

# LIVING TOGETHER - COHABITING



With the number of cohabiting couples increasing, it is important to understand the legal framework which may affect your relationship. A cohabiting couple is a same-sex or opposite-sex couple who are not married or in a civil partnership.

When cohabiting, neither party has any legal status as a common law husband or wife. Such terminology is only the jargon of social commentators and analysts. Even if you have been living together for a long time, you may not have many rights and any rights you do have will not be the same as if you were married or in a civil partnership.

It is important to understand any financial commitment you make to your partner when cohabiting. We speak to numerous callers who are about to cohabit with a partner and those who are cohabiting and wish they were not. In either case, an understanding of the legal context is key to managing ongoing expectations.

Cohabiting without being married or in a civil partnership can affect you:

- property rights
- rights concerning children
- inheritance rights

## **Cohabitation agreements also known as living together agreements**

Many people we speak to are unaware, they can enter into a cohabitation agreement. It is designed to deal with property and assets acquired before

and during your relationship, as well as what happens if you separate. A cohabitation agreement is a legal agreement reached between an unmarried cohabiting couple who wish to sort out their finances in the event the relationship breaks down.

A cohabitation agreement is a legal agreement reached between an unmarried cohabiting couple who wish to sort out their finances in case the relationship breaks down. The agreement covers such things as property, savings, shares and debts. Signed by both parties, the agreement is designed to prevent arguments and reduce the need to become involved in lengthy and expensive court proceedings in the event that the relationship ends. It can constitute a contract provided it complies with general contract law and is signed by both partners.

## **Your property rights**

Cohabitors have particularly complex issues when it comes to property law. You can live with a partner, family member or just a friend and the same property law principles will apply. These principles do not have the same flexibility as those applied when a marriage or civil partnership breaks down and in some cases can therefore be quite harsh.

## **Property ownership**

When buying a property to live in with your partner, it is advisable both of you have your names on the deeds. There are generally three types of property issues that arise: