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Your questions answered

PLANNING TO LIVE TOGETHER

As family lawyers, we mainly step in when a relationship breaks down. However, we are also here to help when you are starting out. Just like making a will can make things easier should you die, giving some thought to what might happen should your relationship not work out is also a sensible step.

Everyone has heard of pre-nuptial agreements... a document setting out how you will divide your assets if you get divorced. There is also something similar for those who are not getting married but are going to live together and want to ensure they have a clear agreement in place to avoid complications should they separate.

Living together but not getting married is on the rise. The ONS reported in 2018 that the number of cohabiting couples continued to grow faster than married couples with an increase of over 25% in the decade to 2018.

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2018>

It is still a common misconception that living together for a specific period gives you legal rights or a claim on the assets of the other as a "common-law" husband or wife. This is not true; you can only make claims and have certain types of legal protection if you are married.

So, as well as making a will to ensure that your partner is provided for if you die, you might also want to consider a Cohabitation Agreement. This can outline:

- What you are each bringing into the relationship in terms of property, money, furniture etc.
- How you are going to split the bills.
- How you are going to own the house or other property (joint tenancy or tenancy in common – <https://www.gov.uk/joint-property-ownership>).
- Should you separate, how you will split property that you had when you moved in together and property that you have acquired together (or separately) during the relationship.

If this agreement is drawn up properly, entered freely with you each fully knowing the circumstances of the other, and preferably with legal advice on both sides, it is likely to be upheld in the event of any dispute on separation, as it is evidence of your intentions when you began your relationship.

It therefore has the effect of reducing or avoiding the need to use family lawyers should you split up, which saves time, money, and heartache.

We can draw up a Cohabitation Agreement within a few weeks to give you peace of mind as you embark on an exciting time in your life. If you would like more information on this, or any aspect of relationship planning, or breakdown, please contact me using the details below.

Need more information?

Email beth.sheridan@stowefamilylaw.co.uk or call 0115 6950618 for a free initial options chat.



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