

Local Government Pension Scheme



THE ROYAL COUNTY OF
BERKSHIRE
PENSION FUND

Nominating your cohabiting partner for a survivor's pension





Benefits payable on the death of a member of the Local Government Pension Scheme (LGPS) include pensions for a surviving husband, wife or civil partner, dependant children and (since 1 April 2008) for a nominated cohabiting partner.

As long as you have contributed to the LGPS since 1 April 2008 you can nominate a cohabiting partner, of either the opposite or same sex, with whom you have not entered into marriage or formed a civil partnership, for a survivor's pension.

You should NOT complete a nomination if:

- 1) You are married, in which case your husband or wife automatically qualifies for a survivor's pension in the event of your death
- 2) You have formerly registered your partnership under the Civil Partnership Act 2004 as your civil (same sex) partner automatically qualifies for a survivor's pension in the event of your death.



Who can I nominate?

You can only nominate a cohabiting partner as beneficiary of any survivor's pension that may become payable in the event of your death. You cannot nominate anyone else. For a cohabiting partnership to be valid both you and your partner must sign a joint declaration confirming that you are cohabiting partners and that:

- i) Your cohabitation had been continuous for at least two years at the date that the declaration is signed
- ii) Both you and your nominated cohabiting partner are, and have been, free to marry each other or enter into a civil partnership with each other
- iii) You and your nominated cohabiting partner have been living together as if you were husband and wife or civil partners
- iv) Neither you nor your nominated cohabiting partner have been living with someone else as if husband or wife or civil partners
- v) Either your nominated cohabiting partner is financially dependent upon you or you are financially inter-dependent upon each other.

Can you clarify the term ‘free to marry or enter into a civil partnership?’

Basically anyone who is already married or who has already entered into a civil partnership is not free to marry or enter into a civil partnership with their cohabiting partner. There are also restrictions placed upon a person marrying or entering into a civil partnership with certain close relatives, e.g. parent, brother or sister, grandparent, uncle or aunt, niece or nephew.



If either you or your partner are currently married to, or have entered into a civil partnership with, another person and that marriage or civil partnership has not been dissolved, even though you are living in an ‘unmarried’ partnership, a nomination cannot be made. This will be the case until such time as the marriage or civil partnership is dissolved, and until that time, your legal husband, wife or civil partner will be entitled to a survivor’s benefit upon your death.

If your marriage or civil partnership has been dissolved it will still be two years from the date of dissolution before you can make a nomination, as you have to have been living together for two years before a nomination is valid, i.e. you both need to have been free to marry or enter into a civil partnership with each other for a period of two years.

What do you mean by ‘financially dependent’ or ‘inter-dependent’?

Under HM Revenue & Customs rules, an occupational pension scheme can only pay a pension to a person who is financially dependent upon you or where you are both financially inter-dependent on each other. We will regard your partner as dependent if you have the highest income. We will regard you as being inter-dependent where you rely upon your joint finances to support your standard of living.

If I make a nomination what will happen in the event of my death?

If you die in service and leave a nominated cohabiting partner and you have at least three months’ membership of the Scheme (or less than three months but have transferred pension rights from a previous pension scheme into the LGPS), your partner will become entitled to a long-term nominated cohabiting partner’s pension.

A long-term nominated cohabiting partner’s pension is equal to 1/160th of your final pay times your membership built up since 6 April 1988, enhanced to the age of 65 as if you had retired due to permanent ill-health and not died in service.

If you die after retirement, a long-term nominated cohabiting partner’s pension will become payable equal to 1/160th of your final pay (the pay used to calculate your pension) times your membership built up since 6 April 1988, plus inflationary increases applied between your date of retirement and your date of death.

Your nominated cohabiting partner’s long-term pension is fully inflation proofed and payable for life.

At the time of your death it will be necessary to establish that the rules regarding the payment of a nominated cohabiting partner’s pension are met.

It is never easy to ask for information when a person dies but we have to do this to determine that an entitlement to a survivor's benefit still exists. You and your partner should be aware that this will happen.

