



## Cohabitation and coronavirus

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U.K. couples living in separate homes should either stay apart or move in together under social isolation rules designed to tackle the spread of the coronavirus.

*"Make your choice and stick with it"* was the advice of the health secretary, Matt Hancock, on 24 March 2020. The deputy chief medical officer, Jenny Harries, expanded by advising that if couples wanted to see each other during the period of lockdown, they should *"test the strength of their relationship"* and consider moving in together.

With Dominic Raab extending the lockdown for *"at least"* three weeks on 16 April 2020, many couples who had originally stayed apart may now be considering this option as weeks or even months without their partner loom on the horizon. This is a big decision in any relationship, and especially so under the additional stresses and strains posed by the current pandemic and restrictions on movement.

For those considering their options it is important that, despite the current uncertainty, they consider the financial and legal ramifications of cohabitation before taking the plunge. There are many myths, misconceptions and misapprehensions surrounding the effects of living together. Living together in and of itself does not give rise to any legal rights or obligations. There is no such thing as "common law marriage". Financial orders that are available to divorced couples under the Matrimonial Causes Act 1973 are not available to cohabitants and there is no specific legislation in place to protect the needs of these parties.

However, the effect of cohabitation, in some circumstances, can result in significant legal implications, for example if a promise is made to share a property owned by only one party and the other makes an economic sacrifice on the basis of reliance on that promise, such as giving up their own property. Before moving in together, it is therefore important that couples communicate about their expectations and intentions, especially with regard to financial contributions. An open and frank conversation at the outset can save a great deal of uncertainty and heartache in the future.

Here are some things to consider:

- 1 Be clear about your financial responsibilities and who will meet household outgoings. This is particularly important now, when many people are facing the additional financial pressures of unemployment, pay cuts or being placed on furlough.

- 2 If a non-owning party is contributing to the mortgage or to household renovations (by way of example) then this could have legal implications and give rise to claims under trust law by the

non-owning party, so be clear and open and do not make promises you do not intend to keep.

3 Cohabitation during coronavirus for most couples might be a temporary stage until lockdown is lifted. However, as the weeks turn into months, consider what your plans are if living together goes well. Will you buy a property together? Do you want to have children? Make sure you communicate about what will you do after restrictions are lifted to avoid any misunderstandings and save stress and heartache down the line.

4 If things go well, make sure that you are protected longer term. Take advice in relation to the options available to you, such as putting a property in joint names (and the potential tax implications of doing so) or entering into a declaration of trust to clarify ownership of the property.

5 What will happen if one of you were to die? Have you both written a Will? Do you know who your estate passes to if you die without preparing a Will (it will usually not be your unmarried partner!).

6 Ensure that you have any necessary entitlements and protections in place and up to date. Have you got suitable life insurance policies in place and have you nominated the other as a beneficiary? Can your cohabiting partner benefit under your pension and do you need to nominate them as a beneficiary, if so?

7 Consider putting any agreement in writing. Our family department can assist you with preparing a Cohabitation Agreement documenting the arrangements that should apply whilst you are living together and advising on the legal implications of such a document and your rights if the relationship breaks down. A Cohabitation Agreement can address ownership of your property, how you pay rent, mortgage and bills, any jointly held finances, arrangements for any children you have together and division of assets in the event of separation (including any beloved pets).

With fines being enforced for those who go out without good reason, couples have a tough choice to make about their living arrangements, but with the right conversations and advice at the outset, cohabiting during coronavirus could be just the beginning of many happy years together.

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