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An equal footing for Cohabitants?

The Law Commission proposals granting legal and financial rights to cohabiting couples in the event of separation or death are gaining momentum and support.

The proposed financial remedies for cohabitants with children include the usual suspects of periodic payments, lumps sums and property transfers. They stop short, however, of extending the law applicable on divorce to cohabitants.

The relief is not available to all, but rather to those who can show that they had been financially disadvantaged during the relationship. The Commission was silent on the length of time which would enable applicants to qualify but the consensus suggests 2 years.

The, understandable, aim is to protect the large number of cohabitants who currently, though misguidedly, rely on their status as common law husband or wife.

That said, it is anticipated that the mooted reform will meet with resistance from amongst others, religious communities, which have historically raised the opportunity to marry as a counter to the demands for equal rights from cohabitants, an opportunity only made available to same sex couples through civil partnership within the last 9 months.

The reply from cohabitants rests with Human Rights legislation and the right to live their lives without being obliged to marry to obtain rights, remedies and tax breaks.

The Commissions consultation ends on 30th September and its final recommendations will be submitted to ministers next summer.

If the proposals follow civil partnership, the issue may not be how long before the relevant Act is passed but how quickly the Register Offices up and down the country can deal with the administrative changes.

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