable) —
 - (a) in paragraph (1)(b), after paragraph (ii) insert **66** or **62** and for paragraphs (iii) and (iv) substitute —
 - 66**(iii) lives together as a married couple with another person whom he or she is not married to or in a civil partnership with, **62**;
 - (b) in paragraph (1)(c), for paragraphs (i) and (ii) substitute **66** living together as a married couple with another person whom he or she is not married to or in a civil partnership with. **62**; and
 - (c) for paragraph (2) substitute —
 - 66**(2) The following provisions do not apply where the scheme member died before 5 December 2005 —
 - (a) paragraph (1)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;
 - (b) paragraph (1)(b)(ii); and
 - (c) paragraphs (1)(b)(iii) and (1)(c) so far as they relate to the living together of two people of the same sex. **62**.
- (4) In the entry relating to regulation 57^[66] (circumstances in which widower’s or surviving civil partner’s guaranteed minimum pension is to be payable) —

^[59] Schedule 2 sets out Part I and Part IV (in part) of the Pensions Act 1995 as it has effect in the Island.

^[60] SD 501/97.

^[61] Definition inserted by S.I. 2005/2053 (see SD 745/05).

^[62] Schedule 1 sets out the Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172) as they have effect in the Island.

^[63] SD 651/97.

^[64] Paragraph (1A) inserted by S.I. 2005/2050 (see SD 744/05).

^[65] Regulation 26 substituted by S.I. 2005/2050 (see SD 744/05).

^[66] Regulation 57 amended by S.I. 2005/2050 (see SD 744/05).

- (a) in the heading —
 - (i) after “Circumstances” insert **63** for the purposes of section 17(6) of the 1993 Act **62**; and
 - (ii) after “widower’s” insert **63**, widow’s **62**;
 - (b) in the opening words, after “widower’s” insert **63**, widow’s **62**; and
 - (c) in paragraphs (a), (b) and (c), after “widower” in each place it occurs, insert **63**, widow **62**.
- (5) In the entry relating to regulation 58^[67] (period for which widower’s or surviving civil partner’s guaranteed minimum pension is to be payable) —
- (a) in the heading —
 - (i) after “Period” insert **63** for the purposes of section 17(6) of the 1993 Act **62**; and
 - (ii) after “widower’s” insert **63**, widow’s **62**;
 - (b) in paragraph (1)(a) and (c), after “widower’s” insert **63**, widow’s **62**;
 - (c) in paragraph (2)(a), after “widower’s” insert **63** or widow’s **62**;
 - (d) in paragraph (2)(b), after “widower” insert **63** or widow **62**;
 - (e) in paragraph (2)(c) —
 - (i) after “widower” insert **63**, widow **62**; and
 - (ii) for paragraphs (i) and (ii) substitute **63** he or she and another person are living together as a married couple; **62**;
 - (f) in paragraph (2)(d) —
 - (i) after “widower” insert **63** or widow **62**;
 - (ii) for “he attained” substitute **63** he or she attained **62**; and
 - (iii) for paragraphs (i) and (ii) substitute **63** he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple; or **62**;
 - (g) in paragraph (2)(e), for paragraphs (i) and (ii) substitute **63** he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple. **62**; and
 - (h) for paragraph (3)^[68] substitute —
 - 63**(3) The following provisions do not apply where a man became a widower before 5 December 2005 —

^[67] Regulation 58 amended by S.I. 2005/2050 (see SD 744/05).

^[68] Paragraph (3) added by S.I. 2005/2050 (see SD 744/05).

- (a) paragraph (2)(a) so far as it relates to a marriage or remarriage involving two people of the same sex;
 - (b) paragraph (2)(b); and
 - (c) paragraphs (2)(c) and (2)(d) so far as they relate to the living together of two people of the same sex. **22**.
- (6) In the entry relating to regulation 59^[69] (statutory references to persons entitled to guaranteed minimum pensions: application to widowers and surviving civil partners) —
- (a) in the heading, for “widowers” substitute **23** widowers, widows of female earners **22**; and
 - (b) for the words from “so entitled” to the end substitute —
 - 23** so entitled —
 - (a) by virtue of being a widower of an earner only in the case where the earner and the widower were both over pensionable age when the earner died;
 - (b) by virtue of being a widow of a female earner only in the case where the earner and the widow were both over pensionable age when the earner died; or
 - (c) by virtue of being the surviving civil partner of an earner only in the case where the earner and the surviving civil partner were both over pensionable age when the earner died. **22**.
- (7) In the entry relating to regulation 69B^[70] (conversion of guaranteed minimum pensions into other benefits: survivors’ benefits) —
- (a) in paragraph (2)(b)(ii), for “such a widower” substitute **23** in a case where section 17(6) of the 1993 Act applies, such a widower’s, widow’s **22**;
 - (b) in paragraph (3)(b)(i), for sub-paragraphs (aa) and (bb) (but not the “nor” following subparagraph (bb)) substitute **23** another person are living together as a married couple, **22**; and
 - (c) for paragraph (4) substitute —
 - 23**(4) The following provisions do not apply where the earner died before 5 December 2005 —
 - (a) paragraph (3)(b)(i) so far as it relates to the living together of two people of the same sex;
 - (b) paragraph (3)(b)(ii)(aa) so far as it relates to a marriage involving two people of the same sex; and
 - (c) paragraph (3)(b)(ii)(bb). **22**.

