

# FAMILY SERVICES

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## Planning to live together?

### IF SO, SHOULD YOU CONSIDER A CO-HABITATION AGREEMENT?

#### *What is a co-habitation agreement?*

It is an agreement between couples who are plan to live together but do not plan to marry or enter into a civil partnership and sets out how they intend their financial arrangements to be dealt with in the event the relationship breaks down and they separate.

#### *But after two years living together aren't we common law man and wife and have legal rights?*

No, this is a myth. There is no specific legislation nor any legal rights which automatically apply in relation to the financial affairs of couples who previously lived together, even if they have children. The legal situation is therefore different to divorcing couples or couples whose civil partnership is to be dissolved for whom there is such specific legislation.

#### *Why not?*

Because despite extensive discussions on the subject, successive Governments have not yet got to grips with it – there are also factions in favour of legislation (a lot of lawyers are in favour) and some against it.

#### *What happens if I don't have a co-habitation agreement and we subsequently split up?*

You may end up with various claims being made against you by your ex partner – even against assets which you thought were legally yours for example if the house in which you lived is owned by you solely (even if this was the case prior to you starting to live together).

A half hour fixed fee interview can be arranged at a cost of £100 incl. VAT

For further information on co-habitation agreements and to discuss your specific requirements please contact

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Alternatively, you may be placed in a situation where you are the more vulnerable partner financially, perhaps because the assets are owned by your partner and you are faced with having to make a claim to protect your position.

These claims can be expensive to resolve if they have to go to Court because an agreement cannot be reached and could cost thousands of pounds in legal fees.

*Why could it be so expensive if there is no co-habitation agreement?*

Because the law is so complex. As there is no specific legislation to guide the Court, the parties will look to various areas of the general law to find an argument which backs their case ie usually the laws of contract and trusts.

*Why will a co-habitation agreement help?*

We believe it will as its purpose is to clearly state in writing what your intentions were as to the ownership of property at the time of commencement of the relationship and any property which might be acquired subsequently. It will set out what you have agreed is to happen in the event of separation, again making clear your intentions and minimising arguments based upon verbal discussions (eg 'he told me that although the house was in his name, half of it was mine') which are difficult and expensive to prove or disprove!

It is likely that a Court would be reluctant to interfere with a properly drawn co-habitation agreement, particularly if both parties had legal advice (or the opportunity of taking it) prior to signing it as it will provide very clear written evidence of what was intended and agreed.

*Other ways we can help you:-*

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