

Plan for your Future: Legal Insights on Cohabitation and Nuptial Agreements

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Legal insights on cohabitation and nuptial agreements

Statistics show there is no guarantee of a lifelong partnership. If you are planning on living together with or without marrying, you owe it to yourselves to know your legal entitlements should you separate. Far from being thought of as unromantic, financial openness is increasingly seen as an act of planning and care.

Cohabitation agreements

If you are planning to live together or already do so, have you thought about the benefits of a [Cohabitation Agreement](#)? Do you know that there is no such concept of a 'common law marriage'? Or that the government rejected the recommendation of an 'opt-out' cohabitation scheme as proposed in the Law Commission's 2007 report? Or about the government's recent rejection of the Women and Equalities Committee's recommendation for reform in this area? In October 2023's Labour party Conference, it was announced that a Labour government would give legal protection to cohabiting couples. Currently, however, there is no such protection.

Nuptial agreements

If you are planning to marry, have you thought about a [pre-nuptial agreement](#)? These often appeal to those marrying later in life, wanting to protect assets acquired before marriage having achieved career success, or those who wish to protect finances for the children of a former marriage, or want to protect multi-generational wealth as inheritance. However, these agreements are appealing increasingly to couples with broadly similar finances, who want certainty should the relationship not endure.

One of the best ways to simplify the financial process on relationship breakdown is by advance planning. Rather than an unnecessary expense, they are a safeguard to help against potential future legal fees. The certainty (as far as the law in England and Wales allows) means cohabitation agreements (for those living together), pre-

nuptial agreements (for those getting married) and post-nuptial agreements (for those already married) can be used as a very useful wealth planning tool.

This is part of a wider financial planning conversation sensible for all couples to have, where one may find themselves unexpectedly financially independent, not just in the event of separation or divorce but due to incapacity or death. Let us stop being squeamish about such discussions and plan for all eventualities.

Contact our experienced [Family team](#) for advice on these agreements or email directly on Joanna.Kay@la-law.com