

## Rights of same-sex couples

From 5 December this year, a new law will bring in far-reaching changes to the rights of same-sex couples.

If you are in a gay or lesbian relationship, you will be able to get legal recognition for your relationship, by registering a **civil partnership**. This will allow you to gain many new rights and, also, new responsibilities.

In some cases, if you live with your same-sex partner, your rights may be affected whether or not you choose to enter into a civil partnership. This includes housing rights, and your rights to welfare benefits.

This fact sheet tells you about civil partnerships, and some of the other main changes to the rights of same-sex couples which will come in on 5 December. Read on, to find out what these changes could mean for you.

### Registering a civil partnership

To register a civil partnership, both you and your same-sex partner must sign a civil partnership document. This must be done in front of two witnesses and a civil partnership registrar.

You and your partner will be able to register a civil partnership as long as:

- you are both 16 or over. If you are 16 or 17, you will usually have to get written consent from your parents or guardians
- you have lived in England or Wales for at least seven days
- neither of you is already either a civil partner, or married
- you are not close blood relatives.

You and your partner will need to give notice to your local register office. The registrar must publicize this for 15 days before registration takes place. After the 15-day period has expired, you will be free to register your partnership within the next twelve months.

In some exceptional circumstances, for example, where one of you is terminally ill, the 15-day waiting period may be waived.

The 15-day waiting period can also be waived where one of you has to have your marriage annulled in order to be issued with a full gender recognition certificate. In these circumstances, you can register your civil partnership on the same day that your marriage is annulled.

Registration will take place in local register offices, although you will probably also be able to use other non-religious, licensed premises such as hotels.

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You do not have to have a ceremony, although you are free to arrange one if you want to.

**You may be able to start making arrangements now to register a civil partnership. You should contact the local register office where you want to register your civil partnership for more information.**

## Ending a civil partnership

If you want to end your civil partnership, you will need to get legal permission from a court to do so. Your civil partnership can be legally ended on the grounds of an irretrievable breakdown in your relationship.

When a civil partnership ends, you and your partner will have a duty to provide for each other financially, and for any children you have had or adopted together. If your partner has a child from another relationship, you will only have to provide for the child financially if you have adopted them. The court will decide how property is to be divided, and who should have care of any children. It can also decide who should stay in the family home.

If you live in rented property, the court can transfer the tenancy to your name, even if your partner is the sole tenant, or you are joint tenants. This will depend on your circumstances and on who has care of any children.

The court also has the power to decide on the long-term ownership of owner-occupied property. It can transfer ownership of property, regardless of who owned it originally. Again, this will depend on your circumstances and on who has care of any children.

## Children and civil partnerships

In some circumstances, you may be able to apply for parental responsibility of your partner's child. You will not gain automatic parental responsibility when you register your civil partnership.

You and your partner may be able to adopt children jointly, and one of you may be able to adopt your partner's child.

## Inheritance and civil partnerships

When you register a civil partnership, any will that either of you has previously made will be automatically revoked. If your civil partner dies without leaving a will, you will be able to inherit their estate. Any money or property they leave you will be exempt from inheritance tax.

## Tax and civil partnerships

You and your civil partner will be able to transfer assets to each other, such as property and company shares, without being liable to pay Capital Gains Tax.

If one of you was born before 6 April 1935, you will be eligible for a tax allowance.

## Housing rights and civil partnerships

If you live in rented property, you may be able to have your partner's tenancy transferred to your name. If your partner dies, you may be able to take over their tenancy, if it was in their sole name. You should seek legal advice if you are in either of these positions (see below).

## Next-of-kin and civil partnerships

If you are in a civil partnership, you will normally be accepted as your partner's next-of-kin. This means you will be able to legally register your partner's death, and have the right to organise their funeral.

## Changes to benefits and tax credits for same sex-couples

From 5 December 2005, same-sex couples who live together and who are claiming benefits, will be treated as a couple, and no longer as two single people. **This will be the case whether you are civil partners or not.**

If you live with your same sex-partner and one or both of you is claiming any of the following benefits as a single person, you will need to claim again as a couple:

- Income Support
- Income Based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit/Child Tax Credit

There may be other benefits which are affected, so check with your local benefit office if you are not sure.

When you claim again as a couple, you may find that your benefit goes down, or that you are no longer entitled to benefit at all. This is because the income and savings of both you and your partner will be taken into account when working out your claim. If you are in this situation, you may want to get advice from an experienced adviser – see Further help at the end of this fact sheet.

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

If you are a civil partner, you may become entitled to bereavement benefits or State Retirement Pension if your partner dies.

## Pensions and same-sex couples

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

It is already the case that a pension scheme which offers benefits to unmarried heterosexual couples who live together, must offer the same benefits to same-sex couples who live together.

## Further help

### Women and Equality Unit

For more information about civil partnerships, visit the Women and Equality Unit website at: [www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk).

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### Other useful information on Adviceguide

- What can I do if my employer treats me unfairly because of my sexuality?
- Ending a relationship - unmarried couples who live together
- Benefits and tax credits for people in work
- Getting married
- Living together – your rights
- Wills
- Benefits for people looking for work

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**This fact sheet was last updated on 1 July 2005, and is reviewed on a monthly basis. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - [www.adviceguide.org.uk](http://www.adviceguide.org.uk) - where you can download an up-to-date copy.**