



If You Like it Then Should You Put a Ring On It? – Looking at the Rights of Unmarried Couples

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With the romance of Valentine's Day upon us, lots of people will be thinking about embarking on the next stage of their relationship by proposing or even tying the knot. Celebrities are no exception – Vince Vaughn and Harrison Ford both proposed on Valentine's Day, whilst Elton John, Prince and Lady Gaga all got married. However, tying the knot and legally formalising relationships is not for everyone.

The total number of cohabiting couples has increased from around 1.5 million in 1996 to around 3.5 million in 2020, an increase of 137%. The [report by House of Commons](#) also states that many people are unaware that cohabitation gives no general legal status to a couple.

Rights of unmarried couples vs married couples

Married couples have much greater protection in the event of death or separation and here are some reasons why:

1. If an unmarried person dies without a will, their partner will not automatically inherit anything – unless the couple own property as joint tenants. However, a married partner will inherit some, if not all, of the deceased's estate.
2. If a couple are not married they will not be entitled to the same generous tax exemptions as spouses.
3. If only one person in the unmarried cohabiting couple is the tenant of a rented property, the other has no rights to stay in the accommodation upon the breakdown of the relationship if they are asked to leave. However, every married person has a right to live in the 'matrimonial home', regardless of who owns it.
4. If one person in the unmarried couple owns a property solely, the person who does not own the property (despite the number of years they have lived there), will find themselves in a difficult place between the

complex realms of land law and trust law, trying to prove they have a beneficial interest in the property. This is not the case for married couples, as the matrimonial home is considered a matrimonial asset regardless of the legal ownership.

5. Upon separation an unmarried couple do not have to go through a legal process to end their relationship. Whereas a married couple do by obtaining a divorce. To get a divorce a married person must satisfy the court that they have good reason(s) for their divorce to be granted.
6. Unmarried couples are not legally obliged to financially support each other during their relationship or upon separation. In contrast, married couples do have financial responsibilities for each other and this often extends beyond divorce if one requires financial support/maintenance from the other.
7. If an unmarried couple separate, they have no financial claims against one another for maintenance, property or a share of the other's pension, which may leave one of them in a very precarious position, especially if they do not own property and have given up work to care for their children. However, when married people divorce they do have these financial claims against each other.

Although lawyers are calling for change, at present the law in England and Wales does not legally recognise or protect unmarried cohabitants.

How can unmarried couples protect themselves?

This does not mean that if you are unmarried and living together there is nothing you can do to protect your future financial security. There are certain legal documents that will help you introduce some certainty, in the event that your relationship breaks down, such as:

- A Cohabitation Agreement;
- A Declaration of Trust – detailing your respective interests in any property;
- A Partnership deed – if there is a business that you are both involved in; and
- A Will.

It is far better to limit or prevent areas of dispute in the event of a relationship breakdown, than suffer the emotional and financial cost of not doing so. As such we would recommend that you seek specialist legal advice with a view to considering the above documents and protecting yourself in the future, especially if marriage is not on the cards now or anytime soon.

If you would like legal advice on the rights of unmarried couples, please contact our specialist [Family Solicitors](#) by emailing Online.Enquiries@LA-Law.com or calling 01202 786153. Our approach aims to minimise unnecessary disputes and to ensure that you achieve the best outcome possible.