

Hard Cases

Gay rights groups want to change the law to help homosexual couples deal with the legal problems which arise when one party dies, is ill, or has children. But many people in greater need face precisely the same problems whenever they live in a relationship of co-dependency, such as two sisters or two friends who live together.

If 'hard cases' are to be tackled, why should only those in homosexual relationships benefit? The following comparisons illustrate the point:

Homosexual "civil partners"	Non-sexual "co-dependents"
<p>John rents his own flat. In 1983 his lover, Peter, moves in and the two men live together.</p> <p>In 1995 John becomes seriously ill. Peter nurses him until his death in 2004. Because the two men registered their partnership under the new scheme in 2004, the tenancy of the flat automatically passes to Peter and he continues to live there.</p>	<p>Bill rents his own flat. In 1983 his friend James moves in and the two men live together. Their relationship is entirely platonic.</p> <p>In 1995 Bill becomes seriously ill. James nurses him until his death in 2004. James is forced to move out of the flat. He is not recognised under Landlord and Tenant law and has no right to take over Bill's tenancy.</p>
<p>A 60-year-old homosexual man picks up a 22-year-old in a gay bar. Shortly afterwards the 22-year-old moves in to the older man's London home which has been in his family for generations. Within a month the two have entered into a civil partnership. The older man dies three months later and the 22-year-old inherits the home. Because of the partnership, he pays no inheritance tax.</p>	<p>A daughter gives up her well-paid job to care for her elderly and infirm mother. She moves into her mother's London home where the family has lived for generations. After 10 years her mother dies and the daughter inherits the home. She is then faced with a large bill for inheritance tax which forces her to sell the family home and move to smaller premises outside London.</p>
<p>Two older men register a partnership. A few months later, one of them becomes seriously ill and is taken into hospital. His condition deteriorates and he repeatedly requires resuscitation. Medical staff regard his registered partner as 'next of kin' and consult him regarding the patient's wishes. They suggest a 'do not resuscitate' order might be appropriate. He firmly rejects this. The older man recovers.</p>	<p>Tom, an 18-year-old, is thrown out of his parents' home and is taken in by an elderly vicar who has no living relatives. The two become like father and son. Years later, the vicar becomes seriously ill and is taken to hospital. His condition deteriorates and he repeatedly requires resuscitation. Medical staff refuse to regard Tom as next of kin and make decisions about the vicar's treatment without consulting him. They issue a 'do not resuscitate' order. The vicar dies shortly after.</p>