



why you should consider having a ‘living together’ agreement

Contrary to popular belief, if you are living unmarried with someone your legal rights in the event of a break-up in your relationship are not the same as those of a married person.

Living Together Agreements provide a framework for couples to record their intentions and to provide a means of ascertaining the effects of their contributions whilst they are living happily together. This hopefully reduces areas of dispute and avoids the acrimony usually associated with the breakdown of a relationship.

Living-together agreements have yet to be fully tested in court so no one can be sure what attitude the courts will take to them. They can make sense, in that they encourage people to think clearly about what they want to happen if the relationship ends. They might also be useful evidence of a common intention to share property and will specify the terms on which you share your home, other property, income and expenditure.

There is little doubt that a Living Together Agreement can make your position more secure.

If you are living with someone but not married to them, here are some examples of facts that you may not be aware of should your relationship come to an end:

- Your financial and property issues will be dealt with according to property law, not divorce law.
- Neither party, therefore, has an automatic claim on the other’s property.

- Courts have little power to protect the financially weaker partner. For example, mothers have no rights to maintenance for themselves.
- Fathers have no automatic right to see their children.
- If you and your partner have separate bank accounts, neither of you can have access to money held in the other partner’s account.

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Is the legal notion of ‘common law wife’ not correct?

No, it is in fact a myth. If a man and woman live together but choose not to marry, the court will not impose on the couple a status similar to marriage. Instead, the court will assume that they know about the status of marriage (and the protection which that gives to the financially weaker partner) and have rejected it. Divorce law does not, therefore, apply.

Who has responsibility for our children?

As an unmarried mother you have sole responsibility for your children, unless you register the birth of your children together with the children’s father, make a formal agreement with the father of the children, or there is a court order in favour of the father.

As an unmarried father you have no automatic parental responsibility for your children.