



SERVICE  
GUIDE

Cohabitation  
matters





## Welcome to Stowe Family Law

Stowe Family Law assists many unmarried couples who live together. Some come to us wanting to draw up a cohabitation agreement to clarify the ownership of shared assets such as their home. Others seek practical advice and legal assistance after a relationship has broken down or a partner has died.

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## What cohabitation services do we offer?

As the marriage rate in England and Wales continues to fall, the number of unmarried but cohabiting couples is on the rise. However, there is currently no law in England and Wales which recognises the needs of a cohabiting couple if their relationship breaks down, as there is with divorce. In the event of a property dispute, trust and land law is applied instead.

There are, however, laws concerning the children of cohabiting couples who separate. The law makes no distinction between married and unmarried parents when deciding such issues as who the child (or children) will live with and how often they will see the other parent.

The key legal difference between married and cohabiting couples is the financial provisions the court can make for the other party when they separate. These are much more limited for cohabiting couples.

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## Cohabitation agreements

If you cannot, or simply do not want to, marry your partner there are steps you can take to ensure that your partner and any children will be provided for should anything unexpected happen to you.

Decide how property and assets should be owned or divided. In order to ensure that the cohabitation agreement that covers these matters is correctly drafted and given full legal effect, you should consult a solicitor at Stowe Family Law.

For example, if you are about to purchase a property with a partner it is essential that, before the sale takes place, ownership of that property is agreed and reflected in an appropriate declaration of trust. As many former cohabitees have discovered to their cost, making claims about what may or may not have been agreed upon years before is unlikely to sway family courts without clear supporting evidence.





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Whenever we assist our clients with cohabitation agreements at Stowe Family Law, we also make additional recommendations to safeguard our clients' assets and intentions. One of these we make to all cohabiting clients is that they make a will and insure their lives. The latter is especially important if you are a financial provider with dependents or other financial obligations. The former can be taken care of with the help of our in-house wills team.

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## Relationship breakdown for cohabiting couples

It is important to understand that cohabitees, no matter how long they have been living together, do not have the same rights upon the breakdown of the relationship as those available for married couples facing divorce. The law does not recognise “common law spouses” in the way many people think.

As a result, the breakdown of a relationship, or the death of one party, can be a financial disaster for a dependent cohabitee. There is no maintenance, and no automatic entitlement to property, capital or pension claims. The children of such a relationship may also be left at a financial disadvantage.

However there are some remedies for people facing the end of a cohabiting relationship. These include applications made on behalf of the children under the Children Act 1989.

We will be happy to advise you further, and to consider the position also if the relationship ended due to the death of a party.



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For more information on Cohabitation please call our  
Client Care Team on **0330 056 3171**  
to speak with one of our specialist family lawyers  
or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)