

# livingtogether

## A practical guide to your rights



*I moved into my boyfriend's flat about 6 months after we started going out. He carried on paying the mortgage just like before I moved in, but I used to buy all our weekly shopping and pay some of the bills to make it fair. I'd been there 5 years when we split up. After I moved out, I found out that things weren't as fair as I'd thought. Because the house wasn't in our joint names, I wasn't entitled to anything – even though I'd spent the last 5 years buying his food and paying for his gas and electricity! One of my friends told me I might be able to take him to court but, to be honest, I just didn't want anything to do with him any more – it had all turned a bit nasty by the time we broke up. So I left it. I still feel angry when I think about it.*



More and more people in England and Wales are choosing to live together without getting married – at the last count, there were over 4 million. Worryingly, many people believe that after a couple of years they become common law husband and wife, with the same rights as married couples. But this isn't the case. As far as the law is concerned, common law marriage hasn't existed in England and Wales since 1753!

In fact, couples who live together have hardly any rights compared with married couples or civil partners. Many of them only find this out when it's too late to do anything about it: when their relationship has broken down or their partner has died. Often all they can do by this time is get into a legal battle, putting themselves through even greater stress and worry during what is already a traumatic period of their lives.

The Law Commission is currently looking into whether the law should be changed to give greater financial protection to couples who have been living together, and their children, in the event of separation or the death of one partner. But, even if they do make any recommendations to change the law, and, even if the government were to make those changes, this process is not likely to be completed until at least 2009.

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## So, what happens if you split up now?

- **Your ex doesn't have to pay you any maintenance for your own benefit ...**

... even if you've given up work to look after the kids or your home (although they will still have to pay child support for their children).

- **If you rent your home ...**

... and the tenancy is in your ex's name only, you will have no automatic right to stay if your ex asks you to leave or walks out.

- **If your ex owns the home ...**

... and there's no other agreement or understanding in place, you will have no automatic right to stay if your ex asks you to leave.

- **If there's no other agreement in place ...**

... your ex will walk away with all the savings and possessions they built up out of their own money. Where you bought things together but each contributed different amounts to the price, you own it in the shares in which you contributed.

- **If you're a dad ...**

... and haven't jointly registered yourself with the mother as the child's father on the birth certificate since 1 December 2003, you will not automatically have parental responsibility (see our guide, What is Parental Responsibility?, at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)).

*"I moved into my boyfriend's house 3 years ago. A year later, we had a baby girl. After she was born, we hit a bit of a rough patch and I started to worry that, if we split up, I'd be left looking after a baby with nowhere to live. I told my boyfriend I wanted him to put the house in both our names and, eventually, he did. We're fine now but I'm glad we did it anyway – in a funny way, it actually made us feel like more of a family."*

## And if your partner dies?

- **If they haven't made a will ...**

... you won't automatically inherit anything from them, including the family home if it's in their name or if you own it jointly as 'tenants in common' (see page 2 of our guide, Housing & LivingTogether, at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)).

- **You will not get any state bereavement benefit ...**

... or a state pension based on a percentage of your ex's national insurance contributions, even if you had given up work to look after the kids and depended on your partner's income.

- **If they have made a will ...**

... and what you inherit is worth more than £285,000 (for 2006–7), you will have to pay inheritance tax.

*"My partner died completely unexpectedly. We'd been together for years but she was only in her forties. It was a total shock. There was more to come though. Maureen hadn't left a will. This meant that, technically, I wasn't entitled to anything of hers. It all belonged to her relatives – even the house we'd lived in for the past 12 years. I thought I'd always got on with Maureen's family so I don't know what went wrong, but, over the next 18 months, I found myself in the middle of a legal battle with her parents, just to keep a roof over my head. It was without a doubt the worst 18 months of my whole life."*

You can **Tell Us Your Story** by visiting the LivingTogether pages of our website at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)

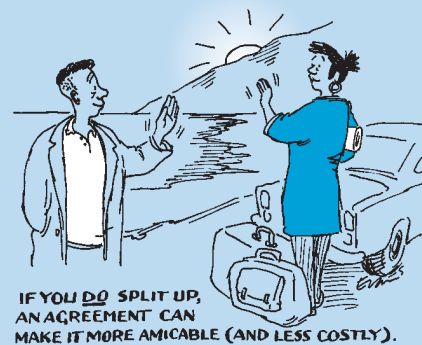


But, there are ways to protect yourself and the family, no matter what the future brings...

