

## SERVICE PERSONNEL

### DEFINITION OF ELIGIBLE SURVIVING PARTNERS

Surviving partners should be interpreted as including spouses, civil partners and other eligible partners. The following guidance aims to assist Help to Buy Agents by defining who is eligible and how this can be determined.

In the majority of cases Help to Buy Agents will be able to ask applicants to demonstrate their eligibility as surviving partners by providing evidence of pension benefits received under the Armed Forces Pension Scheme (AFPS) 2005, the Armed Forces Pension Scheme (AFPS) 1975 or under the Armed Forces Compensation Scheme (AFCS).

All surviving partners are entitled to receive pension benefits under the AFPS 2005 scheme and the AFCS scheme. However for those Service personnel who had served under the AFPS 1975 scheme, only their surviving spouses and civil partners will receive pension benefits, other eligible partners are excluded.

In the latter case other surviving eligible partners will therefore need to be able to demonstrate to Help to Buy Agents that at the time of the death of the serving personnel they were in a 'substantial and exclusive arrangement', meeting the criteria set out in Schedule 1 of the Statutory Instrument (SI) 2005 no 439 '*The Armed Forces and Reserves Force (Compensation Scheme) Order 2005*' (see below).

### **MEANING OF "SUBSTANTIAL AND EXCLUSIVE RELATIONSHIP" PART I SUBSTANTIAL RELATIONSHIP**

In deciding whether a relationship of a deceased member of the forces ("the deceased") and the claimant is a substantial relationship, the Secretary of State shall have regard to any evidence which the claimant considers demonstrates that the relationship is substantial and shall in particular have regard to the following examples of evidence which could, either alone or together, indicate that the relationship is substantial.

1. Evidence of regular financial support by the deceased.
2. Evidence of a valid will or life insurance policy, valid at the time of the deceased's death, in which -
  - (1) the deceased nominates the claimant as principal beneficiary or co-beneficiary with children; or
  - (2) the claimant nominates the deceased as the principal beneficiary.
3. Evidence indicating that the deceased and the claimant were purchasing accommodation as joint owners or evidence of joint ownership of other valuable property, such as a car or land.

4. Evidence of a joint savings plan or joint investments of a substantial nature.
5. Evidence that the deceased and the claimant operated a joint account for which they were co-signatories.
6. Evidence of joint financial arrangements such as joint repayment of a loan or payment of each other's debts.
7. Evidence that the deceased or the claimant had given the other a power of attorney.
8. If the deceased and the claimant lived in rented accommodation, evidence that both their names appeared on the lease or rental agreement.
9. Evidence that the deceased and the claimant shared responsibility for children.
10. The length of the relationship.

## **PART II**

### **EXCLUSIVE RELATIONSHIP**

A relationship is not an exclusive relationship if -

- (a) one or both of the parties to the relationship is married to, or is the civil partner of, someone other than the other party to the relationship;  
or
- (b) one or both of the parties is a party to another relationship which is, or could be considered to be, a substantial and exclusive relationship having regard to the provisions of this Schedule.

For further details or advice the Help to Buy Agents can call the MOD Joint Service Housing Advice Office on 01722 436575