

'A fairer end to relationships' consultation: Response guide

The consultation document is available at: the.ci/cohabconsult26

QUESTIONS

We have identified three key issues in the consultation to respond to:

- 1) nuptial agreements,
- 2) cohabitants' rights on separation, and
- 3) cohabitants' rights on death.

You can answer as many of the dozens of questions in the consultation as you wish, but we have suggested answers to five of the most important questions, concentrating on those closest to the principle of upholding marriage. Many of the points included could be reiterated in response to other questions.

WAYS TO RESPOND

- Online: the.ci/cohabrespond26
- Email: frcohabconsultation@justice.gov.uk
- Post: Family Justice Policy Team,
Ministry of Justice,
102 Petty France,
London,
SW1H 9AJ

**The deadline for responses is
Friday 14 August.**

Please use your own words. Duplicate responses are highly likely to be dismissed.

Part 1: Reforming the Law of Financial Remedies on Divorce

21 *Do you agree with the Government's view that when considering meeting "needs" under the qualifying nuptial agreement model proposed, this should exclude discretionary needs, in the same way as proposed for cohabitants?*

We suggest not selecting an answer and instead using the text box to express opposition in principle to enforceable pre-nuptial/post-nuptial agreements.

- No system of legally binding nuptial agreements should be introduced. Marriage is about two people committing to one another for life, not anticipating separation and the splitting of assets.
- Normalisation of pre-nuptial agreements encourages couples to plan for divorce at the point of marriage.
- Already around one in five couples recently married have signed a pre-nuptial agreement, and amongst unmarried adults the majority would consider signing one.¹ This trend must not be encouraged.
- Legitimising nuptial agreements makes marriage further lose its meaning, as the couple's vows for life are hollowed out.
- Divorce affects the stability of future generations. The Centre for Social Justice found that "parental divorce increased the odds of marital disruption by 70% for daughters" and that "a marriage was more likely to break up if the mother had parents who were separated".²

23 Do you agree with the Government's view that the court should consider a pre-marital cohabiting relationship as counting towards the length of a marriage, where that relationship moves seamlessly from cohabitation to marriage? You may wish to give reasons in the text box.

Please answer 'No'.

- Cohabitation is not equivalent to marriage. Marriage requires a clear, public exchange of promises. Any relationship prior to it is not the same and should not be taken as contributing towards the duration of a marriage.
- The consultation has as one of its underpinning principles 'preserving the distinct status of marriage'. But treating unmarried years as married years contradicts that objective, effectively redefining pre-marriage cohabitation as marriage.
- Proposing that cohabitation should count towards the length of a marriage sends the message that cohabitation is effectively an anticipatory or informal marriage, later validated by a wedding. This weakens the public understanding of marriage as a distinct, committed relationship.
- Treating cohabitation and marriage as somehow equivalent may contribute to the 'common law marriage' misunderstanding identified elsewhere in the consultation. People could reasonably conclude that cohabiting years acquire marital status once the couple eventually marries.

Part 2: Reforming the Law for Cohabitants on Separation

25 Do you agree that cohabitants captured within the framework should be two people living together as a couple in an enduring family relationship?

Please answer 'No'.

