

Cohabiting partner's pension



Local Government
Pension Scheme



THE ROYAL COUNTY OF
BERKSHIRE
PENSION FUND



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, dependant children and since 1 April 2008 for a cohabiting partner.

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

What is a Cohabiting Partnership?

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

- i) Your cohabitation had been continuous for at least 2 years;
- ii) Both you and your cohabiting partner were free to marry each other or enter into a civil partnership with each other;
- iii) You and your cohabiting 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 cohabiting partner had been living with someone else as if husband or wife or civil partners; and
- v) Either your cohabiting partner was financially dependent upon you or you were financially inter-dependent upon each other.

Nominating your cohabiting partner

From 1 April 2014 a survivor's pension will automatically be payable to your cohabiting partner without the need for you to nominate them (providing that the above conditions are satisfied). However we have provided a form on page 5 of this factsheet to allow you to notify us of your cohabiting partner if you wish. These details will be held on your pension record for information purposes only.

A cohabiting partner's pension is not payable if:

- 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



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

Basically 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 cohabiting 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 cohabiting partnership will not be recognised 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 cohabiting 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 of 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 cohabiting partner and you have at least two years qualifying membership of the Scheme your partner will become entitled to a long-term cohabiting partner’s pension.

A long-term cohabiting 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 cohabiting 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 cohabiting 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 cohabiting 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 cohabiting for two years prior to your death and that you met all the conditions detailed on page 2.

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 cohabiting partner to receive a survivor's pension in the event of your death. A cohabiting 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 cohabiting 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 tear-off part of this document 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.

Find out more online....

Further information regarding the Local Government Pension Scheme can be found on our website where you will also find more factsheets, forms and guides.

Visit www.berkshirerpensions.org.uk



http://

Local Government Pension Scheme 2014

Details of your cohabiting 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

Surname: _____ Title: (Mr, Mrs, Ms, Other) _____

Forename(s): _____

Date of Birth: _____ National Insurance Number: _____

Home Address: _____

Post Code: _____

Employer: _____ Payroll Reference: _____

Partner's details

I hereby confirm my partner named below is eligible to receive a survivor's pension in the event of my death.

Surname: _____ Title: (Mr, Mrs, Ms, Other) _____

Forename(s): _____

Date of Birth: _____ National Insurance Number: _____

Home Address: _____

Post Code: _____

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
Berkshire
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 cohabiting 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 cohabiting partner is financially dependant 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.

Scheme member's signature: _____

Date: _____

Cohabiting partner's signature: _____

Date: _____

Notes

A civil partnership is a relationship between two people of the same sex ("civil partners") which is formed when they register as civil partners of each other under the Civil Partnership Act 2004.

For the purposes of this factsheet, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.

FOR PENSION FUND USE ONLY

Date form received: _____

Record updated: _____

Receipt acknowledged: _____

Death Grant Nominations

From the first day of scheme membership, if you were to die in service, a lump sum death grant equal to three times your assumed pensionable pay is payable to your nominees or personal representatives.

Under scheme regulations you are able to state who you would like to receive this benefit in the event of your death by completing an **'Expression of Wish'** form.

Why should I complete an Expression of wish form?

Whilst there is no requirement for you to complete an expression of wish form, there are two main reasons why doing so would be advantageous:

1. If you do not complete an expression of wish form, any death grant that may become payable will be paid to your legal beneficiary. Whilst this may be the same person or persons that you wish to receive your death grant, payments made in this way may be subject to inheritance tax where the total value of your estate exceeds the appropriate level. Simply by completing an expression of wish form and declaring your chosen beneficiaries, the death grant can be paid immediately to your beneficiaries without being subject to inheritance tax.
2. In the event of your death without an expression of wish form having been completed, we may require further documentation from your next of kin, or other representative, that may delay the payment of the death grant or involve the services of a solicitor. By completing an expression of wish form the administering authority should be able to make payment quickly and at its discretion.

What do I do next?

In order to nominate your beneficiary(ies) for any Death Grant which may become payable you will need to complete an Expression of Wish form is available to download from our website. Alternatively you can request a form to be posted to you. Please return your completed form to:

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

You will receive an acknowledgement within 10 working days of receipt. Please make sure that you have completed your details accurately and the details of your chosen beneficiaries. It is also important that where you have named more than one beneficiary the shares add up to 100% in total, otherwise the form will be returned to you. Make sure you have signed and dated the form.

You can also update your nomination using our online facility - **'my pension ONLINE'**. To sign up for 'my pension ONLINE' visit our website at www.berkshirepensions.org.uk



Contact Us

More detailed information about the Scheme is available from the Pension Team:
Royal County of Berkshire Pension Fund, Minster Court, 22-30 York Road
Maidenhead, Berkshire, SL6 1SF

Tel: 0845 602 7237 Fax: 01628 796 700 E-mail: info@berkshirepensions.org.uk
www.berkshirepensions.org.uk



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.berkshirepensions.org.uk and click on the '**my pension ONLINE**' logo.

Disclaimer

This guide cannot cover every personal circumstance and does not cover rights that apply to a limited number of employees. Readers may wish, or will need to take their own legal advice on the interpretation of any particular piece of legislation. No responsibility will be assumed by the Royal County of Berkshire Pension Fund for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained herein. In the event of any dispute over your pension benefits the appropriate legislation will prevail. This guide does not confer any contractual or statutory rights and is provided for information purposes only.

If you would like this factsheet in large print or audio please contact us on 01628 796754 or e-mail info@berkshirepensions.org.uk