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 cohabitees 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