



Rights of same-sex couples

If you are in a gay or lesbian relationship, you can get legal recognition for your relationship, by registering a **civil partnership**. Registering a civil partnership allows you to gain many new rights and, also, new responsibilities.

In some circumstances, same-sex couples who live together **without** registering a civil partnership also have rights and responsibilities. This includes rights to housing and welfare benefits.

This fact sheet tells you about civil partnerships, and some of the other main rights and responsibilities you now have as a member of a same-sex couple.

Registering a civil partnership

You and your gay or lesbian partner can register a civil partnership as long as you are both 16 or over, and meet certain other conditions.

You will need to give notice of your **intention to register** your civil partnership.

Once the notice period has expired, you can register your civil partnership in a **register office**, or anywhere else that you have agreed with the registrar. Non-religious venues cannot refuse to hold civil partnerships if they hold weddings.

This would be unlawful discrimination. However religious organisations can refuse to hold civil partnerships in their venues. However, venues other than register offices can choose whether to register civil partnerships or not.

You and your partner will have legally registered your civil partnership once you have signed a legal document, known as the **civil partnership schedule**. This must be done in front of a registrar and two witnesses. There are no further legal requirements and you don't have to have a ceremony, although you can choose to have one if you want.

A civil partnership can only be ended by death or by getting legal permission from a court. You and your partner will have a duty to provide for each other financially, and for any children of the family.

Benefits and tax credits

If you live with your same-sex partner and one or both of you are claiming welfare benefits or tax credits, you must **claim as a couple**. This is the case regardless of whether you have registered a civil partnership.

If you get **Maternity Allowance, Incapacity Benefit, Carer's Allowance or Severe Disability Allowance**, you may be able to get extra benefit for your civil partner. In some cases, you may get extra benefit for your partner even if you are not registered civil partners. However, this depends on whether or not your partner looks after your child.

If you are a civil partner, you may become entitled to **bereavement benefits or State Retirement Pension** if your partner dies.

If you are already getting a bereavement benefit when you register a civil partnership, your benefit will be stopped. If you are a woman getting a State Retirement Pension that is based on your former husband's contributions and you register a civil partnership, your pension will be stopped.



Housing rights

If you live in **rented property**, you may be able to have your partner's **tenancy transferred** to your name. If your partner dies, you may be able to take over their tenancy, if it was in their sole name. If your civil partnership ends, a court can transfer the tenancy to your name, even if your partner is the sole tenant, or you are joint tenants. This will depend on your circumstances and on who has care of any children. You should seek legal advice if you are in this position.

If you live in **owner-occupied property** and your civil partnership ends, a court can give you long-term rights to remain in the home. You can also ask the court to **transfer ownership** of the property to your name, regardless of who owned it originally. Again, this will depend on your circumstances and on who has care of any children. You should seek legal advice if you are in this position.

If your civil partner has the **Right to Buy** their council property, you will have this right too. You will also have this right if you have been living with your partner as a couple for the past twelve months, even if you have not registered a civil partnership.

Rights at work

If you are a civil partner, your employer must treat you the same way they would a married employee. This means, for example, that if your employer has a benefits package such as private health care, which is available to the husband or wife of an employee, this should also be available to an employee's civil partner.

If you are a civil partner and your employer treats you unfairly compared to a married employee in similar circumstances, you can make a claim to an **employment tribunal** for discrimination on grounds of **sexual orientation**.

Inheritance

If your civil partner dies without leaving a will, you will be able to inherit some of their estate. Any money or property they leave you will be exempt from inheritance tax.

Tax and civil partnerships

You and your civil partner can **transfer assets** to each other, such as property and company shares, without having to pay **Capital Gains Tax**.

If one of you was born before 6 April 1935, you are eligible for an extra tax allowance.

Next-of-kin and civil partnerships

If you are in a civil partnership, you will normally be accepted as your partner's next-of-kin. This means you will be able to legally register your partner's death, and have the right to organise their funeral.



Private and occupational pensions

If you or your partner belongs to an occupational or private pension scheme, which offers benefits to married partners, it must also offer the same benefits to civil partners. If the scheme offers benefits to unmarried heterosexual couples who live together, it must offer the same benefits to unmarried same-sex couples who live together.

Children

In some circumstances, you can apply for **parental responsibility** of your partner's child. You will not get automatic parental responsibility when you register your civil partnership. You may be able to adopt your partner's child. A same-sex couple can apply to adopt a child together.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other information on Adviceguide which might help

- [What can I do if my employer treats me unfairly because of my sexuality?](#)
- [Benefits and tax credits for people in work](#)
- [Living together – your rights](#)
- [Ending a relationship - unmarried couples who live together](#)
- [Registering a civil partnership](#)
- [Benefits and bereavement](#)
- [Wills](#)
- [Benefits for people looking for work](#)

Last updated: 27 January 2011

This fact sheet is reviewed on a monthly basis. The law changes frequently. To confirm you are looking at the most up-to-date version, download the fact sheet from www.adviceguide.org.uk or contact your local Citizens Advice Bureau.

Produced by [Citizens Advice Scotland](#) (Scottish charity number SC016637), an operating name of The Scottish Association of Citizens Advice Bureaux. This fact sheet provides general information only and should not be taken as a full statement of the law.