



New pension and benefit rights for same-sex couples

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The Government has announced that, alongside the provision for same-sex couples to enter into a Civil Partnership, changes will be introduced to align benefit entitlement to that of married and cohabiting opposite-sex couples.

This means gay and lesbian couples who live together may be affected.

Current advice on legislation indicates that:

- Private Pension Scheme providers will be required to pay survivor pensions to civil partners
- If a couple are over pension age and one of them dies the survivor will be able to access their partners state pension provision to boost their own pension entitlement
- If a couple are under state pension age and one of them dies, the surviving partner will be entitled to claim bereavement benefit

Existing legislation will be amended to enable the provisions in the bill to come into effect including:

- Social Security Contributions and Benefits Act, including the State Pension and Income Related Benefits
- The State Pension Credit Act to treat same-sex couples and opposite-sex couples equally
- Pensions Schemes Act, to amend arrangements for contracted out Private Pension Schemes

What this means:

Treatment for people in civil partnerships and same-sex couples who are living together will be brought into line with treatment of married and cohabiting opposite-sex couples for the purpose of income related benefits.



Income related benefits

Primarily consider the affect of the legislation with regard to income related benefits:

If you are currently living with a partner and one or both of you are in receipt of income related benefit.

When you register your civil partnership you will be required to claim as a couple and your payments will be adjusted accordingly.

Even if you are '*living together*' as a same-sex couple, but chose not to enter into a civil partnership, this may result in similar action taken to assess your benefits just the same as cohabiting opposite-sex couples.

Equality

It would seem from the statement above that, quite correctly, there will be provision for ensuring uniformity between same-sex and opposite-sex couples.

When will this happen?

There is no published timescale for the introduction of the above amendments at present, and as such, no assurance it will not be introduced with immediate effect following the commencement of the Civil Partnership Act itself.

Got a question?

Give us a shout and we will be more than happy to help.

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