



News from Louis Letourneau.

First published in [Gay Times](#), September 2005

[Louis Letourneau](#) is taking action against the unjust Inheritance Tax system, and needs your help.

When the [Civil Partnership Act](#) was finally passed in November last year (and what a party we had afterwards to celebrate!), various thoughts went through my mind. Some were personal – happiness that my partner and I could at last look forward to having the same rights as heterosexual couples. Others were political: Why had it taken so long for society as a whole to grant us such a basic human right? But one of the main things I was celebrating that evening was the fact that I thought I'd never again have to pick up the phone to hear some guy tell me that his partner had just died and, because their house had trebled in value over the years, he thought he would have to sell it and move in order to pay the Inheritance Tax bill. Was there anything I could do or advise?

I hated those calls, because, usually there wasn't a thing I could do. The tax system discriminated against same sex-couples by levying [Inheritance Tax](#) on anything left by one partner to the other. The position was completely different for married heterosexual couples, of course – if one of them died, leaving the other a £1M, the estate didn't have to pay a penny in tax.

There were some high-profile cases featured in the papers. For example, there was the case of Trevor Bentham, Nigel Hawthorne's partner, who had to pay a whopping IHT bill after the actor's death. And most people, gay or straight, agreed that it was cruel and inhumane – monstrous, even – that same sex couples should be treated so unthinkingly this way. Baroness Hale, with other Law Lords at the Court of Appeal last year, stated "A homosexual couple, as much as a heterosexual couple, share each other's life, and make their home together. They have an equivalent relationship. There is no rational or fair ground for distinguishing the one couple from the other in this context."

At a time when the grieving partner is suffering the most agonising depth of emotion of their life, the Government that should be supporting them instead cruelly hits them, stripping away what they've spent their lives building up together. Married people have 'spousal exemption' and pay zero tax, but same-sex couples can have their life savings decimated. How can a person grieve their loved one properly if they're engaged in a struggle to keep their home? What psychological damage must this cruel system have inflicted on gay men and lesbians over the years?

Parliament recognised this evil of the old law with the enactment of the Civil Partnership Act, so that from December, same-sex couples can register, and will also be allowed to die in the peace of knowing their loved one is secure. However, this law doesn't become effective until December 2005. And that's the reason my phone is still ringing.

The fact is that some of those who worked for and applauded the passing of the Act and who were looking forward to registering their partnership as soon as it became legally possible, have, sadly, died this year, leaving their long-term partners with the old Inheritance Tax problem.

Recently, several people in this situation have contacted my company to see if we can help them. We put them in touch with each other, and they've been taking legal advice on how to get justice from the Inland Revenue.

Initially, we thought that couples where one partner died between passage of the Act in November 2004 and the first date when registration can take place, December 2005, might have a claim, but legal advisers said this wasn't the case. Nor, despite the highly unusual circumstances involved, does the Inland Revenue appear willing to grant concessionary treatment. However, legal counsel has been consulted and is optimistic that a claim might be made under the Human Rights Act, which came into force for England and Wales on October 2nd 2000.

Every case will have its own special circumstances, which may increase the chances of winning, but legal challenges cost money. The people we've spoken to would like to find other people who've lost their partners since October 2000, and who've had to pay Inheritance Tax, to join their group, share their information and the legal costs, and thus greatly increase the chances of everyone winning. Morally, we know we're in the right, but the Inland Revenue will not budge unless they have to.

I've been asked to act as co-ordinator for the group, and am proud to be able to help. If you've lost your partner since October 2000, or if you know someone who's in this situation, please contact me at louis@isis-financial-planners.co.uk for further information.

Louis Letourneau, MA is an experienced independent financial adviser (IFA), specialist in financial planning and wealth management. He founded Rainbow Finance in 1995 and has consistently challenged financial companies and Government on their attitudes to gays, lesbians and same sex couples and was instrumental in the Inland Revenue to changing its guidance notes to recognise unmarried couples in pension benefits. His work has also resulted in life insurance companies starting to relax the discriminatory underwriting criteria toward gay men and people living with HIV. He was a founder of the Rainbow Research Project which surveys and educates private pension schemes in how they recognise unmarried couples on death benefits. He was also a founder member of the Stonewall Immigration Group (which campaigned for Immigration rights for same-sex couples, achieving a significant victory in April 1997) and helped set up the gaypartners.org initiative with gay.com in early 2001, campaigning for same-sex partnership rights. He speaks regularly on national and local radio.

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