

PENSION FUND COMMITTEE – 5 SEPTEMBER 2014

CO-HABITING PARTNERS

Report by the Chief Finance Officer

Introduction

1. In March this Committee received a report seeking the Committee's views in updating the Administering Authority Discretions in line with the LGPS Regulations 2013, which came in to force on 1 April 2014
2. The new regulations removed the requirement for current scheme members, as at 1 April 2014, to nominate a co-habiting partner, to be eligible to receive benefits in the event of the death of the member, with the provision of evidence after death. The March report asked the Committee what information they required as evidence. Members requested that advice was sought from Legal Department.

Evidence Required

3. Legal has provided the following comments on evidence which may be used to determine whether a benefit is payable:
 - You and your co-habiting partner are, and have been, free to marry each other or enter into a **civil partnership** with each other, and
 - For those that have never been married/in a civil partnership the only thing is to request a declaration from the surviving partner.
4. If either/both has/have been widowed previously, Pension Services would need to see the death certificate of the former spouse and possibly the marriage certificate. If divorced, Pension Services would need to see a decree absolute bearing the court's original stamp. Similarly, if they have been in a civil partnership (with someone else) which has been dissolved Pension Services would need the dissolution document.
5. The declaration would need to state that you and your co-habiting partner have been living together as if you were husband and wife, or **civil partners**, and neither you or your co-habiting partner have been living with someone else as if you/they were husband and wife or **civil partners**, and either your co-habiting partner is, and has been, financially dependent on you or you are, and have been, financially interdependent on each other.

6. Evidence of Co-habitation would include:

- Joint leases or a letter from landlord/lady stating that both live at the same address.
- Joint Utilities Bills/mortgage/rent
- Letters addressed to both at the same address.
- Official documents such as drivers licenses which are addressed individually but showing the same address.
- Electoral Roll
- Evidence of important post like phone bills or bank statements that are sent to the same home address.

Procedure

7. Any deferred, or pensioner member with a leaving date prior to 1 April 2014 is still required to complete a nomination form for their co-habiting partner to be eligible to receive benefits in the event of the member's death.
8. For any current scheme member, as at 1 April 2014, and those who have become either deferred or pensioner members after that date there is no regulatory requirement to complete a nomination form.
9. Given the similarities in process to determine co-habitation it would seem sensible to encourage all members to complete a declaration form in these circumstances, particularly since previous experience has shown that removing the existing form, for some, but not all, scheme members, will cause confusion. It is appreciated that this could lead to post 1 April 2014 members querying the need to complete the form, but this can be handled on an individual case basis.

RECOMMENDATION

10. **The Committee is RECOMMENDED to:**

- (a) agree the list of evidence to be required in these circumstances; and**
- (b) confirm the proposed procedure.**

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Chief Finance Officer

Background papers: None

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