

## SCHEDULE 7

Article 98

### Amendments of subordinate legislation, etc. relating to Church pensions

#### Church of England Pensions Regulations 1988

1. In the Church of England Pensions Regulations 1988(a), regulation 19 (guaranteed minimum pensions) is amended as follows—

- (a) in the side-note, after “spouses” insert “or civil partners”, and
- (b) after regulation 19(5) insert—

“(6) Notwithstanding any other provision of these Regulations, the Board will pay pensions to the surviving civil partners of scheme members as required in order to comply with any applicable enactment or subordinate legislation in relation to pensions for the surviving civil partners of deceased civil partners.”.

#### Rules of the Church of England Funded Pensions Scheme

2. The Rules of the Church of England Funded Pensions Scheme(b) are amended as follows.

3.—(1) In the heading to rule 7 (pensions for spouses and children), after “spouses” insert “, civil partners”.

(2) In rule 7.1 (spouse’s pension), after “remarries” insert “or forms a civil partnership”.

(3) In rule 7.5 (children’s pension)—

- (a) after “adopted by the Member” insert “, and any other children of the Member’s civil partner to whom a children’s pension must be paid in order to comply with regulation 9A(1) of the Employment Equality (Sexual Orientation) Regulations 2003(c) and with any applicable enactment or subordinate legislation in relation to pensions for the surviving dependants of deceased civil partners”, and

(b) at the end insert—

“A children’s pension will be paid to the child of a Member’s civil partner, where that child is not the Member’s child or step-child, only to the extent required in order to comply with regulation 9A(1) of the Employment Equality (Sexual Orientation) Regulations 2003 and with any applicable enactment or subordinate legislation in relation to pensions for the surviving dependants of deceased civil partners.”.

(4) After rule 7.5 insert—

#### “7.6 Civil Partners

If a Member dies leaving a surviving civil partner, all references in rule 7.1 to 7.5 to a spouse or surviving spouse are to be treated as references to a civil partner or surviving civil partner (and all references to a spouse’s pension are to be treated as references to a civil partner’s pension), to the extent required in order to comply with regulation 9A(1) of the Employment Equality (Sexual Orientation) Regulations 2003 and with any applicable enactment or subordinate legislation in relation to pensions for the surviving civil partners of deceased civil partners. The reference in rule 7.1 to the marriage is to be treated as a reference to the formation of the civil partnership, and the reference in rule 7.1 to the

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(a) S.I. 1988/2256; amended by the Pensions Measure 1997 (1997 No. 1) and by S.I. 1992/1748 and 1997/1929.

(b) Scheduled to the Trust Deed made on 5th December 1997 by the Church of England Pensions Board under section 1(3) of the Pensions Measure 1997 (1997 No. 1). The Rules took effect on 1st January 1998. Rule 12.9 was inserted (and other amendments made which are not relevant to this Order) by a further Deed dated 22nd July 2002.

(c) S.I. 2003/1661 as amended by S.I. 2003/2827. Regulation 9A is subject to an exception in regulation 25, which is amended by S.I. 2005/2114, Schedule 17, paragraph 7(3).

surviving spouse remarrying or forming a civil partnership is to be treated as a reference to the surviving civil partner marrying or forming a further civil partnership.”.

- (5) In rule 12.3 (benefits not assignable), after “spouse” insert “or civil partner”.
- (6) In the heading to rule 12.9 (pension sharing on divorce), after “divorce” insert “etc.”.
- (7) In rule 12.9.3(ii), after “new spouse” insert “or civil partner”.
- (8) In rule 12.9.4, after “surviving spouse” insert “or civil partner”.
- (9) After rule 12.9.4 insert—

#### **“12.9.5 Civil Partners**

If a pension sharing order is made in respect of a Member’s civil partner all references in rule 12.9.1 to 12.9.4 to a former spouse are to be treated as references to the Member’s former civil partner.”.

4. Paragraphs 2 and 3 do not affect any other power to amend any provision of the Rules (including any provision amended or inserted by those paragraphs).