LIVING TOGETHER
SOME LEGAL ISSUES TO CONSIDER

"COMMON LAW MARRIAGE"

There is no such thing as "common law marriage" - heterosexual unmarried couples in England and Wales do not have the same legal rights as married couples.

There is some protection through property and trust law principles but this is complicated and legal expert advice should always be sought.

MOVING IN TOGETHER

If you are not married or do not register a civil partnership then you should consider your legal position from the beginning. If you do not protect your rights this could seriously affect your circumstances if the relationship breaks down.

If you are buying your first home together you will need to decide how you are going to own the property, agree on it and make this clear in the documents that are drawn up.

If your property is already owned by you and/or your partner and one of you has moved into that property it is likely that the property is in that person's name. You need to consider this particularly if you are making a financial contribution towards the mortgage.

COHABITATION AGREEMENTS

Whilst they are currently not legally binding they are very helpful in setting down practical guidelines for your relationship and showing what you both intend to happen should the relationship break down.

You can include a wide range of matters in the agreement - financial, how the property should be held and how disputes are to be settled.

However, although courts are increasingly taking into account such agreements there is still no certainty that they would enforce one.

As a cohabitation agreement is a type of "contract" it is important that it meets certain legal criteria that apply to all contracts. Before entering such an agreement therefore you should always seek independent legal advice.

CIVIL PARTNERSHIPS

In December 2005 the Civil Partnership Act came into force. This gives same sex couples legal recognition if they register their relationship as a civil partnership. Once registered the couple will have the same rights as a married heterosexual couple in respect of tax, social security, inheritance and employment benefits.

Our specialist family team can provide expert advice on:

- divorce and relationship breakdown
- financial issues following separation
- children issues
- jointly owned property/cohabitation
- civil partnership

We offer:

Free initial 30 minutes appointments Monday – Friday 9.a.m. – 5.p.m.

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