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Retirement Pensions (Amendment) Ordinance 2025 (No 9 of 2025).

FALKLAND ISLANDS

COLIN MARTIN-REYNOLDS C.M.G.,
Governor.

Retirement Pensions (Amendment) Ordinance 2025

(ORDINANCE No. 9 OF 2025)

ARRANGEMENT OF PROVISIONS

Section

FALKLAND ISLANDS

COLIN MARTIN-REYNOLDS C.M.G.,
Governor.

Retirement Pensions (Amendment) Ordinance 2025

(assented to: 15 August 2025)
(commencement: 1 January 2026)
(published: 18 August 2025)

AN ORDINANCE

To amend the Retirement Pensions Ordinance 1996 and regulations to remove discrimination regarding payment of the married couple's supplement; to provide for payment of the supplement retrospectively to previously excluded persons and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

Part 1 - Preliminary

1. Title
This Ordinance is the Retirement Pensions (Amendment) Ordinance 2025.

2. Commencement
This Ordinance comes into force on 1 January 2026.

Part 2 - Amendment of Retirement Pensions Ordinance 1996

3. Amendment of Retirement Pensions Ordinance 1996
This Part amends the Retirement Pensions Ordinance 1996.

4. Section 2 amended (interpretation)

In section 2(1) —

(a) insert the following definitions in the correct alphabetical order —

"**annual earnings limit**" means the weekly rate prescribed for the purposes of section 10(4) multiplied by 52;

"**couple's supplement**" means the supplement to a pension that is payable under section 6;

"**earnings**" in relation to any person and any period means that person's earned income as computed in accordance with the Taxes Ordinance 1997 before any deductions (whether or not any of that income is subject to income tax);

"**partner**" means one of the parties to a marriage or a civil partnership;

"**pensionable age**" means the age of 65 years;"; and

(b) in the definition of "standard weekly rate" delete "married".

5. Section 6 replaced (married couple's supplement)

Replace section 6 with —

"6. Couple's supplement

(1) A couple's supplement is payable to a partner ("**partner 1**") who is entitled to a retirement pension and whose partner ("**partner 2**") has not yet reached pensionable age.

(2) The couple's supplement is payable in respect of every week beginning before partner 2 reaches pensionable age.

(3) To qualify for a couple's supplement the following requirements must be met —

(a) partner 1 must —

(i) have made contributions, under the 1952 Ordinance or be deemed to have made contributions under that Ordinance; and

(ii) be entitled to a retirement pension under section 4; and

(b) partner 2's earnings are less than the annual earnings limit, in the year before the year in which the supplement is paid.

(4) The couple's supplement is payable to partner 1 after partner 2 has reached pensionable age if —

(a) either —

(i) partner 2 is not entitled to a pension under this Ordinance; or

(ii) partner 2 is entitled to a pension which is less than the couple's supplement; and

(b) partner 2's earnings (if any) were equal to or less than the annual earnings limit, in the year before the year in which the supplement is paid.

(4) Where partner 2's pension is less than the supplement, the supplement payable to partner 1 is reduced by the amount of the pension payable to partner 2.

(5) The standard weekly rate of the couple's supplement must be specified by regulations which must be approved by the Legislative Assembly.".

6. Other amendments

The provisions set out in the first column of the Schedule are amended as specified in the second column.

Part 3 - Amendment of Regulations

7. Amendment of Retirement Pensions (Prescribed Rates) Regulations 1996

(1) This section amends the Retirement Pensions (Prescribed Rates) Regulations 1996.

(2) In regulation 2, in the definition of "earnings" replace "Taxes Ordinance 1994" with "Taxes Ordinance 1997".

(3) In regulation 3(b), delete "married".

(4) In regulation 4(1) replace "and 65 years" with "years and pensionable age".

8. Amendment of Retirement Pensions (General Provisions) Regulations 1996

(1) This section amends the Retirement Pensions (General Provisions) Regulations 1996.

(2) In regulation 2, in the definition of "earnings" replace "Taxes Ordinance 1994" with "Taxes Ordinance 1997".

(3) In regulation 2(3) delete "(c)".

(4) In regulation 7(1) and (4) delete "married".

Part 4 - Transitional provision

9. Transitional provision

(1) In this section —

"**Amendment Ordinance**" means the Retirement Pensions (Amendment) Ordinance 2025;

"**qualifying partner**" means the partner in a marriage, or a civil partnership specified in subsection (3);

"**married couple's supplement**" means the supplement payable under section 6 of the Ordinance before the commencement of the Amendment Ordinance;

"**same sex marriage**" means a same sex marriage solemnised under the Marriage and Civil Partnerships Ordinance 1996;

"**the Ordinance**" means the Retirement Pensions Ordinance 1996;

"**the 1952 Ordinance**" means the Old Age Pensions Ordinance 1952.

(2) A qualifying partner may claim a payment in accordance with this section if they —

(a) are entitled to a retirement pension under section 4 of the Ordinance;

(b) became entitled to that pension before the date of commencement of the Amendment Ordinance; and

(c) the qualifying partner became entitled to their pension before their partner in the marriage, same sex marriage or civil partnership became entitled to theirs.

(3) The following persons are "**qualifying partners**" —

(a) a married woman who has made contributions under the 1952 Ordinance or is deemed to have made contributions under that Ordinance;

(b) a man in a same sex marriage or civil partnership, who made contributions under the 1952 Ordinance;

(c) a woman in a same sex marriage or civil partnership, who has made contributions under the 1952 Ordinance or is deemed to have made contributions under that Ordinance.

(4) The qualifying partner is entitled to a one-off lump sum payment equivalent to a married couple's supplement calculated from the date that they became entitled to a pension until the date of commencement of the Amendment Ordinance.

(5) For the avoidance of doubt, a qualifying partner must still be alive at the time of their claim.

SCHEDULE – OTHER AMENDMENTS

section 6

Provision	Amendment
Section 2	In subsection (1) in the definition of "prescribed" insert "prescribed by" after "means".
Section 4	In subsection (1)(b), replace "the age of 65 years" with "pensionable age".
Section 7	In subsection (2)(a), replace "the age of 65 years" with "pensionable age".
Section 10	(a) In subsection (3)(a) and (b) replace "and 65 years of age" with "years and pensionable age". (b) In subsection (3)(c), replace "the age of 65 years" with "pensionable age". (c) In subsection (6), in the concluding paragraph, replace "Taxes Ordinance 1994" with "Taxes Ordinance 1997".
Section 11	In subsection (1), replace "and 65 years of age" with "years and pensionable age".
Section 12	(a) In subsections (1) and (2), replace "the age of 65 years" with "pensionable age". (b) In subsection (2)(c), replace "his 65th birthday" with "the day on which they reach pensionable age".
Section 13	In subsection (1)(b), replace "and 65 years of age" with "years and pensionable age".
Section 25	In subsection (1), replace "Taxes Ordinance 1994" with "Taxes Ordinance 1997".

Passed by the Legislature of the Falkland Islands on 16 July 2025.

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly.

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