

Written evidence from Matthew Keeler [HAB0357]

Cohabiting couples make up the fastest growing type of family, with over 3.4 million couples cohabiting in England or Wales.^[1] 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. Despite this, there is a widespread perception that cohabiting couples have similar or identical rights to those who are married or in a civil partnership.

In 2007, the Law Commission published a report [on the financial consequences of the breakdown of cohabitant relationships](#) and recommended law reform. Since then, in 2011, the Coalition Government decided not to take forward the recommendations, and there has been little progress in this area since. Certain legal professionals have continued to call for greater protection under the law for cohabiting couples.

The Committee will examine what legal protection for cohabiting couples could look like and how this might be introduced. We welcome written evidence submissions from individuals, legal practitioners and organisations.

The Committee is inviting written evidence. Please note we cannot accept evidence that discusses on-going or active court cases.

Key questions for the inquiry are:

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

I do not believe there should be a legal definition of cohabitation

- What legislative changes, if any, are needed to better protect the rights of cohabiting partners in the event of death or separation? The difficulties experienced by cohabiting couples are being overstated and can already be addressed by other means. Inheritance concerns can be arranged through a will, for example. Marriage is undermined if the same legal rights are given to those who have freely chosen not to be publicly committed to each other.
- What equalities issues are raised by the lack of legal protection for those in cohabiting relationships? Marriage and Cohabitation are 2 separate relationship types. Equality is important however this is only looking at it from a cohabitation point of view

rather than from a marriage point of view. What about the potential equality issues from those that have chosen to enter into a publicly declared life-long commitment of marriage to one another if cohabitation essentially shares the same status with the same benefits? Creating a second alternative to marriage is completely unnecessary and will substantially undermine marriage. Couple's should be encourage to get married if they want the legal protections of marriage.

- Should legal changes be made to better provide for the children of cohabiting partners? No. Cohabitation has been proven to be a far less stable environment for children than marriage. By the time they turn five 53% of children of cohabiting parents will have experienced their parent's separation; for five year old's with married parents this is 15%. People who chose to cohabite can then make a clear distinction between the cohabitation and marriage and the benefits that the latter brings over the former. The risk of family breakdown is much more substantial and traumatic for children with parents who cohabit and would damage their mental health.
- Should cohabiting partners have the same rights as those who are married or in a civil partnership? Cohabiting couples have freely chosen not to marry. Extending the financial rights of marriage to cohabiting couples is akin to forcing those couples to be married, but without first making the express, public commitment to one another that is integral to making marriage work. Marriage is undermined if the same legal rights are given to those who have freely chosen not to be publicly committed to each other.
- 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? Not that I know of. Marriage should be the gold standard of relationships. The public and ultimate commitment of marriage promotes stability for society and for upbringing children. It greatly benefits adults and children and should be promoted over cohabitation.

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