

Living Together

What is the current law for people who live together?

People who live together are known as cohabitants. Most cohabitants believe that they either have the same rights as married people or that they have a large degree of protection from the law after they have lived together for a few years. This is not the case and for most cohabitants, the law may seem out of touch and harshly applied.

Contrary to very wide belief, there is no such thing as a common-law wife or a common-law husband. In reality, cohabitants may have very limited legal rights even if they have been living together for a very long time. It is absolutely essential to seek legal advice before you start living together with someone else. In reality, most people do not take such advice and if that relationship breaks down, it causes significant stress.

As each family situation varies so significantly, it is difficult to set out a comprehensive explanation of the current law. This guide therefore sets out the most common situations which cohabitants may have to deal with.

Buying a property together

Most cohabitants give very little thought to the way in which they are funding the purchase of their first home. Quite often, one person may contribute more towards the deposit than the other; or they may be an agreement that one person paid the deposit while the other will pay the mortgage. However, despite these varying situations, most people take no steps to formalise their position.

If there is no record of the agreement contained in a deed or other legal document, and the property is held in your joint names, it is assumed that both of you have an equal share in the property, unless there is strong evidence to the contrary. This situation is suitable if you have both contributed an equal sum towards the deposit and have contributed an equal sum towards the mortgage repayments. However, if the contribution is unequal, then you must record this in writing, otherwise it will be assumed that you have an equal share in the property.

If the property is registered in the name of one person, the other cohabitant may still acquire some rights to a share in the property. That person may not have made any financial contribution towards the deposit or even the mortgage payments. However, you may have promised your partner that they will acquire an interest in the property and your partner may have relied upon that and taken steps to their detriment as a result. If this is the case, they may have acquired a share in the property. In addition, if your partner has made some other contribution to the property, including home improvements such as a new kitchen or bathroom, they could acquire a share in the property because of that contribution.

What steps you should take now

If you would like more information on Living Together, then please contact our Family Solicitor, Zharna Sutaria on 020 8429 1010 or by email: zharna.sutaria@vyman.co.uk

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