It will still be necessary for your partner to provide evidence that you had been cohabiting for two years prior to your death and that you met all the conditions detailed in the section 'Who can I nominate?'

We may ask for confirmation that you have lived in a shared household with shared household spending. Your partner may be required to demonstrate that you had a bank account or mortgage in joint names. It may be that you and your partner have made wills, or have taken out life assurance, naming each other as beneficiary. This is the sort of evidence that we may seek. Your partner would have a right of appeal if we decided not to pay a pension and your partner believes that an entitlement exists.

Why should I make a nomination?

If you do not make a nomination your partner will not receive a survivor's pension in the event of your death, even if all of the conditions detailed previously in this leaflet are satisfied.

Can I change my nomination at any time?

Yes you can. You can even cancel your nomination if you so wish. You need to consider amending or revoking your nomination if your circumstances change, e.g. you no longer live with your nominated partner.

However, if you do change your nomination you will be required to confirm again that you have been cohabiting with a different partner for at least two years and that you both satisfy all of the conditions previously mentioned.



What do I do next?

If you wish to nominate your partner for a survivor's pension, complete the tear-off part of this document and return it to the Pension Team:

Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire
SL6 1SF

You will receive an acknowledgement within 10 working days of receipt.

Please make sure that you have completed your details accurately and that both you and your partner have signed and dated the form.

Remember: without a nomination, a survivor's pension cannot be paid to your cohabiting partner. Should your circumstances change it is imperative that you notify us as soon as possible.

You may wish to keep a copy of your completed nomination for future reference.

Local Government Pension Scheme

Nomination of dependent cohabiting partner for survivor's pension

Please use BLOCK CAPITALS and give details about yourself and your partner as requested below.

Your details

Surname: _____ Title: (Mr, Mrs, Ms, Other) _____

Forename(s): _____

Date of Birth: _____ National Insurance Number: _____

Home Address: _____

_____ Post Code: _____

Employer: _____ Payroll Reference: _____

Nominated partner's details

I nominate my partner named below to receive a nominated cohabiting partner's pension under the Local Government Pension Scheme.

Surname: _____ Title: (Mr, Mrs, Ms, Other) _____

Forename(s): _____

Date of Birth: _____ National Insurance Number: _____

Home Address: _____

_____ Post Code: _____

You and your nominated partner should also complete the declaration on the other side of this form. Then detach the form from the explanatory notes and return it to:

Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire
SL6 1SF

We will register the information and send you a letter confirming that this has been done.

Please note that on your death the Royal County of Berkshire Pension Fund will need to be satisfied that your relationship met the qualifying conditions for payment of a nominated cohabiting partner's pension.

Declaration

We confirm that we have read and understand the explanatory notes attached to this form and that for a continuous period of at least two years prior to the date of this declaration:

- We have lived together as if husband and wife or registered civil partners during this time
- We have been free to marry or enter into a civil partnership with each other
- Neither of us have been living with someone else as if we were husband and wife or registered civil partners
- Our financial affairs have been inter-dependent (or the nominated partner has been financially dependent upon the Scheme member)
- We are mutually responsible for each other's welfare
- Neither of us has been nominated as the partner of anyone else.

Scheme member's signature: _____

Date: _____

Nominated partner's signature: _____

Date: _____

Notes

A civil partnership is a relationship between two people of the same sex ('civil partners'), which is formed when they register as civil partners of each other under the Civil Partnership Act 2004.

For the purposes of this nomination, two people of the same sex are to be regarded as living together as if they were civil partners, as they would be regarded as living together as husband and wife if they were not of the same sex.

FOR PENSION FUND USE ONLY

Date nomination form received: _____

Record updated: _____

Receipt acknowledged: _____

More detailed information about the Scheme is available from the Pension Team:

Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire
SL6 1SF

Tel: 0845 602 7237
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The Royal Borough of Windsor and Maidenhead is the administering authority to the Royal County of Berkshire Pension Fund.

LGS6(0310)