

## NEWS IN BRIEF

### **The Cohabitation Rights Bill: Where are we now?**

Fourth of June 2015 marked the first stage in the long journey through parliament of the Cohabitation Rights Bill, with the first reading in the House of Lords.

#### **Limited options**

Time and time again, as practitioners, we are faced with telling a client that, unless they are married, the claims they can bring against a former partner are limited. Claims are limited further where:

- There are no children of the relationship (or if they are over 18), thus eliminating an application under schedule 1 of the Children Act 1989 for financial provision; or
- Property, such as the roof over their head, is not held jointly.

It may be possible to establish a claim in equity if it can be said that an implied trust has arisen. This occurs, for example, where one partner has contributed towards the purchase of the home or upkeep, or made payments towards the mortgage, thus establishing an interest despite the property not being in their name. Finally, it may be possible to make a claim under the Inheritance (Provision for Family and Dependents) Act 1975 if it can be shown that the applicant was a dependant.

#### **The panacea?**

What the Bill seeks to achieve is to avoid the situation whereby one party is left significantly disadvantaged following the breakdown of the relationship and to bring remedies more in line with those available to married couples. Where the parties have a child or where they have lived together for at least two years, the court would be given the power to make a financial settlement order, providing certain conditions are met. The remedies available include the payment of a lump sum; transfer of property; property settlements; sale of property; and pension sharing.

Perhaps time for all parties to give consideration to having a Relationship Agreement.

**If you would like a free initial consultation then contact me Chris Berry at: BERRYS SOLICITORS specialising in PRIVATE CLIENT CARE.**

Address: Berrys Solicitors  
247 Church Street  
Blackpool  
FY1 3PE

Phone: 01253 620 022  
Fax: 01253 297 117  
Email: [berrys.mail@btconnect.com](mailto:berrys.mail@btconnect.com)  
Website: <http://www.berrys-solicitors.co.uk>  
Solicitor: Christopher Berry Principal

Berrys Solicitors is Authorised and Regulated by the Solicitors Regulation Authority  
Firm No: 261147