

## Cohabiting couples could be granted improved inheritance rights

Cohabiting couples who have lived together for five years could be given the same rights as married couples to inherit their partner's estate if he or she had failed to make a will.

The proposal has been put forward by the Law Commission as part of a major overhaul of the law relating to wills and intestacy. The Commission points out that many cohabitants believe they already have the same rights as spouses but this is not the case.

As the law stands now, if a person dies intestate—that is, without having made a will – then their cohabiting partner has no automatic right to inherit the estate. Instead, the estate will be divided using a complex process laid down by law. This is the case regardless of how long the couple had lived together and even if they had children together.

In some circumstances, the surviving partner may be able to go to court to challenge the distribution of the estate but it can be difficult and emotionally draining, especially for someone who is still grieving for the loss of their partner.

The Commission is therefore

proposing that couples who have a child together or who have lived together for five years or more should have the same rights on intestacy as spouses.

It also proposes that childless couples who lived together for more than two years but less than five should be entitled to half of the share of the estate that a surviving spouse would receive. However, the surviving partner would not receive anything under the intestacy rules if the deceased was still married or in a civil partnership at the time of death.

The Commission also proposes changes relating to married couples. It says: "Where the deceased is not survived by any children (or grandchildren or great-grandchildren), his or her spouse is entitled to everything in the estate up to a maximum of £450,000 but must share anything over that sum with any surviving parent or any surviving brother or sister of the deceased.

"We have proposed changes to the intestacy rules so that a surviving spouse would inherit the whole estate in such cases."

There are several other proposals and the Commission has launched a public consultation which runs until February. It's hoped that a draft Bill will be produced within two years.

If the proposals are adopted they will provide the biggest shake-up of intestacy rules for many years and will provide more protection for many people, particularly cohabiting couples.

However, the best way for couples to protect their interests, whether they are married or not, is simply to draw up a will and keep it up to date. That removes all uncertainty and enables you to ensure that your estate is divided exactly according to your wishes.

Unfortunately, tens of thousands of people die each year without having made a will. That's when the uncertainty and problems arise for their families and loved ones.

Please contact **Andrea Cox** (023 9226 5251) or **Ben Holden** (023 9249 2472) if you would like more information about making a will.

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Verisona Solicitors and Advocates is a new law company incorporated in October 2008 following the merger of two south coast solicitors, Dyer Burdett and Gray Purdue. Both had been operating in excess of thirty years, and were well established in their specialist fields.

Verisona, the trading style of the new company, is derived from the Latin words 'Veritas' meaning 'truth' and 'sona' meaning 'speak' or 'sound'.

Verisona's key areas of business include: Employment, Family Law, Commercial Law, Residential Conveyancing, Commercial Property, Mediation Services, Marine Law, Wills, Estates and Probate and Personal Injury and the business operates from offices in the newly refurbished Lakeside building in North Harbour, Portsmouth, and also at offices in Havant and Waterlooville.

