

Police Pension Regulations 1991
Police Pension Regulations 2010

Pensions for partners – a guide

This guidance and declaration form are for use by members of the police pension scheme administered under the Police Pensions Regulations 1991 and Police Pension Regulations 2010.

Introduction

The Police Pension Regulations 1991 (PPR 1991) and Police Pension Regulations 2010 (PPR 2010) provide pensions for the surviving dependents of scheme members:

- Surviving Spouses
- Surviving civil partners
- Surviving partners in the case of couples who are in long-term relationships but who are neither married nor civil partners
- Children (generally payable to age 19, unless the child is in full-time education in which case payable to age 23)

The Regulations are not been designed to pay pensions to adults such as:

- Dependent family members (for example, parents, grandparents, brothers or sisters)
- Friends
- People in a purely financial relationship (such as a flatshare or a joint purchase of property)
- People in casual relationships.

This leaflet deals only with pensions for unmarried partners – that is, people of the same or opposite sex who are living together in a long-term relationship but neither married nor registered as civil partners. If you need information on pensions for other survivors, or on PPR2010 generally, you should refer to the PPR2010 Members' Guide or contact your pensions administrator at pensions@pspa.im

In this leaflet, the term 'unmarried partner' is used as shorthand for a partner who is neither married to nor in a civil partnership. The term 'nominated partner' is used to refer to such a partner who applies to receive a survivor's pension on a member's death.

If you have an unmarried partner, you will want to know whether they will receive a pension after you die. This leaflet provides guidance on the qualifying conditions for an unmarried partner's pension and how the pension is worked out.

The qualifying conditions

The PPR 1991 and PPR2010 rules provide for an unmarried partner's pension if your partner can evidence that at the time of your death:

1. you and your partner were living together as partners in an exclusive, committed and long-term relationship, which would have lasted for the foreseeable future; and
2. either your partner was financially dependent on you or the two of you were financially interdependent; and
3. you and your partner were either free to marry each other or free to form a civil partnership with each other.

Whilst the Rules specify that a joint declaration of your partnership must be made to the PSPA, due to a High Court ruling made in 2017, this is no longer a mandatory requirement. However, the PSPA would encourage all members to make a declaration so that in the event of death, the PSPA have written proof of your intention and can make swift contact with your partner.

You can make the declaration while you are serving or after you have left the service, providing you retired with a pension or left with entitlement to a deferred pension.

Is there any minimum service period?

You must have at least two years' qualifying service in order for a surviving partner to receive a pension. 'Qualifying service' is not the same as pensionable service. Qualifying service is normally the calendar length of police service, plus any previous service or employment which you transferred in.

Half time service for a year in a police force, for example, would count as one year towards qualifying service (but could only count as a maximum of half a year's pensionable service).

What is meant by an 'exclusive, committed long-term' relationship?

It must be evidenced that you were both living together and in a long-term relationship with which you both intended to continue indefinitely.

If you have a similar relationship with more than one person, none of them would be entitled to a pension from the schemes.

As a general rule, you should interpret 'long-term relationship' to mean 'one that had lasted at least two years and would continue to last for the foreseeable future'. However, the PSPA, may exercise discretion to pay a pension to a nominated partner in a cohabiting relationship that had lasted for less than two years, provided they are satisfied that you and your partner would have continued to live together for the foreseeable future and cohabitation would therefore have lasted for at least two years and that the requirements are otherwise met.

Following your death, the PSPA will consider your case individually and take account of anything that supports the claim that you and your partner had a permanent relationship which would otherwise have continued.

As long as you consider that your relationship is permanent, you should not let the fact that you and your partner have been together for less than two years stop you from filling in a declaration form.

After your death, the PSPA will not want to pry unnecessarily into your or your partner's personal life or to try to 'disprove' your partner's eligibility for a pension, but they will need to be satisfied that your relationship satisfies the legal requirements set out in the regulations.

What is meant by financial dependence and interdependence?

Under rules governing occupational pension schemes, your partner must be financially dependent on you or you must be financially interdependent. Your partner is 'financially dependent' on you if you provide all or most of the income on which you both live. 'Financially interdependent' means that you rely on your joint finances to support your standard of living. It doesn't necessarily mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she might pay the mortgage and most of the bills, and you might pay for the weekly shopping.

What is meant by 'free to marry' and 'free to form a civil partnership'?

There must be nothing which would prevent you from marrying your partner or forming a civil partnership with your partner. Neither of you can be married to or have a civil partnership with anyone else. You must not bear a relationship to each other which would prevent marriage or civil partnership. **Annex A** to this leaflet includes a list of relationships which are too close to allow a marriage.

I'm waiting for my divorce (or dissolution of a civil partnership) to come through – will my partner get a pension if I die in the meantime?

