

The Rt Hon. The Lord Foster of Bath, Chair
Justice and Home Affairs Committee
House of Lords
London
SW1A 0PW

MoJ ref: SUB134675

04 June 2026

Dear Don,

COHABITATION AND FINANCIAL REMEDIES REFORM CONSULTATION

I am writing to inform you that the Government will be launching a public consultation tomorrow, entitled “*A Fairer End to Relationships*”, which sets out draft proposals for reform across three connected areas of law: financial remedies on divorce and dissolution, protection for cohabitants on separation and inheritance provision for cohabitants on death.

The consultation will explore how financial arrangements following the end of a relationship can be made fairer, easier to understand, more consistent and better suited to the realities of modern family life.

Financial Remedies Reform

While marriage remains a lifelong commitment for many, the law must provide clarity and fairness in circumstances when a marriage or civil partnership comes to an end. The Law Commission’s 2024 scoping report on financial remedies on divorce and dissolution found that the current law can produce unpredictable outcomes and, in some cases, prolong conflict at an already difficult time.

To address this, the consultation seeks views on a “codification-plus” approach to reforming the law, one of the four models outlined by the Law Commission in its 2024 report.

Under this model, the established case law principles of “sharing” and “needs” would be set out clearly in legislation, so that the court’s starting point will be that matrimonial property should be shared equally, unless unequal division is required to meet need. The Government also proposes codifying definitions of matrimonial and non-matrimonial property. In addition, further targeted statutory reform would be made where the law is currently uncertain. This includes binding qualifying nuptial agreements, supported by safeguards in order to ensure that any decision to enter into such an agreement is fully informed and freely made.

The consultation also invites views as to whether the court should give greater weight to the impact of domestic abuse, including controlling or coercive behaviour or economic abuse, when assessing financial need for married couples and cohabitants. Given the importance and complexity of this issue and the range of views, the consultation will provide an opportunity to engage with stakeholders and build a robust evidence base in order to inform our approach.

Cohabitation Reform

More than 3.5 million couples live together without getting married or entering a civil partnership, more than double the number thirty years ago. Yet cohabiting couples have very limited financial protection on separation and no automatic right to inherit when a partner dies without leaving a will. Many are unaware that they have limited legal rights.

This disproportionately affects the economically vulnerable, including women, children and victim-survivors of domestic abuse (including economic abuse). That is why the Government announced in its 2024 manifesto, that it would “strengthen the rights and protections for women in cohabiting couples”, as part of a wider commitment to tackling violence against women and girls. This consultation marks the first step in delivering on that commitment.

The consultation seeks views about a new framework of rights for cohabiting couples when they separate. It will give a proportionate and targeted set of protections, while remaining clearly differentiated from what is available on divorce. The framework would apply automatically to eligible couples, with an option for both partners to opt out. To ensure protections are only available to those in long-term, committed and interdependent relationships, eligibility would be limited to adults who have lived together for at least three years or live together and share a child.

Under the proposed model, the court would start from the position that each person keeps that which they legally own. The court would only depart from this where it is necessary to meet an individual’s defined needs, including (as the primary consideration) the needs of the child. These needs would be assessed more narrowly than on divorce and would exclude discretionary needs (such as luxury items).

In relation to inheritance provision, the proposals include extending intestacy rights to qualifying cohabitants, who would automatically inherit where their partner dies without a valid will. There would be a minimum period for which the relationship would have to have lasted before the proposals would take effect.

Consultation aims and next steps

This consultation is an opportunity to build consensus about the direction of reform. During the consultation period, the Government intends to hold a series of roundtables with practitioners, academics and civil society organisations. If you or the Committee has any views on these proposals, please let me know.

The Government will consider the findings of the consultation carefully before finalising our policy positions. Any reforms would then take place when parliamentary time allows.

Yours ever,

A handwritten signature in black ink, appearing to read 'A. Levitt', with a stylized, cursive script.

THE BARONESS LEVITT KC