

Co-habiting – no reform of the law on the horizon

At the present time, the law in England and Wales does not provide couples who co-habit the same rights as those who are married or in a civil partnership. Should one partner die, without a will the co-habitant has no automatic rights to the estate or the property they lived in, even if the couple have lived together for years. Until the law changes, the only option that co-habiting couples have is to make wills and enter into cohabitation agreements to govern their property rights.



Over the past few years the Law Commission has been considering proposals to change the law, since more couples are now choosing not to marry or enter into civil partnerships, and many consider that they should have the same rights as those who have opted to do so. The Law Commission has been waiting to see the outcomes of a similar law enacted in Scotland in 2006 before making any reforms.

The government now says that having seen the research on the outcomes in Scotland, they do not believe that similar reform is justified in England and Wales. This may be partly because major reforms to the family justice system are already on the horizon, and partly because couples who co-habit do currently have the option of making wills and property agreements to secure their rights. However, there is hope that the reform has only been postponed and in view of the hardship and injustice caused by the current law, it will only be a matter of time before changes are implemented.

In the meantime, couples who co-habit – and especially if they have children – must make sure they have prepared a will so that they know their partner and/or children are provided for as they wish. It is never too early to make a will – contact us for some initial advice.