

New rights for same sex couples

1 BACKGROUND

On 31 March 2004, the Government published its long anticipated Civil Partnership Bill. (The Bill follows a consultation paper published on 30 June 2003.)

The Bill proposes that same sex couples who register their partnership will gain legal recognition of their relationship. They will then have access to a whole range of benefits similar to those currently enjoyed by married couples, such as property and pension rights.

2 THE PENSIONS ASPECTS

The Bill does not contain any detailed pensions provisions relating to occupational schemes (although some amendments are included regarding certain public sector arrangements). However, it proposes to allow changes to be made to pensions legislation so that surviving civil partners (or dependants of deceased civil partners) can benefit from pension rights. But, importantly, the new pension rights for civil partners "may be the same as, **or different to**" those of married couples.

The Explanatory Notes published alongside the Bill suggest that the new pension rights may only apply to contracted-out defined benefit schemes and the protected rights element of contracted-out defined contribution schemes. It also seems that the Bill will not be retrospective so that it will only affect pensionable service from the date it comes into force (this date is currently unclear, although the Bill is intended to become an Act before the end of the year).

In summary, further legislation relating to civil partnerships and pensions can be expected.

3 A QUICK WORD ON EMPLOYMENT RIGHTS

The Bill puts forward amendments so as to prohibit discrimination against civil partners in the "employment field", by extending the prohibition on discrimination against married persons under The Sex Discrimination Act 1975 to civil partners.