

The Milliband Marriage - Does Marriage Matter Anymore?

Ed Milliband, has indicated that political events had prevented him and his partner getting married, although they now have plans to tie the knot.

He and his partner are one of the millions of couples in the UK who choose to live together, have children together, but don't marry. The Office of National Statistics predicts that the number of cohabiting couples will rise from 2.25 million to around 3.7 million by 2031.

Marriage is seen by many as "just" an option, with no special status or significance attached to it. It may indeed have a negative status in the eyes of many - the "Why do we need a bit of paper to confirm our commitment to each other?" approach.

That "bit of paper" is very important when it comes to property and financial rights, however. Couples who live together are often woefully ignorant of their legal position and assume that some kind of mythical "common law marriage" exists. It does not. You are either married, or you are not. If you are not, you had better have some financial protection in place in the event that the relationship breaks up.

Consider the following example. Let's say that Lucy has lived with Mark for 17 years. They have two children together, who are now in their late teens. Lucy has given up her career structure to be the primary carer for the children – she works part time and has a very small pension. Mark is the breadwinner and because he has more income, the mortgage and title of the home they share are in his sole name. He has a good occupational pension.

In a divorce, the court would put all the assets and income in the pot and divide them up – property, savings, pension and income. Lucy would receive enough to rehouse her, a share of Mark's pension and some of his income for a period of time.

Not so if they are unmarried. Mark would have to pay support for the children if they were under 19, but since everything else is in his name, Lucy would effectively be on the streets without capital or a share of pension. She would have to fall back on her own income. She would have an uphill struggle to show that she should have a share of the equity in the house : the law says that ownership follows what is stated on the title deeds, in most cases. Unless she could demonstrate that she and Mark had an agreement that she would have a share and she had acted on that agreement to her detriment, she would be left high and dry.

The answer to these problems, whilst we wait for some brave soul to change the law, is to give serious consideration to your financial rights when you live with someone. A Cohabitation Agreement should be one of the first things you think about. They may soon be binding on the courts. A small outlay at the start of a relationship can prevent serious financial difficulties if it ends.

