

DISPELLING THE COMMON LAW MARRIAGE MYTH

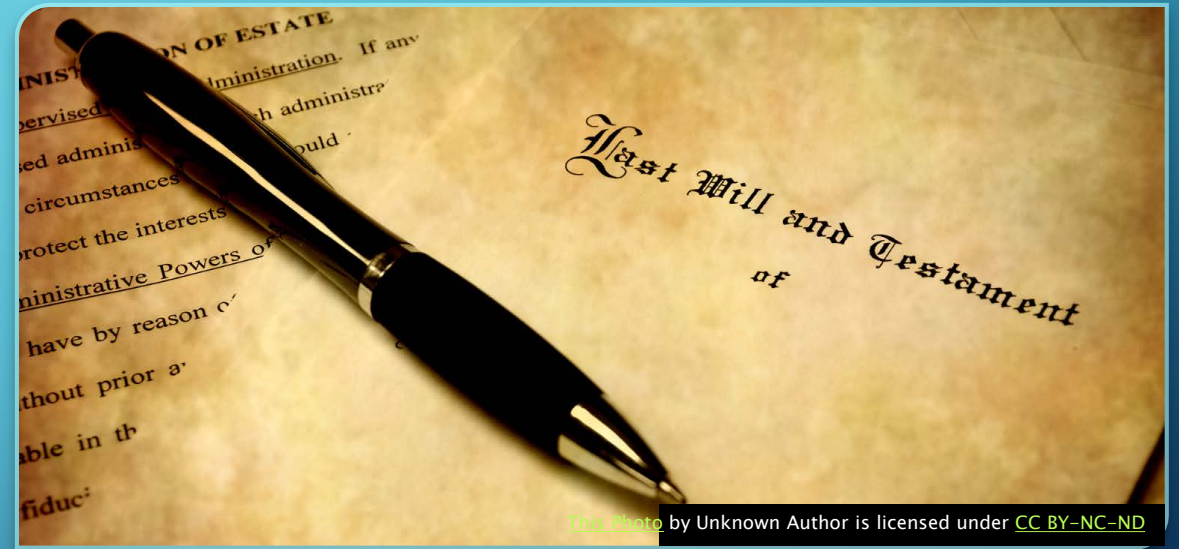
PART 4 – INHERITANCE AND PENSIONS



INHERITANCE
MINE IS NOT YOURS
WHEN WE ARE
COHABITING

THE IMPORTANCE OF MAKING A WILL

- In the United Kingdom, cohabiting couples do not have an automatic right to inherit from their partner's estate when they die.



HOW ARE UNMARRIED COUPLES RECOGNISED IN INHERITANCE



- Regardless of the number of years during which you have lived together as an unmarried couple, the law does not recognise unmarried partners as
‘KIN’

PROTECT YOUR PARTNER'S RIGHTS



- According to the law, even if you are currently cohabiting, the 'next of kin' who are most likely to benefit from your estate (property, assets, money) in the absence of a will are :
Spouse (If still legally married)

Children

Parents

Siblings

You must express your wish in a WILL

INHERITANCE RIGHTS FOR UNMARRIED COUPLES

There is a MYTH that 'Common Law Husband and Wife' has some legal standing.

However, when it comes to inheritance, the surviving partner has no right under the existing intestacy rules.

WHAT IF YOU HAVE NOT BEEN INCLUDED IN THE WILL?



- If a deceased's will or the law relating to intestacy does not make a reasonable financial provision for a cohabitant, the latter can make a claim against the deceased cohabitant's estate under the

INHERITANCE ACT 1975



- However, there should be proof to show that the deceased was making a substantial contribution in money or money's worth towards the reasonable needs of that person.
- If they were both working and simply living together, they might not be eligible under the
Inheritance Act 1975

INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975



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- Cohabiting partners would be entitled to bring a claim under the Inheritance (Provision for Family and Dependants Act 1975, provided that they meet the criteria.

Possible claim under the Inheritance Act 1975

Jurisdiction

Proof of death

Domicile of deceased

Time limit to bring a claim

Are the preliminary issues satisfied

NO

CLAIM MAY NOT BE POSSIBLE

YES

A CLAIM MAY BE POSSIBLE

The cohabitant category

A person who for 2 years prior to the death lived with the deceased as spouse/ civil partner

Issues to be satisfied

2 years continuous co-habitation

Common household

Living as spouse/ Civil partner

See IP(FD) A 1975 actions Practice Note : The cohabitant and children applicants



PENSIONS

Sky News report on Pensions
ruling for cohabiting couples
as explained by
the Former pensions
minister
Steve Webb



COHABITANT RIGHTS

**FORMER PENSIONS MINISTER
STEVE WEBB**