

Co-habiting partner's pension

Benefits payable on the death of a member of the Local Government Pension Scheme (LGPS) include pensions for a surviving husband, wife or civil partner, dependent children and since 1 April 2008 for a co-habiting partner.

As long as you have contributed to the LGPS since 1 April 2008 a survivor's pension will automatically be payable to a co-habiting partner, of either the opposite or same sex, with whom you have not entered into marriage or formed a civil partnership.

What is a Co-habiting Partnership?

For a co-habiting partner to qualify for a survivor's pension these following statements must be satisfied at the time of death:

- i) Your co-habitation had been continuous for at least 2 years;
- ii) Both you and your co-habiting partner were free to marry each other or enter into a civil partnership with each other;
- iii) You and your co-habiting partner had been living together as if you were husband and wife or civil partners for at least 2 years;
- iv) Neither you or your co-habiting partner had been living with someone else as if husband or wife or civil partners; and
- v) Either your co-habiting partner was financially dependent upon you or you were financially inter-dependent upon each other.

Nominating your co-habiting partner

From 1 April 2014 a survivor's pension will automatically be payable to your co-habiting partner without the need for you to nominate them (providing that the above conditions are satisfied). However, we have provided a form on page 4 of this factsheet to allow you to notify us of your co-habiting partner if you wish. These details will be held on your pension record for information purposes only.

A co-habiting partner's pension **is not** payable;

1. You are married, in which case your husband or wife automatically qualifies for a survivor's pension in the event of your death
2. You have formerly registered your partnership under the Civil Partnership Act 2004 as your civil (same sex) partner automatically qualifies for a survivor's pension in the event of your death



Q & A

Can you clarify the term “FREE to marry or enter into a civil partnership?”

Anyone who is already married or who has already entered into a civil partnership, is not free to marry or enter into a civil partnership with their co-habiting partner. There are also restrictions placed upon a person marrying or entering into a civil partnership with certain close relatives e.g. parent, brother or sister, grandparent, uncle or auntie, niece or nephew.

If either you or your partner are currently married to, or have entered into a civil partnership with, another person and that marriage or civil partnership has not been dissolved, even though you are living in an “unmarried” partnership, a co-habiting partnership will not be recognized under the LGPS. This will be the case until such time as the marriage or civil partnership is dissolved and until that time, your legal husband, wife or civil partner will be entitled to survivor’s benefits upon your death.

If your marriage or civil partnership has been dissolved it will still be 2 years from the date of dissolution before a co-habiting partnership can be recognised as you have to have been living together for 2 years i.e. you both need to have been free to marry or enter into a civil partnership with each other for a period of 2 years.

What do you mean by financially dependent or interdependent?

Under HM Revenue & Customs rules an occupational pension scheme can only pay a pension to a person who is financially dependent upon you or where you are both financially interdependent on each other.

We will regard your partner as dependent if you have the highest income. We will regard you as being interdependent where you rely upon your joint finances to support your standard of living.

What will happen in the event of my death?

If you die in service and leave a co-habiting partner and you have at least two years qualifying membership of the Scheme your partner will become entitled to a long-term co-habiting partner’s pension.

A long-term co-habiting partner’s pension is equal to 1/160th of your pension benefits built up since 6 April 1988, enhanced to your Normal Pension Age as if you had retired due to permanent ill-health and not died in service.

If you die after retirement, a long-term co-habiting partner’s pension will become payable equal to 1/160th of your assumed pensionable pay (the pay used to calculate your pension) built up since 6 April 1988, plus inflationary increases applied between your date of retirement and your date of death. Your co-habiting partner’s long-term pension is fully inflation proofed and payable for life. At the time of your death it will be necessary to establish that the rules regarding the payment of a co-habiting partner’s pension are met.

It is never easy to ask for information when a person dies but we have to do this to determine that an entitlement to a survivor’s benefit still exists. You and your partner should be aware that this will happen. It will still be necessary for your partner to provide evidence that you had been co-habiting for two years prior to your death and that you met all the conditions detailed on page 1.

We may ask for confirmation that you have lived in a shared household with shared household spending. Your partner may be required to demonstrate that you had a bank account or mortgage in joint names.

It may be that you and your partner have made wills, or have taken out life assurance, naming each other as beneficiary. This is the sort of evidence that we may seek. Your partner would have a right of appeal if we decided not to pay a pension and your partner believes that an entitlement exists.

Do I need to make a nomination?

You no longer need to nominate your co-habiting partner to receive a survivors pension in the event of your death. A co-habiting partner's pension will be paid automatically providing you satisfy the criteria detailed on page 2 of this leaflet.

However, we have provided a nomination form for your convenience should you wish to inform us of your co-habiting partner's details. We will then hold this on your pension record for information purposes only.

What do I do next?

If you wish to provide us with your cohabiting partner's details, please complete the declaration form attached and return it to the Pension Team:

**Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire
SL6 1SF**

Completion of this form is not compulsory, but it will assist us in keeping your pension information and personal circumstances up to date.

'my pension ONLINE'

Don't forget you can now view your pension information online through our online service - '**my pension ONLINE**'.

'**my pension ONLINE**' enables you to securely update your personal details, perform benefit calculations and update your nominated beneficiaries from the comfort of your own home or workplace.



It's easy to sign up - just visit our website at www.berkshirerpensions.org.uk and click on the '**my pension ONLINE**' logo.

Where can I find out more?

For more information on co-habiting partner's pensions or to find out more about the LGPS in general, please visit our website at www.berkshirerpensions.org.uk

Alternatively, you can contact the Pensions Team on **01628 796 668**.

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Details of your co-habiting partner for a Survivor's Pension

Please use **BLOCK CAPITALS** and give details about yourself and your partner as requested below. Completion of this form is not compulsory but will be used for information purposes only.

Your Details			
Full Name			
Address			
Date of Birth		NI Number	
Partner's details			
I hereby confirm my partner named below is eligible to receive a survivor's pension in the event of my death.			
Full Name			
Address			
Date of Birth		NI Number	

You and your partner should also complete the declaration on the other side of this form. Please detach the form from the explanatory notes and return to:

**Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire1
SL6 1SF**

We will register the information and send you a letter confirming that this has been done.

Please note that on your death the Royal County of Berkshire Pension Fund will need to be satisfied that your relationship met the qualifying conditions for payment of a co-habiting partner's pension.

Declaration

We confirm that we have read and understand the explanatory notes attached to this form and that for a continuous period of at least 2 years prior to the date of this declaration:

- We have lived together as if husband and wife or registered civil partners and during this time; and
- We have been free to marry or enter into a civil partnership with each other; and
- Neither of us have been living with someone else as if we were husband and wife or registered civil partners; and
- My co-habiting partner is financially dependent upon me or our financial affairs are interdependent; and
- We are mutually responsible for each other's welfare; and
- Neither of us are the partner of anyone else

Member's signature		Date	
Co-habiting partner's signature		Date	