

Cohabiting couples need greater legal protection than ever before



Baroness Hale, Supreme Court president, says the present system is unjust

SUPREME COURT/PA

UK is calling for greater protection¹

Unmarried couples should be given greater legal protection when their relationship breaks down, says the woman who heads the UK's highest court.

Baroness Hale, the first female president of the Supreme Court, believes that the law needs to address the injustices of family law, in particular the lack of rights for six million cohabiting partners. With fellow justices, she will be tackling some of the most sensitive cases that arise in the family justice system with the prospect of creating new laws.

The present system created injustice and was “bound to lead to some people not receiving a fair and just allocation of resources when the relationship breaks up”, she said. Lady Hale's comments come as a new survey from Resolution, the family lawyers' association, shows that millions of unmarried couples are at severe financial risk if they break up.

¹ Extracts taken from November 27 2017, 12:01 am, The Times, Frances Gibb, <https://www.thetimes.co.uk/article/cohabiting-couples-need-more-legal-protection-says-baroness-hale-tpmbkz6lc?shareToken=4a09335288b7a0f6241d9bdb76483557>

What happens in South Africa?



Although there is a movement to protect unmarried couples in the event their relationship breaks down, there are no hard and fast rules. Even if a couple has been living together for some time, there is no automatic legal protection built into the relationship and a breakup may be as brutal as a divorce.

If the break down results, the couples may need to approach the courts in order to obtain protection or enforce their legal rights which may be time-consuming, emotionally draining and dearly expensive.

For this reason it is **IMPERATIVE** that each couple co-habiting draft a co-habitation agreement for the following reasons:

1. Legal Protection - The law protects cohabiting couples to a lesser degree than married couples so it is important to draft an agreement to ensure that your rights are secured and safeguarded on separation or death.
2. Financial Expectations - are addressed in advance to provide clarity and avoid unnecessary disputes regarding assets. Working out who pays for what and when will lead to a harmonious home and a good working relationship.
3. Financial Protection - Ensuring an equitable split of assets protects the party who does not have assets registered in their own name but has contributed to the costs of the household.