- No cohabitation framework should be introduced.
- Taking the benefits of marriage and extending them to couples who have chosen not to marry is unfair and discourages people from ever getting married. Instead, people should be educated on the benefits of marriage and encouraged to make this formal commitment.
- Applying the description "an enduring family relationship" to cohabitation is false. Only marriage properly fits this description. Its legal privileges reflect its special status and unmatched stability.
- The Centre for Social Justice reported that "of all union disruptions, 79% were disrupted cohabitations".³ Since marriage is the best family structure, giving more rights to cohabitants would simply cause more hurt to children and those around them.
- When does 'living together' begin? There is no official document to record the stages of a relationship, and the two parties could have a different view of when their relationship started.
- According to the Centre for Social Justice, cohabitation "may lead to greater hardship caused by instability and more family transitions for those who are already struggling to get by".⁴ Encouraging cohabitation will be more detrimental to any child involved.
- Having a child does not mean that the adults have committed themselves to each other, or are in an "enduring family relationship".
- It is better to point people to marriage, which is the best and most stable structure in which to raise children. Married parents make up 84% of couples who are still together when their child turns 14.⁵
- By age five, 53 per cent of children of cohabiting parents experienced their separation, compared to just 15 per cent of children with married parents.⁶ These proposals would encourage more of the family structure that is more likely to end up breaking down, neglecting the needs of the child to have two married parents.
- Marriage is uniquely beneficial for couples, their children, and wider society. The financial and other benefits attached to it rightly reflect that.
- At a time when family breakdown is already at a record high, the Government should be incentivising more couples to marry, not further undermining its special legal status.
- A study found that the "very poorest married couples are slightly more likely to remain together than the very richest cohabiting parents".⁷
- The cost of family breakdown to the public purse is around £51 billion a year.⁸ The Government should be encouraging the most stable family type – marriage – not giving legal rights to unstable alternatives.

42 What do you think is the most effective way to communicate these reforms to the public, particularly to help dispel the common law marriage myth and raise awareness of the new legal rights?

- The proposals are likely to entrench rather than dispel the 'common law marriage' myth. The Government says nearly half the public believe that cohabitation gives the same legal rights as marriage. But the proposals make the myth partly true.
- If a couple can acquire automatic property, pension, maintenance and inheritance-related claims by cohabiting, many people will reasonably conclude that the law now does recognise something close to 'common law marriage'.
- A far better approach would be a public information campaign: make clear that cohabitation is not marriage, and promote marriage.
- The marriage rate has halved in the past 30 years, for different reasons, including the costs of weddings, but many couples do still want to marry.⁹ The Government should be highlighting the benefits of marriage to society and providing incentives, rather than trying to mirror these benefits in a cohabiting relationship, which is much less stable.

Part 3: Reforming the Law for Cohabitants on Intestacy

43 Should qualifying cohabitants receive the same intestacy rights as spouses or civil partners? You may wish to give reasons in the text box.

Please answer 'No'.

- Giving cohabitants the same default inheritance position as spouses is a major shift that seriously undermines the distinct legal status of marriage.
- Unmarried couples who want to change the default inheritance rights can already do so by creating a will.
- Intestacy rules are not merely about relieving hardship but express the law's view of family priority, as well as recognising the mutual commitment two people have made.
- The proposals could disadvantage children and wider family members in favour of an adult relationship that was never formalised as marriage and never intended to impact their inheritance.
- This could affect children from previous relationships: spouse-equivalent rights for a surviving cohabitant may reduce or entirely remove what those children would otherwise inherit.
- At a time when the Government should be doing more to promote marriage over cohabitation, this proposal blurs the differences. Marriage must be upheld as the most stable relationship type, producing the best outcomes for adults and children.

REFERENCES

- ¹ 'One in five weddings begin with a prenup', *Marriage Foundation*, November 2025, see <https://marriagefoundation.org.uk/research/one-in-five-weddings-begin-with-a-prenup/> as at 23 July 2026
- ² *Family Structure Still Matters*, The Centre for Social Justice, August 2020, page 15
- ³ *Ibid*, page 12
- ⁴ *Family Structure Still Matters*, The Centre for Social Justice, August 2020, page 10
- ⁵ *Sources of family breakdown in the UK*, Marriage Foundation, July 2023
- ⁶ *Family Structure Still Matters*, The Centre for Social Justice, August 2020, page 3
- ⁷ 'Married poor more stable than unmarried rich', *Marriage Foundation*, see <https://marriagefoundation.org.uk/research/married-poor-more-stable-than-unmarried-rich/> as at 23 July 2026
- ⁸ *Mail Online*, 30 January 2018, see <https://www.dailymail.com/news/article-5327775/Marriage-break-ups-cost-taxpayers-51bn-year.html> as at 23 July 2026
- ⁹ *Marriages and civil partnerships in England and Wales: 2023*, Office for National Statistics, 18 November 2025, Figure 3a