



### **Cohabitation: how can cohabiting couples protect themselves in the event of a split?**

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Commentary by Nick Manners, a specialist family lawyer and partner in the Family department at Payne Hicks Beach, setting out how cohabiting couples can protect themselves in the event of a split. Cohabiting couples are the fastest growing family type but by not marrying they are leaving themselves in a vulnerable position. In England and Wales common law marriage does not exist which means cohabiting couples are left without the rights they thought they have. First published in eprivateclient online on 18 August 20021.

Nick Manners said to eprivateclient that a common area of dispute is when one asset is held in the name of one cohabitee (or was bought by them) but the other considers it a joint asset. In the case of a house, this would be when one buys the house, but the other pays the mortgage or outgoings.

He explained, "The actual position is that it is the party who legally owns the house who has all the legal rights to it, and the other will struggle to gain rights over the property by simply contributing to the household economy."

"It is only bank accounts or investments held in joint names which will be considered joint assets, or houses held in joint names. If a cohabitee is paying 'rent' to their partner to live at the same house, it is very unlikely they will have any rights on the house in the event of a break-up."

"If the couple intend to own the house jointly, then the best advice is to record this in a cohabitation agreement and/or enter into a properly constituted deed of trust, both having received independent legal advice on all the documents."

<https://www.paminsight.com/epc/article/how-can-cohabiting-couples-protect-themselves-in-the-event-of-a-split?message=2998> (paywall)

Nick is a specialist family lawyer and part of the firm's top ranked Family department that focuses on providing specialist advice on all areas of family law, including issues arising from divorce, cohabitation, civil partnerships, financial consequences of a relationship breakdown, children arrangements, inheritance claims and pre and post-nuptial agreements. The team works for a variety of high net worth and ultra high net worth clients on both contentious and non-contentious matters, including those with a complex international angle. Clients highly value its exceptional level of service, astute financial acumen and unparalleled levels of support and is recognised across the industry as one of the best family teams in the UK.

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For further information, please contact Nick Manners by email or on 020 7465 4300.

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