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LAW COMMISSION REPORT ON NEW REMEDIES FOR COHABITANTS

NEWS RELEASE

The Law Commission report of the 31 July 2007 makes recommendations about how cohabitants are dealt with by the law. These include proposals to give cohabitants who have children or who live together for a specified period of time (the report suggests a period of between 2 and 5 years) legal solutions on the ending of their relationship.

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There have been some suggestions that giving legal solutions to cohabitants undermines the status of marriage. Given that a significant number of people are choosing to live together rather than marry and that the majority of those according to the

Law Commission Report, believe in the "common law marriage myth" i.e. that unmarried couples living together already acquire rights similar to married couples after living together for a certain length of time and do not share that view.

Having dealt with an increasing number of cases following the breakdown of cohabiting relationships, applying the current legal position, which is uncertain, complicated and often results in Court proceedings, the time now seems right for there to be some regulation and overhaul of the law relating to cohabitants.

The Law Commission Report recommends that cohabitants can be given the opportunity of opting out of any scheme that may be introduced which will mean that those who choose not to marry or form a civil partnership will not be forced to enter into a particularly legal regime against their will.

It remains to be seen whether and to what extent and when the Government implement the recommendations.

For more information on this or other matters relating to family or matrimonial law please contact Liz Williams on Tel: 01274 728 327.

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