## Advicenow's Top Tips



- **If you're renting a new place together**, think about putting both names on the tenancy. It's probably not worth ending an existing tenancy as this may mean you lose other rights, but bear it in mind when you're next signing a new tenancy.
- **If you're buying a new place together**, or moving into a home your partner already owns, think carefully about how you want to own it. Choosing between owning it in one person's name, as 'joint tenants', or as 'tenants in common' will make a massive difference to your rights (see our guide, *Housing and LivingTogether*, at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)). Get advice from a solicitor.
- **Make a will** – even if you haven't got very much to leave at the moment. Without one all your property and assets will automatically pass to your closest blood relations – which may not be what you want.
- **If you're an unmarried father**, make sure you get parental responsibility for your kids (see our guide, *Parental Responsibility for fathers*, at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)).
- **Check your pension scheme** – some don't pay survivor's benefits to unmarried partners. Think about how you can build up separate pensions for each of you.
- **Make a LivingTogether agreement**. If you split up, it can help you do it as amicably and as fairly as possible.



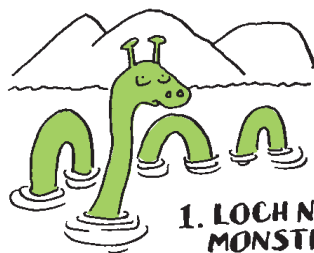
You never know what the future holds. Check out our free practical guides to LivingTogether at:

[www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)

See last page for a full list of titles.

The Law Commission's consultation paper on cohabitation is available from its website from 31 May 2006. The paper gives a detailed explanation of what the law currently is, highlights possible areas for change and asks for people's views. To find out more, or to make your views known, visit the Law Commission's website at: [www.lawcom.gov.uk/cohabitation.htm](http://www.lawcom.gov.uk/cohabitation.htm).

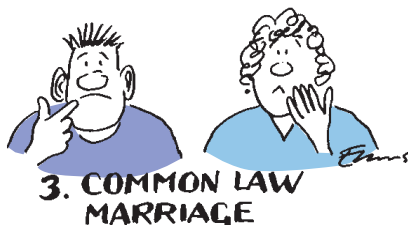
## THREE THINGS THAT DON'T EXIST.



1. LOCH NESS MONSTER



2. CATS' NINE LIVES



3. COMMON LAW MARRIAGE

This leaflet is one of a series produced by Advicenow's LivingTogether campaign. Other titles in the series are:

- Housing & living together
- Wills & living together
- Benefits & living together
- Civil partnerships & living together
- Inheritance tax & living together
- Pensions
- Breaking up checklist
- What do you mean common law marriage doesn't exist?
- What is 'Parental Responsibility'?
- Living together agreements
- Parental Responsibility for fathers
- How to get Parental Responsibility for your partner's child
- I'm expecting a baby and I'm not married to the father
- How to appoint a guardian
- Next of kin

The LivingTogether Campaign applies to **England and Wales** only. The law in Scotland and Northern Ireland is significantly different.

**The law is complicated and everyone's situation is different. Always get advice.**

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

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The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One ([www.oneplusone.org.uk](http://www.oneplusone.org.uk)) and is funded by the Department for Constitutional Affairs.

Advice Services Alliance (ASA), the co-ordinating body for UK advice services. ASA members include AdviceUK, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

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