

GUIDE TO COHABITATION AGREEMENTS

WHAT IS A COHABITATION AGREEMENT?

A bespoke agreement for couples who are not married but live together – the agreement offers the parties protection, by recording what should happen should their relationship come to an end.

WHY ARE THEY IMPORTANT?

The law treats cohabiting couples very differently to married couples when the relationship ends. Regardless of how long you have lived together, the law at present does not provide cohabiting couples with any legal obligations towards each other arising from their shared life together. Despite many pre-conceptions the law does not recognise 'the common law wife'.

So unlike married couples, cohabitants sharing a property which legally belongs to your partner is not enough to claim a share in that property should the relationship end.

WHAT DO THEY COVER?

These agreements are bespoke and as such can contain as much information and detail as you wish, for example:-

- The family home i.e. what contributions were made, do you own the property equally, who will pay mortgage payments/bills, if improvements are made will there be a change in how you own the property and if you separate can one party buy the other out.
- Financial support post-separation i.e. maintenance payments for children and/or partner.
- Bank accounts, liabilities, cars and personal possessions/contents – how should these be divided if you separate.
- Children i.e. do you intend to have children, what will the care arrangements be if you separate, the education for that child.
- Pets i.e. what happens to the pets in the event of separation, who is financially responsible.

Cohabitation Agreements, whilst not strictly binding show your clear written intention of what should happen if the relationship was to end and as such a Court application is less likely to be made. If an application is made the agreement is likely to be persuasive.

Typically a Cohabitation Agreement will cost £1,000 - £1,500 + VAT compared to the average cost of £20,000 + VAT if the Court need to resolve disputes over ownership.