

Explanatory notes

Benefits payable on the death of a member of the Local Government Pension Scheme (LGPS) include pensions for eligible children, for a surviving spouse or registered civil partner and, provided the scheme member paid into the LGPS on or after 1 April 2008 and the relationship met certain conditions, for a cohabiting partner.

For deaths occurring from 1 April 2014, the condition that you must have nominated your cohabiting partner for them to be eligible to receive a survivor pension no longer applies. Nonetheless, to speed up any process after your death, you may tell us about your cohabiting partner by completing the nomination form and returning it to the address shown on the form.

At your death, your cohabiting partner will be eligible to receive a survivor's pension provided we are satisfied that the relationship met the following conditions for a continuous period of at least 2 years on the date of death:

- both you and your cohabiting partner are, and have been, free to marry each other or enter into a civil partnership with each other, and
- you and your cohabiting partner have been living together as if you were husband and wife, or civil partners, and
- neither you or your cohabiting partner have been living with someone else as if you/they were husband and wife or civil partners, and
- either your cohabiting partner is financially dependent on you or you are financially interdependent on each other.

You and your cohabiting partner should be aware that on your death we will require supporting evidence that all of the above conditions for paying a survivor's pension have been satisfied in order for the pension to be paid.

Please see below for more information on qualifying conditions and supporting evidence.

Your partner will receive the pension for the rest of their life, even if they enter into a new relationship after you die.

If you die before your partner, they should notify us immediately. A claim form will need to be completed and information to support their claim will need to be provided.

THE QUALIFYING CONDITIONS

1) Both you and your cohabiting partner are, and have been, free to marry each other or enter into a civil partnership with each other.

As neither you or your partner can be married to, or in a civil partnership with anyone else at the time of your death and for at least the 2 years preceding that, documentary evidence of a divorce or dissolution of the civil partnership or death of the partner would be required if either party had previously been married or had entered into a civil partnership, prior to the death.

The following list is a guide to relationships that are not allowed **to** marry in the UK.

Note: This list is based on the statutory list in the Marriage Act 1949 (section 1, schedule 1) and Part 1 of Schedule 1 to the Civil Partnership Act 2004 and apply to

England and Wales. Slightly different restrictions apply in Scotland and Northern Ireland. The statutory list may change, so the following list is only a guide.

A man may not marry his:

- mother, adoptive mother or former adoptive mother;
- daughter, adoptive daughter or former adoptive daughter;
- grandmother;
- granddaughter;
- sister;
- aunt; or
- niece.

A man may not form a civil partnership with his:

- father, adoptive father or former adoptive father;
- son, adoptive son or former adoptive son;
- grandfather;
- grandson;
- brother or half brother;
- parent's brother or half brother; or
- son of a brother, half-brother, sister or half-sister.

A woman may not marry her:

- father, adoptive father or former adoptive father;
- son, adoptive son or former adoptive son;
- grandfather;
- grandson;
- brother;
- uncle; or
- nephew.

A woman may not form a civil partnership with her:

- mother, adoptive mother or former adoptive mother;
- daughter, adoptive daughter or former adoptive daughter;
- grandmother;
- granddaughter;

- sister or half-sister;
- parent's sister or half-sister; or
- daughter of a brother, halfbrother, sister or half sister.

2) Either your cohabiting partner is financially dependent on you or you are financially interdependent on each other.

Your partner is financially dependent on you if you have the highest income and your partner's own income if any is insufficient for him/her to maintain the same standard or similar standard of living as when you and your partner lived together.

Financially interdependent means that you rely on your joint finances to support your standard of living. It doesn't mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she may pay the mortgage and most of the bills, and you may pay for the weekly shopping.

Evidence of financial interdependency or dependency will be required at the time of death and can include confirmation of shared household spending or extra living expenses for the partner on your death. This can be demonstrated in any of the following ways:

- a joint mortgage or tenancy
- a joint bank account
- joint savings and investment accounts
- a joint credit arrangement
- being the beneficiary of a will
- being the beneficiary of life assurance
- household bills in joint names

3) You and your cohabiting partner have been living together as if you were husband and wife, or civil partners.

Evidence of living together may be provided by:

- Council Tax Notification
- Entry on Electoral Register
- Bills or Post to shared address in name of nominee
- A joint mortgage or tenancy

The list is not exhaustive and other means not included above may be considered.

Please note that all of the above should have applied for a continuous period of at least 2 years as at death.