



House of Commons  
Women and Equalities  
Committee

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**The rights of cohabiting  
partners**

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**Second Report of Session 2022–23**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Women and Equalities Committee

The Women and Equalities Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Government Equalities Office (GEO).

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## Summary

Cohabitation is the fastest growing family type in England and Wales. In 2021 there were around 3.6 million cohabiting couples in the UK compared with 1.5 million in 1996.

Whereas married couples and civil partners in England and Wales have certain legal rights and responsibilities upon divorce or death, cohabitants receive inferior protections. Notwithstanding the legal reality, many people believe in the so-called 'common law marriage myth', which is the erroneous belief that after a certain amount of time of living together, the law treats cohabitants as if they were married. On family breakdown, cohabitants must rely on complex property law and trusts principles. Schedule 1 to the Children Act 1989 is outdated, mostly benefits the children of wealthy parents and is in need of reform. On death, cohabitants do not automatically inherit from their partner.

The lack of legal protection on family breakdown means that women, including women from an ethnic minority background and those who have had a religious-only wedding, can suffer relationship-generated disadvantage. It is time the law adapted to the social reality of modern relationships while still recognising the social and religious status of marriage. The Government should legislate for an opt-out cohabitation scheme as proposed by the Law Commission. The Ministry of Justice should commission a refresh review of the recommendations to see if they need updating. We also support the Law Commission's 2011 proposals concerning intestacy and family provision claims for cohabiting partners. We call on the Government to implement those proposals.

The Government should also publish clear guidelines on how pension schemes should treat surviving cohabitants when claiming a survivor's pension. We also recommend that Ministers review the inheritance tax regime so it is the same for cohabiting partners as it is for married couples and civil partners. Finally, the Government should launch a public awareness campaign to inform people of the legal distinctions between getting married, forming a civil partnership and living together as cohabiting partners.

# 1 Introduction

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1. There is no single, legal, definition of cohabitation. However, for the purpose of this report, cohabitants are considered to be people who live together as a couple or as partners in a romantic relationship. Cohabitation represents around a fifth of couples living together in the UK.<sup>1</sup> In 2021 there were around 3.6 million cohabiting couples in comparison to 1.5 million in 1996.<sup>2</sup>

2. Whereas married couples and civil partners have certain legal rights and responsibilities upon divorce or death, cohabitants receive, in general, inferior protections. On separation, cohabitants must rely on “a patchwork” of legal rules spanning the law of property, trusts and contract.<sup>3</sup> Upon death, cohabitants do not automatically inherit from their partner.<sup>4</sup> Notwithstanding the legal reality, many people believe in the so-called ‘common law marriage myth’, which is the erroneous belief that after a certain amount of time of living together, the law treats cohabitants as if they were married.<sup>5</sup>

## Our inquiry

3. We launched our inquiry into the rights of cohabiting partners on 20 April 2021. Our call for evidence asked what a definition of cohabitation should look like; what legislative changes are needed to better protect cohabitants and their children; the extent to which cohabitants should have the same rights as married and civil partnered couples; and what international examples of cohabitation law reform are useful for the UK context. We appointed Dr Andy Hayward, Associate Professor at Durham Law School, as Specialist Adviser to the Committee during this inquiry and we would like to thank him for all his hard work.

4. We received just under 380 written submissions from the general public, legal academics, legal practitioners, and campaign groups. Written responses also included many individual submissions from the Christian community as well as several organisations advocating for the privileging and promotion of marriage. Many of these submissions were confidential. We held five oral evidence sessions between 20 September 2021 and 2 February 2022, in which we heard from legal academics and practitioners (including experts from comparator jurisdictions), the Marriage Foundation, the Law Commission of England and Wales, and Government representatives. We thank everyone who gave evidence to our inquiry.

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1 [Office for National Statistics, \*Families and Households in the UK: 2021\*, 9 March 2022](#)

2 [Ibid.](#)

3 The Law Commission, *Cohabitation: The Financial Consequences of Relationship Breakdown Executive Summary*, Law Com No 307, 31 July 2007

4 The Law Commission, *Intestacy and Family Provision Claims on Death Executive Summary*, Law Com No 331, 14 December 2011.

5 The Law Commission, *Cohabitation: The Financial Consequences of Relationship Breakdown*, Law Com No 307, 31 July 2007

## 2 Case for cohabitation law reform

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### Current law

5. Legal provisions relating to cohabitation in England and Wales are context specific, meaning the level of protection varies considerably. In certain contexts, particularly in relation to children and domestic abuse, cohabitants have similar, and sometimes identical, protections to those of spouses or civil partners. More commonly, they may possess either inferior levels of protection or are treated as two unrelated individuals. As a result, cohabitants must resort to the general law which presents problems upon relationship breakdown, and to a lesser extent, upon death. This issue is exacerbated by the fact that many cohabitants incorrectly believe that they are protected.

### *Divorce and dissolution of a civil partnership*

6. When a marriage or civil partnership ends through divorce or dissolution, couples may seek financial orders under Part II of the Matrimonial Causes Act 1973 and Schedule 5 of the Civil Partnership Act 2004. Courts use a broad discretion to divide the couple's assets fairly, having regard to a range of factors such as first consideration to the welfare of children, meeting the needs of the parties, sharing the fruits of the partnership, and compensating for relationship-generated disadvantage. To achieve a fair outcome, a broad range of orders are available to the court including the power to redistribute parties' real and personal property and pensions, alongside the ability to order one party to make periodical payments to the other (known as maintenance).

