

1 How has the law changed?

Before 2006, cohabitants (those living together as husband and wife or civil partners) had no right to financial compensation when their relationship ended. The Family Law (Scotland) Act 2006 created new laws which mean that potential claims can be made if you are in a cohabitating relationship which ends by separation or death.

2 What kind of claims can be made?

Provided an application is made within one year, a cohabitant can apply to court to order their ex-partner to make payment to them, if the end of relationship left them financially disadvantaged. The court has discretion as to whether any amount is to be paid.

A surviving cohabitant can also now claim on their deceased partner's estate within six months of their death, but only when there is no Will in place. This timescale cannot be extended, so seeking legal advice quickly is essential.

3 What does this mean?

The law gives cohabitantes an opportunity to apply to court in some circumstances, but there is no clear guidance for how payment should be calculated, which can lead to confusion, drawn out legal proceedings and expensive fees.

Putting a cohabitation agreement in place saves you from this uncertainty. You can also "op-out" of the new laws and you can also make provision for unequal property deposits. This gives you peace of mind and certainty about your future together.

4 How can Thorntons help?

We can draw up a Cohabitation Agreement which lays out how you and your partner would like to distribute your shared assets and finances in the event of a break-up. We may be able to offer a fixed fee depending on how straightforward your case is.

Whatever the circumstance however, we will be able to give you a clear indication of the likely costs straight away in order to give you reassurance and clarity about the future, no matter what happens.



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