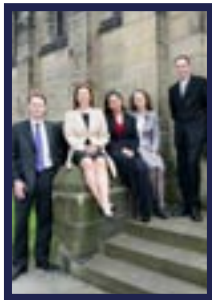




# CO-HABITATIONAL RIGHTS

Many people believe that they acquire rights as co-habitants. This is not the case. One of the phrases we often hear from the public is Common Law Wife or Husband. In fact in English Law there is no such a thing as a Common Law Spouse. There are no co-habitational Laws in England. The Government is mooting to change this and various proposals are before Parliament at the moment. However until they come to fruition a co-habitee has no more or less rights that once sharing a property with their mother, sister, or best friend.

The present Law does not allow co-habitees to acquire rights or interest in assets owned by their fellow partner just because they are co-habiting together and or have children together.



In respect of property or assets the Law can only define the extent of a persons interests in a property or assets to which that party has made a contribution in some way. What it will not do is to change that persons interest or to give them a share of the other's assets. This is completely different to Matrimonial Law which allows Courts to transfer assets or change shares in assets between married couples.

In respect of property the parties jointly own property or assets and their names are on the Title Deeds the Court cannot look behind the Title Documents. This means that if parties have bought property together and have defined their shares on the Title Deeds for example 50/50 or 75/25 that cannot be changed by the Court.



# CO-HABITATIONAL RIGHTS

There are circumstances in which one party owns a property but the other may have an interest. For example where one party may own the property on the Title Deeds but the other has provided the deposit or made some contribution paid towards a large extension or undertaken substantial building works. In those cases the Court can define what share the party is not on the Title Deeds should get. This usually has to be fairly a fairly substantial contribution or one has to show that there is a common intention that the property was purchased as a joint venture but one party's name did not appear on the Title Deeds. Things like contributing to the costs of setting up home such as furniture or curtains putting names on a mortgage application or undertaking general painting and redecoration have all been held not to be substantial enough for a party to acquire an interest in the other's property.

If a party is found by the Court to have an interest in the property the Court may delay the sale of the property if there are children under the age of 18. However, again in these cases once the property is sold each parties share of the property would be unchanged.

In some circumstances co-habitee will have no interest in their partners home. They would be allowed to stay there for a short period of time under an Injunction. However this is likely to be temporary to allow that party to obtain alternative accommodation.

If parties are considering co-habitation they should consider either a co-habitation agreement or at least defining their interest in any property they purchase or acquire can save a lot of costs and distress if the relationship breaks down.

**For advice on Family Matters or any other area of Watson  
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