

to benefit! If there are children involved, it is especially important to make a Will. If this situation arises it may be possible to challenge under Inheritance legislation.

Similarly, there may be issues as to the involvement in decisions on medical treatment - do remember that the partner of a cohabitee is not the next of kin. Consult a solicitor and ensure that your affairs are in the order you want them to be.

“MY PARTNER HAS BEEN AGGRESSIVE AND ABUSIVE TOWARDS ME. I DON’T THINK I CAN DO ANYTHING ABOUT IT AS WE ARE NOT MARRIED OR IN A CIVIL PARTNERSHIP.”

As a cohabitee you can seek protection from the courts should your partner be abusive towards you. Such violence could take the form of physical, mental, verbal or emotional abuse. You can use the Family Homes and Domestic Violence legislation to make an application to a court to protect you from an abusive partner. Such an application can be made without the other party being present if it is an emergency. Consult a solicitor at the first possible opportunity. Any abuse may constitute a criminal offence and such matters may be dealt with by the PSNI.

“SINCE WE SPLIT MY PARTNER WILL NOT LET ME SEE OUR CHILDREN. WHAT CAN I DO?”

As the parent of your children you are entitled to see them and they have a right to a relationship with you. If you cannot work out appropriate arrangements with your ex partner, then consult a solicitor as soon as possible. Negotiations can take place between legal representatives or you may wish to try mediation. If that is not successful then an application can be made to a Family Court to look at the issue.



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The Law Society of Northern Ireland
Law Society House
96 Victoria Street
BELFAST BT1 3GN
Telephone: 028 9023 1614
www.lawsoc-ni.org

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Cohabitation - Your Rights



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There are more than 4 million couples cohabiting in the UK. To be classed as cohabiting, you will be living together outside marriage or civil partnership. This leaflet gives you an overview of issues which are relevant to cohabiting couples.

The legal consequences of living together can be far reaching but unfortunately cohabiting couples seldom seek legal advice until their relationship is in crisis. This, together with the misconception that cohabiting couples acquire rights equivalent to marriage or civil partnership after a period of time, can leave couples in a vulnerable position.

You should seek professional legal advice whether you are entering a cohabitation relationship, or indeed if the relationship has ended and there are issues to be resolved. A solicitor will be in a position to answer all your questions and indeed advise you generally.

“I HAVE SPLIT FROM MY PARTNER AND WONDER DO I HAVE ANY RIGHTS TO REMAIN LIVING IN HIS/HER HOUSE?”

When your relationship ends your rights to live in your partner’s property remain the same after the split as before – the property will continue to belong to its owner.

“I WANT TO STAY IN HIS/HER HOUSE WITH OUR CHILD UNTIL SHE IS INDEPENDENT OR LEAVES SCHOOL. IS THAT POSSIBLE?”

If you were living in your ex partner’s house and the relationship ends, the chances of you staying in the house with the child on a long-term basis are unlikely, unless you

both agree. You will not get the house transferred to your sole name, as may happen in a divorce situation or dissolution of a civil partnership. The courts will have no power to alter the rights of your ex-partner in your favour. However, if you contributed to the upkeep of the house you may have obtained some interest. The courts may, however, allow some delay in you leaving the property, as it is needed by you and your dependent child as a home. Seek legal advice as soon as possible.

“OVER THE YEARS I CONTRIBUTED TO THE UPKEEP OF THE HOUSE. AM I NOT ENTITLED TO SOMETHING IN RETURN?”

If you made a significant contribution towards the property eg improvements, renovations or upkeep in general, then you may acquire an interest in the property. This may not give you an equal share in the property but you will acquire some interest in it. You should consult a solicitor as soon as possible and bring with you all documentary proof and information about the ways that you contributed financially, manually or otherwise.

“MY PARTNER AND I HAVE SPLIT. WE JOINTLY OWNED THE HOUSE. I NO LONGER LIVE THERE SO I DO NOT HAVE TO KEEP CONTRIBUTING TO THE MORTGAGE REPAYMENTS. IS THAT RIGHT?”

If you have taken out a joint mortgage on the property, you are both liable for the full amount of the mortgage until it is completely repaid. You cannot argue with the mortgage company or bank that you are only responsible for half the monthly repayment. Make an appointment with a solicitor as soon as is practicable. Should the mortgage slip into arrears, you are still jointly legally responsible and there are implications for you.

“WE WERE LIVING TOGETHER FOR YEARS. SURELY I WAS A COMMON LAW WIFE/HUSBAND/PARTNER AND THEREFORE ACQUIRE MORE RIGHTS?”

There is a misconception that living together for a number of years earns you the title of “common law wife” or “partner”. When the relationship ends the principle is generally “each keeps their

own”. If there are dependent children of the relationship the situation may present different issues. If the house you lived in was purchased jointly, then either of you can insist that it is sold and the proceeds divided according to strict property rights.

“I WANT TO MOVE IN WITH MY PARTNER BUT I AM CONCERNED ABOUT THE FUTURE IN CASE IT DOESN’T WORK OUT AND I HAVE INVESTED IN OUR HOME. WHAT CAN I DO?”

An unmarried couple or a couple not in a civil partnership can have an agreement on what is to happen in the event of subsequent separation and in so far as it affects property. Such an agreement will be legally binding if made under the right conditions.

This is a considerable advantage over married couples or couples in a civil partnership who may strive to achieve a similar outcome with a pre-nuptial agreement.

So should you wish to buy a house and live with your partner, it would be prudent to seek legal advice and enter into a written agreement as to who contributed what and what is to happen should you later split up, or one of you die. The same recommendation applies where any two parties pool their resources and wish to buy or rent a property. Ownership of the property may be adjusted to reflect contributions.

“MY PARTNER AND I HAVE BEEN TOGETHER FOR YEARS. WE HAVEN’T MADE A WILL AS IT GOES WITHOUT SAYING THAT WHEN ONE OF US DIES THE OTHER INHERITS EVERYTHING. OUR FAMILIES CAN’T INTERFERE.”

You are not legally related to your partner, so should either of you want to benefit the other in the event of death, it would be advisable to make a will and make your wishes very clear. If you don’t, then your beneficiaries may well be your next of kin, whom you possibly did not intend