

BRIEF SUMMARY OF LAW ABOUT

DIVISION OF PROPERTY BETWEEN UNMARRIED COUPLES

At present, there is **no coherent or simple body of law for unmarried couples**. The courts do have powers to divide up property assets (and only property assets) for unmarried couples. Unlike for married couples, the courts have no powers over issues such as pensions, investments, or maintenance for the partner who might need it.

The law in this area is piecemeal and complex. It is governed by property and trusts law as applied by judges.

The Court will decide each case according to the facts, including:

- a. whether the property is jointly or solely legally owned
- b. what the conveyancing and any trust documents say about ownership
- c. what has been said or agreed upon during the relationship
- d. what financial contributions there have been during the relationship

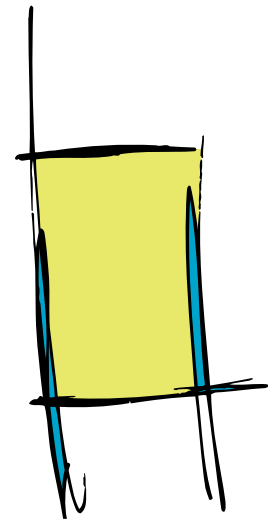
It is the above factors which matter and not what are colloquially known as “the rights of a common law wife/spouse”. These do not in fact exist at law.

Preventative steps to avoid court

Fortunately, parties can take powerful preventative steps when the relationship is still steady, in order to prevent a court case later down the line. This is done by means of a trust deed or a cohabitation agreement. These documents are inexpensive to prepare. They are particularly advisable because litigation after any breakdown can have uncertain outcomes in this area of law, with high legal costs involved too.

Child Support

There is no obligation between separating unmarried couples for one to pay maintenance for the benefit of the other (as opposed to any children). However, the position for child support payable to any children is governed by the Child Support Agency, just as for married couples.



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