

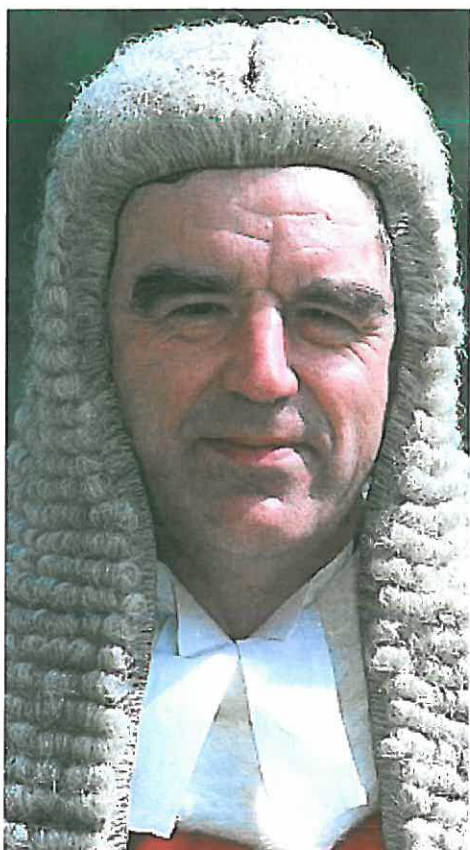
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MailOnline

Give cohabitees the same rights as married couples, says Britain's top family judge

By Eleanor Harding

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Senior judge: Sir Nicholas Wall has called for rights for unmarried couples

Unmarried couples should enjoy the same legal rights as those who have tied the knot, according to Britain's most senior family judge.

In a controversial interview, Sir Nicholas Wall said women should not have to marry to enjoy an equal share of their partner's assets if they break up.

His comments will anger traditionalists, who fear that creating rights for cohabiting partners will weaken the institution of marriage.

A change in the law could leave individuals open to 'gold-diggers' who would be able to take their partner to court for a share of their home and savings.

But the president of the Family Division argued that women who cohabited deserved proper financial support from their partner in the event of a separation.

'I am in favour of cohabitees having rights because of the injustice of the present situation,' he said.

'Women cohabitees, in particular, are severely disadvantaged by being unable to claim maintenance and having their property rights determined by the conventional laws of trusts.'

Sir Nicholas's comments come at a time when one in six couples are unmarried – a figure predicted to rise to as high as

one in four within 20 years.

Already, one in four children born in England and Wales has parents who are unwed.

More than half of cohabiting couples wrongly believe they have legal rights as 'common law' spouses – an idea with no legal foundation since the 18th century.

Sir Nicholas's views will add support to the case for changing the law and put extra pressure on ministers to change legislation in the area.



Rights: A change in law would help couples with division of properties

A legal shake-up was abandoned in 2007 when the Government failed to implement recommendations from the Law Commission for fear of being seen to weaken the institution of marriage.

The proposals stated that anyone with an 'intimate relationship' could sue for money when the couple separated. But Sir Nicholas, 65, who is married with four children, said he did not think the changes would dissuade couples from marriage.

He told the Times: 'Marriage undoubtedly remains the most stable relationship for bringing up children and for support.'

In one of his cases, now going to the Supreme Court, a house was bought by an unmarried couple in joint names – but the woman received only a 10 per cent stake in a court settlement.

David Allison, chairman of Resolution, the family lawyers' association, praised the idea of a rule change.

'The majority of people don't understand that living together does not give them any financial protection should the relationship end,' he said.

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This to me is totally the wrong way to look at the issue. Each person should be looked upon as an individual regardless of gender, sexual orientation or anything else. Everything, income, tax, council tax, should be looked upon from that