

Written evidence from David Gray [HAB0318]

The Call for Evidence opens with the comment that “*Cohabiting couples make up the fastest growing type of family . . . Couples who cohabit currently have less legal protection than those who are married or in a civil partnership in the event of death or separation.*”

Why should we be surprised? If couples choose not to enter into a stable committed relationship in a civil partnership or marriage, why should they be granted equal rights with those who do? It is simply a matter of personal choice.

The document goes on to say that “*there is a widespread perception that cohabiting couples have similar or identical rights to those who are married or in a civil partnership*”. But then the answer surely is to raise awareness of the current legal situation, so that it is widely understood, not rush to conclude that the law needs to be reformed to put such couples on an equal footing with those who have chosen to cement their relationship in a formal commitment that society accepts as worthy of shared legal protection.

Response to the key questions

Q1. Should there be a legal definition of cohabitation and, if so, what should it be?

No.

Q2. What legislative changes, if any, are needed to better protect the rights of cohabiting partners in the event of death or separation?

None. Couples who marry pledge lifelong commitment to one another. That is why the law makes provision in the event of a spouse’s death. There are no grounds for extending those rights automatically to cohabiters who have chosen not to make such promises.

Q3. What equalities issues are raised by the lack of legal protection for those in cohabiting relationships?

None – see opening remarks above.

Q4. Should legal changes be made to better provide for the children of cohabiting partners?

No. It is true that figures show that cohabiting couples are much more likely to separate than those who are married. But we should be seeking to promote marriage/civil partnership, not ‘compensate’ cohabiting couples for their decision not to enter into such a commitment, or to give their children the security that would bring.

Q5. Should cohabiting partners have the same rights as those who are married or in a civil partnership?

No – see opening remarks above.

Q6. Are there examples of good practice in relation to the rights of cohabiting partners in the UK or internationally that the Government should seek emulate in England and Wales?

Don’t know, but given the answers above, no such examples – if they exist - should be copied.

July 2021