

CIVIL PARTNERSHIP **(Same sex couples)**

THIS LEAFLET EXPLAINS THE POSITION SINCE DECEMBER 2005 WHEN CIVIL PARTNERSHIPS WERE CREATED.

The Civil Partnership Act 2004 came about from a desire to right some of the inequalities that lesbian and gay couples faced. The Act creates civil partnerships alongside a set of rights/responsibilities which mirror those available to married couples. As a result there are implications for the users of the pension, benefit and Tax Credit system.

HOW BENEFITS ARE AFFECTED

Since 5th December 2005 same sex couples are no longer be treated as two individuals but as a couple. This will be the case whether or not they are civil partners - they may not have signed a civil partnership document but are living together as a couple (pensions are treated differently – see below).

THE MAIN BENEFITS THAT ARE AFFECTED

- Income Support
- Jobseekers Allowance (income-based)
- Employment and Support Allowance (income-related)
- Pension Credit
- Housing Benefit/Council Tax Benefit
- Working Tax Credit/Child Tax Credit

Couples making new claims, and couples living together who were previously claiming any of the above benefits as two separate people, will need to claim as a couple.

The level of your benefit may go down and some couples will find they are no longer entitled to some benefits at all. This is because the amount of benefit works out to be higher for two individuals than a couple – two are deemed to be able to live as cheaply as one! The following use 2010/11 rates:

e.g. Income Support for 1 person aged over 25 years	-	£65.45 p/w
Income Support for a couple aged over 25 years	-	£102.75 p/w

Therefore two individuals living together claiming separately get 2 x £65.45 = £130.90. Since December 2005 they have to claim as a couple, and their benefit is reduced to £102.75 per week. Benefit legislation has been amended to include both registered civil partners and those living together as a couple. Therefore the co-habitation test also applies to same-sex couples (see our leaflet Pb32: Living Together as Partners).

PENSIONS

The DWP will treat same-sex couples that enter into a civil partnership the same as married couples in respect of state pension.

If one of you belongs to an occupational or private pension scheme which offers benefits to married partners, it must also offer the same benefit to civil partners.

Civil partners will have most of the same state pension rights that apply to heterosexual couples.

BEREAVEMENT AND WIDOWS BENEFITS

If a couple have registered a civil partnership, the surviving civil partners will be treated in the same way as widows/widowers and be able to claim Bereavement Benefits.

If you are in receipt of Bereavement Benefit and you form a new civil partnership, or are living together as a couple with a same sex partner, the benefit may cease.

CHILD SUPPORT

Civil partners will be treated the same way as married partners. Parents who are living with a same-sex partner, even if there has not been a formal civil partnership, will be treated the same way as heterosexual, co-habiting couples. This could affect the amount of maintenance paid.

OTHER BENEFITS

Same-sex couples would have been eligible to claim an adult dependency increase on Incapacity Benefit, and Carers Allowance, if claimed before April 2010.

You may be able to get help from both the Regulatory and Discretionary Social Fund, via grants for funerals and births, and grants and benefits for essential items.

ADVICE AND ASSISTANCE

For help with these issues contact your local Citizens Advice Bureau (see WWRAS' List of Useful Local Advice Agencies).

The information in this leaflet is correct as of April 2011

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Produced by: Warwickshire Welfare Rights Advice Service

Funded by: Warwickshire County Council

Charity Registration No. 1113524

Company No. 5730678

