

# Information sheet



## Living together as husband and wife or as civil partners

- **Please read these notes carefully. They contain information about living together as husband and wife or as civil partners.**

This information sheet gives general guidance on the rights and responsibilities of customers. It should not be treated as being a current and comprehensive statement of the law.

INF3 10/08

## About this information sheet

This information sheet tells you:

- what we mean by living together as husband and wife or civil partners
- how we decide if you are living together as husband and wife or civil partners
- which benefits and entitlements are affected
- what you can do if you disagree with the decision
- where to get more information

## What we mean by *living together as husband and wife*

If two people of the opposite sex live together and share their lives in the same way as a married couple, we consider that they are living together as husband and wife, even though they are not married.

We need to know if you are living together as if you are husband and wife so that any benefits you may be able to get are worked out correctly.

If you are living together as if you are husband and wife, we call the person you are living with your partner.

## What we mean by *living together as civil partners*

Since December 2005 same sex couples have been able to have their relationships legally recognised by forming civil partnerships. Couples who form civil partnerships have many of the same rights as married couples, including equal treatment for social security benefits and entitlements.

If two people of the same sex live together and share their lives in the same way as civil partners, we consider that they are living together as civil partners, even though they have not legally registered their partnership.

We need to know if you are living together as if you are civil partners so that any benefits you may be able to get are worked out correctly. If you are living together as if you are civil partners, we call the person you are living with your partner.

## What we mean by a *partner*

We use *partner* to mean

- a person you are married to or a person you live with as if you are married to them, **or**
- a civil partner or a person you live with as if you are civil partners.

## What difference does living together as husband and wife or as civil partners make to Income Support, Jobseeker's Allowance or Employment and Support Allowance?

When we work out entitlement to Income Support, Jobseeker's Allowance or Employment and Support Allowance we treat all customers with partners the same way.

There is no difference between couples who

- are married, **or**
- have formed civil partnerships, **or**
- live together as husband and wife, **or**
- live together as civil partners.

This is to make sure that couples who choose to marry or form civil partnerships are not treated any more or less favourably than those who do not.

## Why we need more information

You may already have been asked some questions about your living arrangements. But your situation is still not clear. Someone will interview you about your circumstances to see if you share your life together in the same way as a married couple or civil partners. It would be helpful if the person you share your accommodation with is also present at the interview, but if this is not possible do not worry.

The person who interviews you will ask you about:

- how you came to share accommodation
- how you share your home and your lives, **and**
- what plans you have for the future, if any.

## Why we need more information continued

We do not have a checklist of questions to ask you. There is no single factor that will show that you are living together as husband and wife or as civil partners. For example, just because you share financial responsibilities we will not necessarily consider that you are living together as husband and wife or as civil partners.

**You will not be asked if you have a sexual relationship.** But you may want to tell the person who interviews you whether you have a sexual relationship or not, because this will help them get a clearer picture of your life together.

The person who interviews you will note down what you say, using your own words. At the end of the interview you will be able to read your statement yourself or have it read back to you. You will then be asked if you want to add or change anything before you sign your statement.

## What happens after the interview

Your claim form and statement will be sent to a Decision Maker who will look at your answers and decide if your life together is like a marriage or civil partnership. When making this decision they will consider all the information you provide. They will then write and tell you their decision.

If they think that your life together is like a marriage or civil partnership, they will decide that you are living together as husband and wife or as civil partners.

If they think that your life together is not like a marriage or civil partnership, they will decide that you are **not** living together as husband and wife or as civil partners.

## **What happens after the interview continued**

If you have only recently started to live in the same accommodation, they may decide that your life together is not at present like a marriage or civil partnership and will look at your case again at a later date. They will write to you again about this.

## **If you disagree with the decision**

Once a Decision Maker has decided whether or not you are living together as husband and wife or as civil partners, they will decide how this affects your benefit. They will then write and tell you of their decision. You will then have a right of appeal to The Appeals Service. The Decision Maker will tell you more about this when they write and tell you of their decision about your benefit.

## **Benefits you cannot get**

If you are living together as husband and wife or as civil partners you cannot get Bereavement Allowance.

## War Widow's or Widower's Pension

Your War Widow's or Widower's Pension will stop if you

- live with someone as husband and wife or as civil partners, **or**
- remarry or form a civil partnership.

But you may be able to carry on getting payment of allowances for your children if you are not yet claiming Child Tax Credit.

You may reclaim your War Widow's or Widower's Pension if

- you stop living with someone as husband and wife or as civil partners
- you are widowed again or your civil partner dies
- your marriage ends in divorce or legal separation, **or**
- your civil partnership is dissolved or annulled.

