

Cohabiting couples' legal rights in the UK

More than 3 million couples in the UK choose to cohabit, rather than marry or enter a civil partnership. If you are co-habiting, you do not have the same rights as a married couple; and contrary to popular belief, there is no such thing as a 'common-law marriage'.

Rights for cohabiting couples – England & Wales

If you live together, rather than marrying or entering a civil partnership, you have

- No automatic rights to your partner's property on their death
- No automatic entitlement to inherit their estate, even if you have children together, unless there is a will in place
- No tax reliefs and exemptions that spouses and civil partners enjoy, including pensions

There is some help under the law in England & Wales, but restricted:

- Schedule 1 of the *Children Act 1989* provides financial provision for cohabitants' children under 18.
- If you jointly own a property registered at the Land Registry you are entitled to your share. However, if your partner is reluctant to sell the property, you may be obliged to obtain a court order to sell it.
- It may be possible to establish a claim if one partner has contributed significant amounts towards the home, such as towards the mortgage or renovations
- If one partner can prove that they were financially dependent on the other during their relationship, it may be possible to make a claim under the *Provision for Family and Dependants Act 1975*.

What you can do to improve your legal position

- Draw up a legal cohabitation agreement to determine how much each partner pays towards the rent, mortgage, utilities and child maintenance, both during the relationship, and if the relationship comes to an end
- Make a will, and keep it up to date if your circumstances change

Rights for cohabiting couples – Scotland

The position in Scotland is slightly better, and provides some security for couples who have been living together for longer a year. Under the *2006 Family Law (Scotland) Act*, courts can:

- Order that one partner make a capital sum to the other
- Order that one partner pay an amount to the other that represents the economic burden of caring for a child of both partners
- Make any other Order that the court deems to be suitable

Looking ahead

The *Cohabitation Rights Bill* in the UK is currently moving through parliament, and if passed, will offer basic protection to long-term cohabittees throughout the UK. The Bill will use the following definition of 'living together as a couple':

- They are members of the same household
- They are in a stable relationship
- There is financial support
- There is a sexual relationship
- There is public acknowledgment of that relationship
- Whether or not the parties have children