

Civil Partnership Act 2005

This Act is effective from 5 December 2005. It allows same-sex couples to register a Civil Partnership, which gives legal recognition of their relationship and rights and obligations similar to those of married couples. The Act also recognises legal same-sex relationships, which took place in certain other countries.

The Act provides registered civil partners parity of treatment with opposite-sex couples that enter into a civil marriage, in a wide range of legal matters. One of those rights is to survivor benefits from a pension scheme on the death of a member with a registered civil partner, based on Scheme membership from 6 April 1988 only. Backdated cover is extended to ALL members – actives, pensioners and deferred members – provided they have membership since 6 April 1988.

Scheme Position before 5th December 2005

The Scheme regulations allowed for the nomination of the Life Assurance Lump Sum to either a person or an organisation, but did not permit the payment of a survivor pension to anyone other than to a spouse from a legal marriage.

Changes to the Scheme

Scheme regulations have been amended to make provision for civil partners following the introduction of the new status in the Civil Partnership Act 2004. The main provisions are:-

- Providing the same pension rights for surviving civil partners as were provided to widowers in 1988. Pensions for a surviving civil partner will be backdated, at no cost, to 6 April 1988 or to the membership start date if later.
- To include in the definition of a dependent child, the dependent children of a civil partnership.
- A surviving civil partner's pension will be withdrawn where the surviving civil partner lives together with someone of the same sex who is not their civil partner or who forms a new civil partnership.
- To permit a member to allocate part of their pension to a civil partner and to include civil partners in the provisions on the allocation of pension and the date on which allocation has effect.
- Amending the HPSS Superannuation Scheme Injury Benefits Regulations to extend benefits including the payment of an annual allowance to a surviving civil partner when their civil partner dies as a result of the injury or disease.
- Extending the provisions of pension sharing to civil partners on the dissolution or nullity of the civil partnership.
- Amending the HPSS Superannuation Scheme Compensation for Premature Retirement Regulations to enable surviving civil partners to receive a compensation payment from an employer on the death of their civil partner. Surviving civil partners will also be able to receive payment of the lump sum on the death of their civil partner.

Purchase of Surviving Partner's Pension in respect of membership prior to 6 April 1988.

In addition to the membership accrued post 6 April 1988 for members who enter into a civil partnership there will be a time-limited option to buy survivor pension cover for membership prior to 6 April 1988. A member may purchase either the whole of, or complete years of, membership prior to 6 April 1988.

To be eligible to do so they must:-

- Be a member of the Scheme between 5 December 2005 and 04 March 2007; and
- Sign a declaration that they are of sound health for their age; and
- Apply before 04 March 2007.

A new electronic Guide - Survivor Benefits for a Civil Partnership, which gives more information about this option and contains an application form, is available in the superannuation branch's website. Click [here](#) to view www.dhsspsni.gov.uk/superann.

HPSS Scheme Pensioners

If you form a registered civil partnership after you have claimed your HPSS Superannuation Scheme benefits you should write and inform the HPSS Superannuation Branch, enclosing the original civil partnership certificate. The Superannuation Branch will confirm the survivor's pension due to your civil partner and notify you.

Frequently Asked Questions

Q. When does the Civil Partnership Act come into force?

A. The Civil Partnership Act is effective from 5 December 2005.

Q. What does the Civil Partnership Act do?

A. The Civil Partnership Act gives same-sex couples, who register a legal civil partnership, legal recognition of their relationship and rights and obligations similar to those of married couples.

Q. How can I ensure that my same-sex partner will receive any dependents benefits from the Scheme in the event of my death?

A. For any entitlement to a survivor's pension, you and your partner must enter into a legal civil partnership. The first civil partnership ceremonies in Northern Ireland took place on 19 December 2005, 14 days after the Act came into force.

Q. What Scheme dependents benefits are payable to my legal civil partner in the event of my death?

A. If you were to die while an active or deferred member of the Scheme a life assurance lump sum would be payable to your surviving civil partner. For

members who have retired there may be a small life assurance lump sum payable where members had only drawn their pensions for a short-time.
A survivor's pension would also be payable, based on Scheme membership from 6 April 1988 only.

Q. I have membership before 6 April 1988. Can I do anything about this earlier membership?

A. Yes. There will be a time-limited option for members of the Scheme, between 5 December 2005 and 04 March 2007 and who have legally formed a civil partnership, to buy an increased survivor's pension for any membership before 6 April 1988.

More information about this option and an application form can be found in the Guide Survivor Benefits for a Civil Partner (CP Guide) which can be viewed or downloaded from the website www.dhsspsni.gov.uk/superann

Q. Do I need to let the HPSS Superannuation Branch know if I legally form a civil partnership?

A. If you are an active or deferred member we will request this information on your retirement application form. However, if you contact your employer for an estimate of HPSS Superannuation benefits you should confirm your civil partnership status if you wish the estimate to include a survivor's pension for a registered civil partner.

If you are a Scheme pensioner and have formed a registered civil partnership after retirement please write to the HPSS Superannuation Branch and enclose your original civil partnership certificate. The HPSS Superannuation Branch will write to you confirming the survivor pension due to your civil partner in the event of your death.

Q. What happens if my civil partner forms another civil partnership after my death?

A. A survivor's pension will be withdrawn where the surviving civil partner lives together with someone of the same sex, as a common law civil partner, or forms another registered civil partnership.

Q. What happens if the civil partnership is dissolved?

A. The pension sharing provision on divorce is being extended to include civil partners, on the dissolution of the civil partnership. More information on pension sharing can be found in the Scheme Guide "Pensions on Divorce" which can be viewed or downloaded from the website.

Q. What are the implications to my same-sex partner if I retire due to ill-health before a legal civil ceremony can take place or after?

A. Below are two scenarios that cover the options open to you.

1. Ill-health retirement occurs after a civil partnership is formed.

On application for payment of your ill-health pension benefits the original civil partnership certificate should be forwarded to the HPSS Superannuation Branch with the retirement application form.

The continuing survivor's pension in the event of your death while on pension would be one half of your ill-health retirement (incapacity) pension based on your membership since 6 April 1988 but including any additional membership due to retiring on ill-health.

2. Ill-health retirement occurs before a civil partnership is formed.

The original civil partnership certificate should be forwarded to the HPSS Superannuation Branch.

The continuing survivor's pension in the event of your death while on pension would be one half of your ill-health retirement (incapacity) pension based on your membership since 6 April 1988 but would not include any additional membership due to retiring on ill-health.