^[69] Regulation 59 amended by paragraph 19 of Schedule 2 to S.I. 2005/2050 (see SD 744/05).

^[70] Regulation 69B inserted by S.I. 2009/846 (see SD 750/09).

18 Contracting-out (Transfer and Transfer Payment) Regulations 1996

- (1) Schedule 5^[71] to the Pension Schemes Legislation (Application) Order 1998^[72] is amended as follows.
- (2) In the entry relating to Schedule 2 (modifications of Part 3 of the 1993 Act) —
 - (a) in paragraph 1^[73], in the substituted definition of “guaranteed minimum pension” for “or widower’s” substitute **6A**, widower’s or surviving same sex spouse’s^[74]; and
 - (b) in paragraph 6^[74], in the substituted definition of “guaranteed minimum pension” for “or widower’s” substitute **6A**, widower’s or surviving same sex spouse’s^[75].

19 Occupational Pension Schemes (Discharge of Liability) Regulations 1997

- (1) Schedule 3^[75] to the Pension Schemes Legislation (Application) (No. 2) Order 1999^[76] is amended as follows.
- (2) In the entry relating to regulation 1 (citation, commencement and interpretation), omit paragraph (1A)^[77].
- (3) In the entry relating to regulation 11 (conditions on which liability to provide pensions under a relevant scheme may be discharged) —
 - (a) in paragraph (4)(b) —
 - (i) for paragraphs (iii) and (iv) substitute —

6A	(iii) lives together as a married couple with another person whom he or she is not married to or in a civil partnership with; or 6B ; and
----	--
 - (ii) in paragraph (v), for sub-paragraphs (a) and (b) substitute **6A** is living together as a married couple with another person whom he or she is not married to or in a civil partnership with. **6B**; and
 - (b) for paragraph (7)^[78] substitute —

6A	(7) The following provisions do not apply where the beneficiary died before 5 December 2005 —
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^[71] Schedule 5 sets out the Contracting-out (Transfer and Transfer Payment) Regulations 1996 (S.I. 1996/1462) as they have effect in the Island.

^[72] SD 23/98.

^[73] Paragraph 1 substituted by S.I. 1997/786 (see SD 207/00).

^[74] Paragraph 6 substituted by S.I. 1997/786 (see SD 207/00).

^[75] Schedule 3 sets out the Occupational Pension Schemes (Discharge of Liability) Regulations 1997 (S.I. 1997/784) as they have effect in the Island.

^[76] SD 144/99.

^[77] Paragraph (1A) inserted by S.I. 2005/2050 (see SD 744/05).

^[78] Paragraph (7) added by S.I. 2005/2050 (see SD 744/05).

- (a) paragraph (4)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;
- (b) paragraph (4)(b)(ii); and
- (c) paragraphs (iii) and (v) of paragraph (4)(b) so far as they relate to the living together of two people of the same sex. **22**.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the Marriage and Civil Partnership (Amendment) Act 2016 (“the Act”) into operation and makes necessary consequential and incidental amendments to certain Acts of Tynwald and social security and pension schemes legislation.

The Act comes into operation immediately after this Order is made for the purposes of making subordinate legislation (including, for the avoidance of doubt, subordinate legislation under the Civil Partnership Act 2011 as amended by the Act). Incidental amendments to the Act also come into operation immediately after this Order is made and the Act comes into operation for all other purposes on 22 July 2016.

The amendments made by this Order which are consequential on the extension of marriage to same sex couples and the extension of civil partnerships to opposite sex couples come in operation on 22 July 2016.