

EXPLANATORY MEMORANDUM TO
THE WAR PENSIONS COMMITTEES (AMENDMENT) REGULATIONS
2005

2005 No. 3032

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The War Pensions Committees (Amendment) Regulations 2005 amends the War Pensions Committees Regulations 2000 (“the principle Regulations”). They extend the functions of the War Pensions Committees to include civil partners as a consequence of the coming into force of the Civil Partnership Act 2004 on 5 December 2005. They also extend the functions of the War Pensions Committees to include widowers.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Civil Partnership Act 2004 is to come into force on 5 December 2005. This Act provides a new legal framework that will enable recognition of same-sex relationships through the new status of civil partner and the new legal relationship of civil partnership. Same-sex couples who commit themselves to a registered civil partnership will obtain many of the same rights and obligations as a married couple.

4.2 This amendment reflects MOD’s undertaking to ensure that civil partners have treatment as close as possible to that for spouses. Similar amendments are being made to all other War Pensions legislation where there is an impact.

5. **Extent**

5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Under existing legislation, the functions of the War Pension Committees are restricted to war pensioners or their widows or dependants, there is no provision for the Committee to assist the widowers or surviving civil partners of war pensioners.

7.2 The policy intention behind this order is, in line with the undertaking given by the Ministry of Defence, to afford civil partners treatment as close as possible to that currently provided for spouses. The functions of the Committees will also be extended to the widowers of war pensioners.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Mrs S J McIntosh at the Ministry of Defence Tel: 0207 218 0564 can answer any queries regarding the instrument.