

**News from Louis Letourneau.**

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*Louis Letourneau looks at the Government's partnership rights' proposals and finds that, while they're good, they still need work.*

At the beginning of the year, I reported that the Government would undertake a full [consultation on partnership rights](#) for same-sex couples. This has now been completed and, as I write, we're hoping that the Queen will announce the introduction of a bill in her speech at the opening of Parliament.

This is great news, but what does it mean for you and me?

Well, it seems that the Government has finally realised that hundreds of thousands of gay people deserve to have the option of being legally recognised in our society as legal partners. At the moment, this will be called '[civil partnership](#)' and will only be available to gay men and lesbian couples, not unmarried heterosexuals (the Government's "justification" is that heterosexuals have the option of marriage).

Firstly, this is very good news for same-sex couples, although, somehow, I can't avoid feeling slightly uncomfortable about specifically excluding heterosexuals (correcting one discrimination by creating another one is beyond me, and obviously beyond the thinking of most other countries who do not make this distinction - Canada, France, Belgium and the Netherlands, for example). But never mind; they can fight their own corner. The main point is that the discrimination against same-sex couples will be rectified and the proposals seem to do the job - mostly.

During a relationship, civil partners will be entitled to the same recognition enjoyed by married couples in most parts of life. These rights will vary, from immigration rights to adoption and joint parental responsibility, from protection from domestic violence to hospital visiting and medical treatment. Even giving evidence in court and prison visiting will be covered by the new civil partnership laws.

These aspects have been covered very well and we can only congratulate the Government's '[Women and Equality unit](#)' for getting it so right.

Of course, with these rights will come obligations. Should the partnership fall apart, the same current divorce procedure as applies to married couples will prevail; from children access and child support to the maintenance of partners and property division. This is only fair, although perhaps we're missing an opportunity to rethink the way couples in our society go through divorce. However, that's another debate.

Then comes the worst part – the death of a partner. The new law would recognise the right of the partner to be considered automatically as next of kin. This is particularly important when we look at funeral access or intestacy laws. For the first time, if a partner

dies without a will, the civil partner will be deemed to be the beneficiary of the estate, unlike the situation today where only blood relatives are recognised. Well done.

However, contrary to the main press coverage, the consultation document has not properly addressed the major taxation discrimination issues, such as [inheritance tax](#) and [pension rights](#) in occupational schemes. In fact, there's no mention of inheritance tax at all. Let's just hope that this was an oversight on the Government's part. Logically, these major tax issues are so fundamental that one would have expected to see them clearly stated in the documents. We've made our official representation, of course, and other groups like [Stonewall](#) and the [TUC](#) have also expressed some concerns, but until we can see the final bill, we must continue to [lobby the Government](#) hard to get this rectified (see [www.gay-partnership-rights.info](http://www.gay-partnership-rights.info) for details on how to make your voice heard).

One thing is for sure - occupational pension schemes will not be forced to recognise civil partners in the way that they have to recognise married couples for survivor benefits. This is wrong. This will confuse trustees, and will still allow those with homophobic tendencies to discriminate against same-sex couples in their schemes.

The great news is that all major Public Service pension schemes, such as the NHS and Teachers, as well as the state pension, will see same-sex couples recognised for survivor benefits, but the jury is still out on if this will be retrospective to the whole of the length of service. Basically, this is not so great as far as pension rights are concerned, and a lot more work is needed to get us to real equality.

I can't help thinking that this is a very long way around the problem. It could be so much more effective, and simpler to add the wording 'registered civil partners' to the definition of spouse wherever it's defined. Doing this would achieve total equality across the board. The UK's proposed system will still be open to discrimination and I can foresee many court challenges in the years to come, especially with respect to pension and tax issues.

This is an historic step forward, and we must congratulate the all-party support on this issue, but it could have been even better, and it can still be.

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**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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