



myerson

Myerson **Family**

**Our guide to cohabitation agreements for
unmarried couples**

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Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



Cohabitation for unmarried couples

What is a Cohabitation Agreement?

A Cohabitation Agreement is an agreement between an unmarried couple who have no plans to marry, which sets out and clarifies their agreement as to their financial arrangements during the relationship and what happens upon separation.

If a couple plan to marry within 12 months, they should enter into a Pre-Nuptial Agreement instead.

What are the advantages of having a Cohabitation Agreement?

A Cohabitation Agreement provides clarity during the relationship about who is responsible for payment of the mortgage and bills, and what happens in the event of a relationship breakdown. There is no such thing as common law marriage.

The range of financial claims open to a cohabitee are comparatively limited when compared to those available to a spouse or civil partner. A Cohabitee Agreement can therefore protect the rights of both parties, not just the economically richer party. A well drafted Cohabitation Agreement can therefore avoid the cost of subsequent litigation.



In the event of separation, a cohabitee can only enforce his or her legal right to property. Beyond that, it can be expensive to pursue litigation to claim a beneficial interest in property owned by a former partner. A Cohabitation Agreement can record the agreement the parties have entered into, which determines who is entitled to property in the event of a relationship breakdown. It can also govern issues such as:-

- What happens to the contents of the house and gifts to the couple?
- What happens to jewellery and cars?
- What happens to debts?

If the couple have children, a Cohabitation Agreement can provide for:-

- The purchase of a home for the children during their minority;
- A rental agreement to provide housing for the children during their minority;
- Payment of the mortgage/rent and household bills;
- A series of lump sum payments to provide for items such as the purchase of furniture and equipment and cars;
- Payment of school fees; and/or
- Payment of child maintenance.

Is a Cohabitation Agreement legally enforceable in England and Wales?

Cohabitation Agreements are governed by the ordinary rules of contract. When a Cohabitation Agreement is prepared, it is important that the following is considered:

- Both parties should receive independent legal advice to ensure they fully understand the effects of the agreement;
- There should be an exchange of full and frank financial disclosure;
- The terms of the agreement need to be fair and reasonable;



- Neither party should be placed under unfair pressure or duress to sign the Agreement; and
- The agreement should be reviewed on the birth of any child or if the parties' circumstances change significantly.

Can we enter into a Cohabitation Agreement if we are planning to get married?

If you are planning to get married or enter into a civil partnership within the next 12 months, you should consider entering into a Prenuptial Agreement. This is an agreement made in contemplation of marriage to protect wealth accrued prior to marriage.

How much does a Cohabitation Agreement cost?

Our fees for preparing a Cohabitation Agreement for you will depend on the extent of the assets involved and how complex the arrangements are. Our team will be happy to provide you with a comprehensive quote for your matter.



You're in safe hands!

If you would like further information about how we can help you with **cohabitation agreement**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

Call: 0161 941 4000

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