No. If you are married or have a civil partner, a pension will be awarded to your surviving spouse or civil partner, even if you no longer live with them. If you want your partner to receive a pension, you must both be legally free to marry or form a civil partnership with each other either when you make your declaration or upon your death.

How do I nominate my partner?

As stated on page 3, the requirement for you and your partner to fill in and sign a declaration form is no longer mandatory. However, if you wish to make a declaration you will find a declaration form, including the address to send it to at the end of this leaflet.

The PSPA would encourage you to complete a declaration form to nominate your partner as soon as you consider that your cohabiting relationship is exclusive, committed and long-term – you do not have to wait for two years before doing this. It is your responsibility to ensure that the information in the form is kept up to date.

What does my partner need to do after my death?

Your partner will need to be aware that, after your death, he or she will need to provide information to the pension's administrator in writing to support his or her claim to a partner's pension. Your partner must satisfy them that, at the time of your death, you and your partner were living together in an exclusive, committed and long-term relationship and that the other conditions described in this leaflet are met. There is more information in the section 'How your partner submits a claim after your death' further on in this leaflet.

I don't really want the Isle of Man Constabulary to know about my relationship

You send your declaration to your pension's administrator, not your employer. All pensions documentation and casework is handled in the strictest confidence and in line with data protection legislation. Your declaration will be handled with appropriate confidentiality.

What if we split up?

If your relationship comes to an end, it is essential that you tell your pensions administrator in writing as soon as possible so that they can cancel your declaration. Once the declaration is cancelled, your partner would not be able to submit a claim for a survivor's pension in the event of your death. If you enter into a new permanent relationship, you may want to make a new declaration at some time in the future.

Should I make a will?

If you want to leave anything to your partner, quite apart from your pension, you should consider making a will. If you die without a will ("intestate"), your property will not automatically go to your partner.

You can draw up a will without using a solicitor but you should consider getting legal advice, particularly if your financial affairs are complicated.

It is important to bear in mind that mentioning your partner in your will does not amount to making a declaration of partnership for the purposes of the pension regulations. The only valid declaration is one in the appropriate form. Where a form has been completed, however, naming your partner as a beneficiary in a will is one of the factors that may be taken into account by the pension administrator in considering whether the relevant conditions are met.

How your partner makes a claim after your death

How does the process work?

Your partner will only be able to make a claim after you die if you had both jointly completed a declaration form before your death or your partner is able to evidence that the criteria were met in the absence of a signed declaration form.

When the PSPA becomes aware of your death, they will contact your partner as recorded on your declaration. They will invite your partner to fill in a claim form and to provide information to support his or her claim to a partner's pension. Most people die several years into their retirement and your partner will be asked to supply information that is appropriate at the time of your death rather than at the date of your declaration. While it is possible to outline the sort of supporting information that the PSPA might be looking for now, this is likely to change over the years to reflect changes in society. It is not possible to be definite about the sort of information your partner might be asked to provide at some time in the future after your death.

This leaflet will be updated from time to time, in consultation with the staff associations, to reflect changes in guidance on supporting information. If you have made a declaration, you should keep yourself up to date on any changes.

What sort of information might support my partner's claim?

The PSPA will need to be satisfied that you, your partner and your relationship meet the conditions that are set out in the pension regulations and described in this leaflet.

The pension administrator will ask your partner to confirm their identity.

They will also ask your partner to confirm that neither of you were married or in a civil partnership and that there was nothing to prevent you from marrying each other or forming a civil partnership. There must be nothing to suggest that your relationship was likely to end.

The pension administrator will ask your partner to provide information and evidence to prove that you were financially dependent or interdependent.

Where appropriate, your partner will have to provide documents to confirm the information given in his or her claim. The information will enable the PSPA to decide whether your relationship meets the conditions.

There are various possible forms of supporting information and, because everyone is different, it is not possible to provide a definitive list. However, examples of supporting information include:

- confirmation that you lived in a shared household;
- confirmation of shared household spending;
- information about children you brought up together;
- a mutual power of attorney;
- a joint mortgage or tenancy;
- a joint bank account;
- joint savings accounts or investments;
- a joint credit arrangement;
- wills naming each other as the main beneficiary;
- your partner being nominated as the main beneficiary of life assurance;
- your death leading to extra living expenses for your partner.

These are just examples and each case will be considered individually. The PSPA may be able to help your partner if he or she is stuck for information or evidence to put forward. You and your partner may wish to consider now what sort of information he or she would be able to provide in support of a claim.

Do I have to own a house or flat with my partner?

Not necessarily, but you must have been living together. Most people in a permanent relationship will have either owned or rented property together. If you both maintain separate households and do not share each other's living expenses your partner would not qualify.

If your circumstances force you to spend your final years away from home, in residential nursing care, for example, the PSPA will take account of your situation when you were living at home as well as at the time of your death.

Why don't married couples or civil partners have to go through the same process?

