

## What you should know about your property rights



Marriage may be enjoying a come back, but around a quarter of adults in the UK are co-habiting, that is, living together as a couple.

Whether you're living together as a prelude to getting married, or marriage just isn't an option, you should know that co-habiting without a formal arrangement like a marriage limits your rights. If the relationship breaks up or one of you dies, your co-habiting status can have a profound impact on your home and financial situations.

Common-law marriage is a myth – you do not have the same rights as a married couple or a gay couple in a registered civil partnership.

### Co-habitation Agreements

A co-habitation agreement is a short document which sets out any matters of potential disagreement usually before you move in together. It describes how assets might be divided if the relationship ends and can also include details of who will pay for what, as part of your living-together arrangements.

### Moving into Your Partner's Home

Sometimes, when couples move in together, one might pay for expensive refurbishment or even pay off the mortgage.

Unfortunately, unless your name is put on the deeds, you are unlikely to have a share of the property, even if you've paid towards the mortgage or improvements.

If the home is rented, it's important that your name is on your tenancy agreement. If only your partner's name is on the contract, you could be forced to leave your home if the

relationship ends, regardless of how long you have lived there or if you have actually paid the rent.

### Buying a Home

If you are buying a home together, you must ensure you are a legal owner, that is, your name is on the title deeds.

If the property is not registered in your name, you could be forced out of the house or the property could be sold from under your feet.

Your partner might even borrow money against the family home without your knowledge. Your permission for loans is only needed if you are a legal owner of the property.

There are different types of ownership – your solicitor will advise which is best for you.

### Children

Co-habitation issues are more complicated when children are involved so legal advice is especially important. A free help sheet on Children and Living Together is available online at [www.burnetts.co.uk](http://www.burnetts.co.uk) or by calling the family team on 01228 552222.

### Domestic Violence

In cases of domestic violence, co-habitants can use the law in a similar way to married couples. As the victim, you may be able to stay in the family home while you sort out permanent living arrangements (even if your partner owns the house). Your solicitor will be able to advise you.

For further advice about co-habitation contact Amy Fallows or Stephen Cox on **01228 55 22 22**.



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