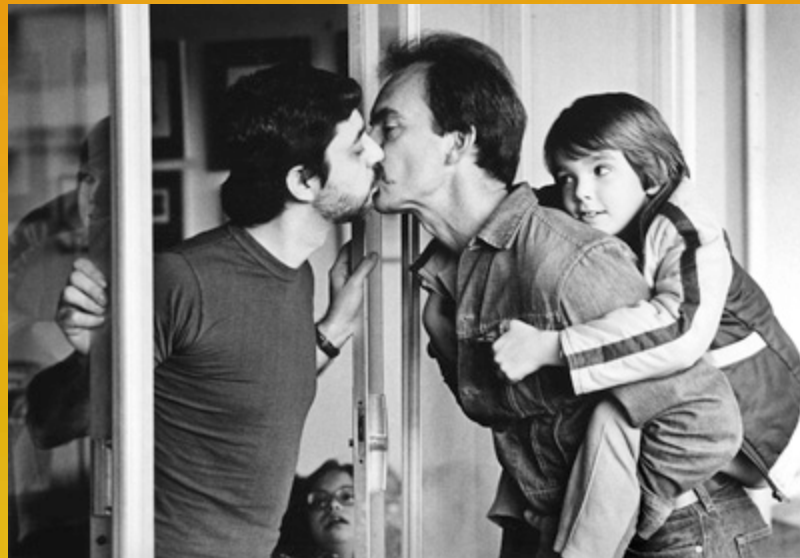


Dispelling the Common Law Marriage Myth

Part 2 – Living Together as a Married
Couple and Claiming Benefits

LTAMC and Benefits

‘Common law marriage’ – the idea that living together gives you a marriage-like legal status – is mostly a myth... except when it comes to benefits entitlement...



J. Ross Baughman

What is LTAMC?

- 'Living together as a married couple' (LTAMC) is a status that affects benefits calculations and entitlement.
- In essence, if you are cohabiting with a partner (same or opposite sex), you are treated as married for benefits purposes.
- This means that means-tested benefits will be calculated based on your combined income and capital.



- Your partner's employment status will be considered when your entitlement is assessed for many forms of benefit.

The statutory basis for LTAMC



- Social Security Contributions and Benefits Act 1992 s137
- Jobseekers Act 1995 Sch. 1(12)

How do the court interpret LTAMC?

- Mr Commissioner Howell QC described LTAMC decisions as...

one of the most difficult problems of definition there could be, since it involves investigating and analysing the nature of a human relationship between two people and this is inevitably a complex and sensitive thing.

(CP/8001/1995)

- There are no definitive criteria for LTAMC in law – each case must be decided on its own particulars – but there are a couple of assessments the court might use to work towards an answer to whether you are LTAMC.



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Two standard LTAMC assessments

The three-part assessment looks at the nature of the relationship with respect to...

1. Sex,
2. Finances, and
3. in general

The six signposts test looks at each of...

- a) Membership of the same household
- b) Stability
- c) Financial support
- d) Sexual relationship
- e) Children
- f) Public acknowledgement

Neither of these tests is definitive –
Every relationship is different –
But the court will often consider
One or both of these tests when
Making a decision.

Are you LTAMC?



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- That's for you and the Department for Work and Pensions (DWP) to decide – though DWP usually have the final say.

Are you LTAMC?



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If in doubt, notify the DWP and ask them to assess whether you count as LTAMC. If you don't like their decision, you have the right to appeal it.

Are you LTAMC?



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If you fail to disclose a cohabitational relationship that DWP consider LTAMC, you could be liable for overpayment repayment, as well as civil charges, and possibly even criminal prosecution.

For more information

- Please see the Open Justice Clinic's leaflet on cohabitation and benefits.
- You can also access advice and guidance through your local Citizens Advice branch, and from other organisations including...
 - Law for life, and their 'AdviceNow' website, www.advicenow.org.uk
 - Stonewall, Stonewall.org.uk
 - Department for Work and Pensions (DWP)
<https://www.gov.uk/government/organisations/department-for-work-pensions>