

Changes to benefit and tax credit rules for same-sex couples

How does this affect you ?

From
5 December
2005

The Civil Partnership Act gives a new legal status to same-sex couples who live together in a relationship. It changes the way same-sex couples are treated in most areas of their lives such as employment, inheritance, tax, housing and family matters. Civil partners now have similar rights to married couples.

What do you need to do?

The new law means changes in entitlement for same-sex couples for social security benefits and tax credits.

So...from 5 December 2005 the rules for social security benefits and tax credits are the same for same-sex couples as they are for people of the opposite-sex who live together as husband and wife.

If you think you are living as a same-sex couple - not just as friends or because you are their carer - then you need to advise the office that pays your benefits or tax credits that you are a couple to make sure your claim is correct.

1 What benefits are affected by the new law ?

Income related benefits -

- Income Support
- Income based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- NHS health benefits

National Insurance benefits -

- Retirement Pension
- Bereavement Benefits
- Widow's Benefit
- Incapacity Benefit
- Contribution based Jobseeker's Allowance
- Maternity Allowance

The new law also applies to -

- Child tax credit
- Working tax credit
- Child Support maintenance
- Social Fund
- Some other social security benefits like Carer's Allowance and War Pensions

Before 5 December 2005, the law did not treat same-sex couples in the same way as opposite-sex couples. Same-sex couples were treated as individuals. Opposite-sex couples were treated as one financial unit. If you claim one of these benefits as a member of a couple, the income, savings and hours of work of both of the couple will be taken into account. These rules now apply to same sex **and** opposite sex couples from 5 December 2005. They apply to people already getting one of these benefits and to people making a new claim to these benefits.

2 How do the changes affect income related benefits ?

3 How are other benefits affected by this change in the law ?

- If you are a registered civil partner, you and your partner must claim as a couple
- If you are getting any of these income related benefits when you register your civil partnership, you will have to claim as a couple
- If you live as a couple with your partner **even** if you decide **not** to become civil partners, then you still need to make a claim for these benefits as a couple.

If you think this applies to you, you will need to contact the benefit office that deals with your benefit as soon as you can and claim as a couple. This will normally change the amount of benefit you are entitled to. Some people who get benefit now may lose this because their partner's income and savings or working hours are too high. You could ring the Department of Work and Pensions Benefit Enquiry Line with a general question about how the new law will affect your own benefit claim on 0800 88 22 00.

From 5 December 2005:

- Civil partners will have most of the same rights to state pensions that had previously only applied to married couples and widows or widowers. This will apply to retirement pension and state second pension and SERPS. This may increase the amount of pension someone can claim on the death of their partner or if they dissolve their civil partnership.
- Bereavement benefits and widow's benefits are available to civil partners. This can mean entitlement to benefits on the death of your civil partner. It may also mean that benefits now in payment stop as the living together

4 How are tax credits affected ?

- rules will apply to these benefits for all same-sex couples not just civil partners.
- If you get another benefit like Incapacity Benefit, Carers Allowance, Maternity Allowance, Severe Disablement Allowance and Unemployability Supplement and an increase is payable for a spouse then you may get extra for your civil partner.
- Disability Living Allowance and Attendance Allowance should not be affected by the new rules for couples.

If you get tax credits and you live as a same-sex couple, the Tax Credit Office want you to tell them. The law change treats same-sex couples in the same way as opposite sex couples from 5 December 2005. A new application will have to be made as a couple. This will change the calculation for your entitlement to tax credits. Contact the Tax Credit helpline on 0845 300 3900 (textphone 0845 300 3909). If you take longer than 3 months to tell them you are living as a couple now the law has changed, they can make you pay a penalty.

5 How is Child Support maintenance affected by the change in the law ?

Civil partners who are parents are treated in the same way as married partners for Child Support. They will be expected to provide support for any children they are the legal parent of when the relationship ends. Even if you are not civil partners, the amount of maintenance you pay for a child from a previous relationship may be affected. Contact the Child Support Agency on 08457 133 133 (minicom 08457 138 924).

