



Understanding Cohabitation In Ireland



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Over the last decade, in particular, the concept of cohabitation in Ireland has garnered significant attention. More and more couples are choosing to live together without formalising their union through marriage, yet many couples are not fully aware of their legal standing in such relationships. For all parties, it's essential to understand the implications from a legal standpoint should a couple who are cohabiting decide to end their relationship.

This eBook provides straightforward information about the rights and responsibilities of cohabiting couples, offering practical advice for those living together outside of marriage.

Understanding legal rights and protections for cohabiting couples

Ireland has experienced a change in the perception of the traditional family unit, moving away from the outdated view that couples must be married to live together. According to the 2022 census, the number of couples cohabiting without children rose by 17% from the previous census in 2016. Keeping up with this progression, the legal framework certainly recognises cohabiting couples, albeit differently from married couples.

The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 is the key legislation governing these relationships, bringing significant changes to the rights of unmarried couples living together. For any couple, married or cohabiting, there's a risk of the relationship ending. However, it's equally important for cohabiting couples to understand what legal protections they do and do not have.





The significance of cohabitation agreements

In the same way that a marriage can break down, the relationship between a cohabiting couple can also become damaged beyond repair. Therefore, it's essential to be practical and informed about the legal implications should this occur.

Settling on a cohabitation agreement is a smart choice for couples who live together. It's a formal arrangement that outlines how assets and responsibilities will be managed during the relationship and in the event of a breakup. These agreements can cover a range of issues, including property ownership, financial arrangements, and guardianship of children. The key benefits of such agreements include:

- **Clarity and certainty:** They provide a clear understanding of each partner's rights and responsibilities.
- **Protection of interests:** Especially important in cases where one partner is financially dependent on the other.
- **Avoiding disputes:** In the event of a breakup, a well-drafted agreement can prevent lengthy and costly legal disputes.
- **Care for children:** Whether a couple is married or cohabiting, children often end up being caught in the fray in the event of a relationship breakdown. A cohabitation agreement can ensure that arrangements for the children are defined in advance, minimising the disruption to their lives.

Common misconceptions about cohabitation in Ireland

Despite the growing number of couples choosing to cohabit in Ireland, it's still a relatively new concept. As a result, several myths persist in today's society, often leading to confusion and misunderstanding about the legal status of such relationships. To provide clarity on this, an exploration of the differences between cohabitation and marriage from a legal perspective is needed.



How cohabitation in Ireland differs from marriage in legal terms

While there has been major progress on this front, it's crucial to understand that cohabiting couples simply do not enjoy the same legal status as married couples. Here are some of the key differences:

- **Property rights:** Cohabiting couples do not automatically have rights to each other's property in the same way married couples do. So should the property be owned by one partner, the owner can sell or lease the property without the consent of the other.
- **Inheritance:** Unlike married couples, a cohabiting partner does not automatically inherit from the other unless specified in a will.
- **Maintenance and support:** The obligations for maintenance and support are not as clearly defined for cohabiting couples as they are for married ones. However, when it comes to children, both parents are financially responsible for their children regardless of their relationship status.

- **Pensions:** A person who has been cohabiting with their partner will not qualify for a Widow's, Widower's, or Surviving Civil Partner's Pension in the event of their partner passing away, no matter how long they may have cohabited together.

One final point to be noted is regarding the Redress Scheme for Cohabiting Couples. This scheme aims to protect a financially dependent member of a couple if the long-term cohabiting relationship ends (either through death or separation). However, the court must be satisfied that one party was financially dependent on the other.



Seeking legal advice for cohabitation agreements

Given the complexities surrounding cohabitation, seeking professional legal advice is crucial. A solicitor can help in:

- **Drafting cohabitation agreements:** Each family and relationship situation is unique. Tailoring agreements to suit individual circumstances and ensuring they are legally binding is an essential task for the family law solicitor.
- **Understanding legal rights:** Providing clarity on what rights and obligations arise from cohabiting.
- **Navigating breakups:** A relationship breakdown can be mentally and financially draining for both parties. Having an experienced solicitor on your side can offer guidance and representation should the relationship end.



Consult Summit Law for advice on cohabitation in Ireland

As more couples opt for cohabitation in Ireland instead of taking the official route of marriage or civil partnership, there's still a lot of confusion surrounding the legalities of such arrangements.

At Summit Law, we understand that navigating the legal aspects of cohabiting relationships can be challenging, especially when there is property or children involved. Our team of Family Law solicitors are dedicated to providing comprehensive, empathetic, and professional advice. Whether you are entering into a cohabiting relationship or seeking to understand your rights in an existing one, we are here to guide you through every step.

Contact us today at cillin@slaw.ie or call **01 223 4910** to ensure your interests are protected.



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