

It doesn't matter how long you live with your partner, you don't have the rights of a married couple.



The Living Together campaign explains what rights couples living together **really** have, and shows you practical ways you can protect yourself and your partner.

Living Together: your future

If you live with your partner and aren't planning on walking down the aisle in the immediate future, there may be legal arrangements you need to make in case catastrophe strikes. Use our quiz to discover how secure you really are.



Do you need a legal make-over, to make a few minor adjustments, or are you and your partner sitting pretty?



1 If you rent your home with your partner, is the tenancy in both your names?

- a) Both names (3 points)
- b) My name (0 points)
- c) Partner's name (0 points)
- d) Don't know (0 points)
- e) We don't rent our home (0 points)

2 If you and/or your partner own your home, have you discussed what you would do if you split up?

- a) Yes and we had a lawyer write an agreement for us (3 points)
- b) Yes, and we wrote an agreement ourselves (2 points)
- c) Yes, but we have not written it down (1 point)
- d) No (0 points)
- e) We don't own our home (3 points)

3 If you own your home, do you own it in both names?

- a) Yes (3 points)
- b) My name (0 points)
- c) Partner's name (0 points)
- d) Don't know (0 points)
- e) We don't own our home (0 points)

4 Do you have an up-to-date will?

- a) Yes (3 points)
- b) No (0 points)



I'd just feel more secure with the tenancy in both names, Gruk!

5 Does your partner have an up-to-date will?

- a) Yes (3 points)
- b) No (0 points)
- c) Don't know (0 points)

6 If you have children together, does the father have legal Parental Responsibility?

- a) Yes (3 points)
- b) No/what's Parental Responsibility? (0 points)
- c) We don't have children (3 points)



What **exactly** is 'parental responsibility,' Charlie?

7 If you have a private pension, will it make payments to your partner if you die?

- a) Yes (3 points)
- b) No (0 points)
- c) Don't know (0 points)
- d) I don't have a pension (0 points)

8 If you or your partner have given up work to look after the kids, have you thought about the lack of pension contributions?

- a) Yes (3 points)
- b) No (0 points)
- c) Not applicable (3 points)

9 If you or your partner have assets of over £200,000 (including the value of your house), have you taken advice about inheritance tax planning?

- a) Yes (3 Points)
- b) No (0 points)
- c) The total value of everything I own is nowhere near that much (3 points)



INHERITANCE TAX: AN UNMARRIED GRIEVING PARTNER MAY BE FORCED TO SELL THE HOME.

10 If you buy a car, or things for the house jointly, have you discussed how you will divide them if you split up?

- a) Yes (3 points)
- b) Only the major items (1 point)
- c) No (0 points)
- d) We don't buy things jointly (3 points)

THREE THINGS THAT DON'T EXIST.



1. LOCH NESS MONSTER



2. CATS' NINE LIVES



3. COMMON LAW MARRIAGE

What did you score?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL										<input type="checkbox"/>

25 or over:

You're sitting pretty!

But don't just sit back, relax, and feel smugly confident that you've prepared for the unforeseen. Make sure you keep any written agreements about your property, what would happen if you split up, and your will, up-to-date. Also, keep an eye on the value of any property you own and if it gets near Inheritance Tax levels, take some legal advice about arranging your assets.

16 or over:

Some attention needed

You don't require a full make-over but you should tie up a few loose ends. See below for what you may have missed and why it's important to sort it out.

15 or below:

You need a legal make-over

You need to take action to protect yourself and your partner. See below for what you may have missed and why it's important to sort it out.

What you can do to protect yourself and your partner

Renting

If the tenancy is in only one name and you split up, the person not named on the tenancy has no right to stay if their partner asks them to leave. If the named tenant dies, the surviving partner sometimes has no right to stay. It probably isn't worth ending your current tenancy as this may mean you lose other rights, but bear this in mind when you are next signing a new tenancy.

A home you or your partner owns

If the home is owned in one name and there is no other agreement in place, the unnamed partner may have no right to stay if they are asked to leave or if their partner dies. They may be able to prove that they should own part of the home, but this will require a long and expensive court battle.

Whether you own a home jointly or not, it is important to agree what would happen if you split up. You could get a solicitor to draw up a deed or you could make an agreement yourselves – see our step-by-step guide.

Wills

Without a will your partner won't automatically inherit anything from you - including the home if it's in your name, or if you own it jointly as 'Tenants in Common'.

Children

Parental Responsibility is the legal term for the right to have a say in the way your child is brought up. If you are an unmarried father, you will only automatically have Parental Responsibility if you have been registered as the father on the birth certificate since 1st December 2003. If you don't have it, you can easily get it - see our guides for further details.

Pensions

Many pension schemes don't pay survivor's benefits to unmarried partners. Check what your pension scheme says and consider moving it if necessary.

If you or your partner has given up work to look after the family you need to think about how it will affect your future and how you can make it fairer. Unlike married couples, you won't be entitled to a percentage of your partner's pension contributions.

Inheritance Tax

Unlike married couples, cohabiting couples aren't exempt from Inheritance Tax on property or money that passes between them after one of them dies. This can mean a grieving partner is forced to sell their home to pay the tax bill. If you are lucky enough to have assets that might add up to over £275,000 you need to take action.

Joint Property

If you split up or one of you dies it can be a nightmare working out who owned what if you've never really thought about it. It is best to be clear on what would happen if you split up.

LivingTogether campaign

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together really have, and show you practical ways you can protect yourself and your partner.

At www.advicenow.org.uk you can download free, easy to understand, step-by-step guides to

- Making a will
- Parental Responsibility and how to get it
- Your housing rights
- How to make a Living Together Agreement
- Making your partner your next of kin
- How to deal with the financial implications and more....

See www.marriedornot.org.uk for the legal differences at a glance.

The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

The law is complicated and every case is different. Get advice.



If you live with your partner we recommend that you:

- Make a will and keep it up to date
- Agree what you would do if you were to split up
- Consider making a Living Together Agreement
- Check that your pension will pay out to an unmarried partner
- Consider the issue of 'Parental Responsibility' if you have children together

The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One (www.oneplusone.org.uk) and is funded by the Department for Constitutional Affairs.

Advice Services Alliance (ASA), is the co-ordinating body for UK advice services. ASA members include AdviceUK, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

Published by Advice Services Alliance, Bramah House, 65-71 Bermondsey Street, London, SE1 3XF.

