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Breaking up is hard to do but may be getting fairer

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by Ann Corrigan, solicitor specialising in family law

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If a man and a woman want to create a family, the most durable contract available to them is marriage, but over 2.2 million unmarried couples choose to live together in England and Wales. According to new Law Commission proposals these unmarried couples will soon be able to make financial claims against each other if they split up. At the moment cohabiting couples have very little protection and many believe in the 'common law' myth that partners would be entitled to a share of the assets should a relationship break down.

Now these new proposals will mean that couples who split up after living together for as little as two years – or less if they have children together – will be able to make a financial claim based on the contribution to the relationship that each person has made. There would be no principle that assets should be shared equally and no ongoing maintenance, but it would mean that if a partner had given up a career to bring up children, they should receive compensation if the couple then separate.

Of course, there is still freedom of choice and couples can opt out providing they enter into an agreement in advance. The rules also apply to all couples living together regardless of sexual orientation. But if couples want to protect their future in case of relationship breakdown, they should draw up what's called a 'Living Together Agreement' which will help protect finances by clarifying financial commitments, especially if a house is involved. Ann Corrigan, solicitor at Phillips specialising in family law, comments: 'If you're reading this and already living with your partner it's not too late to put an Agreement in place. Discussing what goes into your Agreement can be emotionally difficult but can bring a maturity to the relationship by talking through major decisions. They are relatively cheap and easy to make, so don't risk future recriminations and nasty surprises - act now.'

Ann Corrigan is a family lawyer and she specialises in helping clients to make these Living Together Agreements. Why not give Ann a call on her direct line: 01256 854630 or you can email Ann on acorrigan@phillips-law.co.uk

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