## Benefits, pensions or entitlements that are affected

Living together as husband and wife or as civil partners also affects other benefits and entitlements, for example:

- Income Support
- Income-based Jobseeker's Allowance
- Employment and Support Allowance
- Social Fund payments
- Housing Benefit
- Working Tax Credit
- Pension Credit
- Widowed Parent's Allowance
- Widow's Pension
- Widowed Mother's Allowance

## Income Support

**This is help for people without enough money to live on who do not have to look for work.**

If you work for 16 hours a week or more, or your partner works for 24 hours a week or more, neither of you will be able to get Income Support.

This rule does not apply to

- disabled people who cannot earn much money
- some carers
- people who do voluntary work, **or**
- people who work at home as paid childminders

If you are living together as husband and wife or as civil partners and you claim Income Support

- your income and savings, and your partner's income and savings, will be counted when we work out your Income Support
- you can choose which of you claims Income Support.

## If you are already getting Income Support

You must tell us if you are already getting Income Support and you get married or form a civil partnership, or if you start to live with someone as husband and wife or as civil partners. This is because the amount of Income Support you get may change.

## Jobseeker's Allowance

**This is help for people who are looking for work.**

To get Jobseeker's Allowance you must be capable of work, available for work, actively looking for a job and have signed a formal Jobseeker's agreement. If you are working, normally it must be for less than 16 hours a week. There are two ways you might get Jobseeker's Allowance:

- money for yourself.

We call this contribution-based Jobseeker's Allowance. You may be able to get this if you have paid Class 1 National Insurance contributions, but there are rules about how much you need to have paid and when. Periods of unemployment, approved training or sickness may also count, but they will not be enough on their own.

- Money for you and your partner and some of your housing costs.

We call this income-based Jobseeker's Allowance. You can get this if you have less money than the law says you need to live on. But you cannot get income-based Jobseeker's Allowance if your partner normally works for 24 hours or more a week.

If you are living together as husband and wife or as civil partners and you claim income-based Jobseeker's Allowance:

- your income and savings, and your partner's income and savings, will be counted when we work out your Jobseeker's Allowance
- you can choose which of you applies for Jobseeker's Allowance.

## If you are already getting Jobseeker's Allowance

You must tell us if you are already getting Jobseeker's Allowance and you get married or form a civil partnership, or if you start to live with someone as husband and wife or as civil partners. This is because the amount of Jobseeker's Allowance you get may change.

If you are getting contribution-based Jobseeker's Allowance only, your money will not be affected.

## Joint claims for Jobseeker's Allowance

You must make a joint claim for Jobseeker's Allowance if you are a couple, **and**

- neither of you is responsible for a dependent child or children, **and**
- you have made a claim for income-based Jobseeker's Allowance, **and**
- neither of you works for 16 hours or more a week, **and**
- either or both of you were born after 28 October 1947 and are aged 18 or more, **and**
- you are under pensionable age.

## Employment and Support Allowance

Employment and Support Allowance is a social security benefit for people who have an illness or disability.

You may be able to get Employment and Support Allowance if you have an illness or disability, and

- you are unemployed, or
- you are self-employed, or
- you work for an employer but you cannot get Statutory Sick Pay (SSP), or
- you have been getting SSP but it has now stopped

There are two types of Employment and Support Allowance.

- **Contribution-based**

This is based on National Insurance contributions.

- **Income-Related**

This is based on how much money you have coming in.

If you live with a partner we will count your and your partner's income and savings when we work out your income-related Employment and Support Allowance.

## If you are already getting Employment and Support Allowance

If you are already getting Employment and Support Allowance you must tell us straight away if you start to live with a partner. The amount of Employment and Support Allowance you can get may change.

If you only get contribution based Employment and Support Allowance, your money will not be affected.

## Help from the Social Fund

If you are living together as husband and wife or as civil partners your income and savings, and your partner's income and savings, will be counted when we work out any Social Fund payment.

## Working Tax Credit

**This is help for working people with or without children**

If you are living together as husband and wife or as civil partners you and your partner must make a joint claim.

## Where to get more information

For more information about your Income Support, Jobseeker's Allowance, Employment and Support Allowance or anything else in this information sheet, please get in touch with us. Our phone number and address are in the phone book under GOVERNMENT OF NORTHERN IRELAND, DEPARTMENT FOR SOCIAL DEVELOPMENT.

## Our service standards

At Social Security Agency we aim to provide a high standard of customer service at all times. Details of the standard of service you can expect from us can be found on our website at **[www.dsdni.gov.uk](http://www.dsdni.gov.uk)**

You can access our website from many libraries.

This leaflet is available in large print, in Braille and on audio cassette.

Contact your local Social Security or Jobs & Benefits office for more details.







