



CIVIL PARTNERSHIPS

LEGAL RECOGNITION FOR SAME SEX COUPLES



For many years there have been calls from various sections of the community for same sex partners to be entitled to similar statutory rights in relation to recognition in marriage, treatment for evaluation for tax and other legal areas, so as to bring them into line with the existing laws for heterosexual couples.

The Civil Partnership Act was passed in November 2004 and,

under the legislation within that Act, same sex partners can give notice of intended registration to their local Register Office from the 5th December 2005. There is a 15 day notification period and thus the first civil partnership registrations took place from 21st December 2005 onwards. The Civil Partnership Act applies to England, Wales and Northern Ireland only.

Registration is open to two people who are of the same sex, aged 18 or over (16 with consent), who are not already married or in a civil partnership, and who are not closely related (e.g.

parent, sister, niece, uncle). There is no provision for a religious service.

Same sex partners can now get legal recognition for their relationship in this form of Civil Partnership. It does not constitute a Wedding, and in format is more akin to a Registry Office service. It gives the parties to the civil partnership the same legal rights and benefits as those enjoyed by a heterosexual couple. See below.



So what rights do you now have?

Pensions

Civil partners will have most of the same state pension rights as husbands and from 2010 they will be treated the same as husbands and wives. Civil partners will also be entitled to a survivor's pension from their civil partners contracted out occupational or personal pension scheme, public service pension scheme or non-contracted out scheme which currently pays survivor benefits.

Tax

Civil partners will be treated in the same way as married people for all tax purposes, including inheritance tax and capital gains tax. However, there will only be availability of one named principal place of residence per Civil Partnership rather than two as before.

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Social Security

The income of a civil partner or a cohabiting same sex partner will be taken into account when calculating entitlement to income related benefits and tax credits. If you are living together in a same sex relationship, regardless of whether registered or not as Civil Partners, the Benefits Office and/or the Tax Credits Office should be informed.



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Children

Some same sex couples have caring responsibilities for children. The law will recognise the role of both civil partners in respect of a child living in their household. When the Adoption and Children Act 2002 came into



force on 30 December 2005, a person can acquire parental responsibility for their civil partner's child. They can do this with the agreement of their civil partner as long as the civil partner has parental responsibility themselves. If the child's other parent also has parental responsibility, both parents must agree. Parental responsibility can also be acquired on application to the Court. In addition, under the Act, same sex couples, including civil partners, will be able to apply to adopt a child jointly.

Maintenance

Civil partners will have a duty to provide maintenance for each other and for any children of the civil partnership.

Child Support

Civil partners who are parents will be treated in the same way as married partners for Child Support. Parents who are living with a same sex partner even where they have not formed a Civil Partnership will be treated in the same way as parents who live together with an opposite sex partner but are not married. This could affect the amount of maintenance paid for your child.

Workplace

Employers must treat civil partner employees in the same way as married employees in similar circumstances.

Wills

Any Will made prior to a Civil Partnership is automatically void unless it is drawn up in contemplation of the Civil Partnership.

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Death

A bereaved civil partner will be treated in the same way as a widow or widower in relation to inheriting their deceased civil partner's estate, particularly if he or she died without having made a Will.

A person will be able to inherit their civil partner's tenancy upon their death in the same way that a widow or widower can.

Civil partners will have the right to obtain assurance on their civil partner's life on a basis equivalent to a married couple.

If a person dies in an accident caused by someone else's negligence, then that person's civil partner, or someone who has been living with the deceased as a civil partner for at least 2 years will be entitled to make a claim

for financial loss. Bereavement damages may also be applicable.

Civil partners will be entitled to a fatal injury award on the same basis as a married couple.

Ending a Civil Partnership

A Civil Partnership may be ended by death, annulment or dissolution. Grounds for dissolution are 2 year separation with consent, 5 year separation without consent and desertion for 2 years or over.