Marriage and civil partnership give people rights and responsibilities, including certain rights over each other's property. If people decide not to marry or form a civil partnership, the PSPA needs to be satisfied that the relationship meets the statutory requirements in order for a pension to be paid to an unmarried partner.

Can my partner appeal if they are turned down for a pension?

If your partner thinks they have been turned down without a good reason, he or she may try to resolve the issue using the PSPA internal dispute resolution procedures. Alternatively, he or she may pursue the matter through the High Court. More information about appeals in general is given in the Members' Guide.

Benefits payable on death

How much is my partner's pension?

If you die in service, your partner is entitled to a pension of 50% of the ill-health pension that you would have received if you had been permanently disabled for regular employment at the time of your death. You should refer to the Members' Guide for more information on how ill-health pensions are calculated.

Will my partner's pension stop if he or she forms a new relationship?

No. Your partner will receive their pension for the rest of their life, even if they marry, form a civil partnership or otherwise enter into a new relationship after you die.

Will you increase my partner's pension every year?

Yes. Their pension will be paid every month and it will be increased every April to reflect increases in the cost of living.

My partner is a lot younger than me. Will this affect their pension?

If your partner is more than 12 years younger than you, your partner's pension will be reduced to reflect the age difference. This reduction will be 2.5% for every year or part of a year over 12 years, up to a maximum reduction of 50%. This rule also applies to spouses and civil partners.

Guide to relationships that are not allowed to marry in the Isle of Man

Note: Under Marriage Act 1984 the following is a statutory list of prohibited relationships that are not allowed to marry in the Isle of Man. The statutory list may be changed so the following list is only a guide. For more detailed information contact the Civil Registry.

<p>A man may not marry his:</p> <ul style="list-style-type: none">• mother, adoptive mother,• former adoptive mother;• daughter, adoptive daughter,• former adoptive daughter;• grandmother;• granddaughter;• sister;• aunt; or• niece.	<p>A woman may not marry her:</p> <ul style="list-style-type: none">• father, adoptive father,• former adoptive father;• son, adoptive son,• former adoptive son;• grandfather;• grandson;• brother;• uncle; or• nephew.
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Declaration form

By completing this declaration form you nominate your partner to receive an adult partner's pension payable under the Police Pensions Regulations 1991 or Police Pension Regulations 2010, subject to the submission of a valid claim in the event of your death.

This declaration alone does not give your partner entitlement to a pension. If you were to die, the Public Sector Pensions Authority would need to be satisfied that your relationship with your partner met the qualifying conditions for the payment of a pension at the time of your death. Please read this leaflet for more information.

Your Information: The Public Sector Pensions Authority (PSPA) will only use the information that you have provided on this form as required by law. For more information please refer to the PSPA's Privacy Notice on the website at www.pspa.im

Please fill in this form in black ink and in BLOCK CAPITALS, and send it to your pensions administrator at Public Sector Pensions Authority, 3rd Floor, Prospect House, 27-29 Prospect Hill, DOUGLAS, ISLE OF MAN IM1 1ET. They will acknowledge that they have received the form by returning a copy to you.

PART 1. ABOUT YOU (THE SCHEME MEMBER)

Your name

Scheme reference number

Address *(it is your responsibility to tell your pensions administrator if you subsequently change address)*

Daytime telephone number

PART 2. ABOUT YOUR PARTNER

Partner's full name including title

Partner's date of birth

Partner's address (this should normally be the same as the address of the member)

PART 3. DECLARATION - Please tick each box.

By completing and signing this form, we both declare and confirm that:

- We have lived together for years, during which time our financial affairs have been interdependent (or the partner has been financially dependent on the Scheme member);
- We have an exclusive, committed and long-term relationship with each other and we intend to continue this indefinitely;
- We are not married to each other and we have not formed a civil partnership with each other;
- We are not related in a way that will prevent marriage or civil partnership;
- Neither of us is married to anyone else;
- Neither of us has formed a civil partnership with anyone else;
- Neither of us is currently nominated as the unmarried partner of anyone else;
- We will tell the scheme administrator in writing if our relationship comes to an end;
- We have read the accompanying notes and understand that benefits will not be paid unless the partner provides satisfactory evidence that the declaration above is valid when the Scheme member dies;
- We consent to the disclosure of information on this form for the purposes of verification and in compliance with the data protection notifications;
- We understand that the PSPA will retain this form for their records.

Scheme member's signature

Date

(signed in the presence of the witness
named below)

Partner's signature

Date

(signed in the presence of the witness
named below)

PART 4. WITNESS (*NOTE: THE WITNESS IS SIMPLY REQUIRED TO WITNESS THE SIGNING OF THE FORM BY THE SCHEME MEMBER AND PARTNER IN PART 3 ABOVE*)

Name and Address of witness:

Signature of witness

Date