### *Cohabitants and relationship breakdown*

7. Unmarried couples have no automatic rights to ownership of each other's property upon relationship breakdown. As there is no statutory scheme offering remedies, cohabitants must rely on the general law of contract, property, and trusts to resolve disputes. In contrast, where the property is rented the courts possess a discretion to make a transfer of tenancy order in a manner similar to that available to spouses and civil partners.<sup>6</sup> Professor Gillian Douglas, Professor Emerita of the Dickson Poon School of Law at King's College London, who has previously researched cohabitants' experiences of the legal system, outlined the types of disputes over property that often arise between former cohabitants:

- Acceptance that the property must be divided, but disagreement as to respective shares
- Seeking to preserve a home for themselves and/or their children
- Finding a practical means of separating into two households
- Defending a claim against property held in their sole name
- Seeking financial compensation for having contributed to the partner's property.<sup>7</sup>

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6 *Family Law Act 1996, Schedule 7*

7 Dickson Poon School of Law [[HAB0367](#)]

8. There are two pieces of legislation used by cohabitants upon relationship breakdown. The first—and predominantly used—is the Trusts of Land and Appointment of Trustees Act (TOLATA) 1996 (see Box 1) with cases falling under the civil jurisdiction of County Courts and the High Court. The second piece of legislation, applicable to cohabitants with joint children under 18 years of age, is Schedule 1 to the Children Act 1989 (see Box 2) with applications dealt with in the Family Court.

**Box 1: Trusts of Land and Appointment of Trustees Act 1996**

Where there is a dispute over ownership or occupation of the family home, an application to the court can be made under the Trusts of Land and Appointment of Trustees Act (TOLATA) 1996.<sup>8</sup> For homes that are held by both parties as legal co-owners, the starting point will be that the beneficial ownership mirrors the legal title. Parties will be presumed to share that property equally. Where the home is placed at law in the name of one party alone, the non-legal owner must establish a beneficial interest in that property by way of a trust. The most frequently invoked trust in this context is the common intention constructive trust (CICT). To acquire an interest the claimant must show:

- a) a common intention that the beneficial ownership of the property was to be shared, which was relied upon by the claimant to their detriment; or
- b) evidence of a direct financial contribution to the acquisition of the property, enabling the court to infer the presence of said common intention.<sup>9</sup>

Financial contributions to the purchase price, deposit, mortgage repayments and improvements to the property, provided they are significant, will enable a court to infer a common intention. For the purposes of acquiring a beneficial interest in property owned at law by another, non-financial contributions, such as work in the home or childcare responsibilities are not recognised.

**Box 2: Schedule 1 to the Children Act 1989**

Schedule 1 to the Children Act 1989 is often used in cases in which a cohabiting couple separate and there are minor children present. It operates alongside child support governed by the Child Support Act 1991. Under Schedule 1, financial provision is available for the benefit of children up to the age of 18 or to the end of their tertiary education. The court can order periodical and lump sum payments, and, more infrequently, the transfer or settlement of property. While awards can provide useful support for children, and will indirectly benefit their primary carer, they are often less generous than those made upon divorce or dissolution to spouses or civil partners with children. Schedule 1 is largely concerned with addressing the needs of a child during their minority—it does not provide for ongoing periodical payments to a former partner, pensions cannot be shared, and any property adjustment is limited in duration.

9. Professor Anne Barlow, Professor of Family Law at the University of Exeter, told us that pursuing an application under TOLATA—from seeking legal advice through to going to court—is complex, very expensive and time consuming.<sup>10</sup> Resolution said that

<sup>8</sup> While cohabitants do not have statutory home rights like spouses or civil partners, they can apply for an occupation order under the Family Law Act 1996 to secure their occupation of the home.

<sup>9</sup> Qq142–43 [Neal Barcoe]

<sup>10</sup> University of Exeter [[HAB0366](#)]

“the outcome of such litigation is far from certain and highly case specific”.<sup>11</sup> Professor Gillian Douglas observed that the law is so complicated that even experienced legal practitioners struggle to fully understand it and predict likely outcomes for their clients. As a consequence, she told us that solicitors often seek advice from barristers which increases costs and extends the duration of the litigation.<sup>12</sup>

10. Witnesses informed us that many cohabitants, who are not legal co-owners of a property, struggle to evidence either the agreements as to shared beneficial ownership or the financial contributions needed to acquire a beneficial interest in the family home.<sup>13</sup> Professor Gillian Douglas observed that because cohabitants often make indirect financial contributions during the relationship there is simply no paper trail to later prove that they contributed to the acquisition of the property.<sup>14</sup> Neal Barcoe, Deputy Director, Family Justice Policy at the Ministry of Justice, claimed that in the absence of a document demonstrating shared ownership, “the courts will ascertain what was agreed”.<sup>15</sup> However, the Government conceded that, without written evidence, cohabitants can face difficulties when trying to prove a common intention in relation to ownership of the family home.<sup>16</sup>

11. Turning to Schedule 1 to the Children Act 1989, Graeme Fraser, a family law practitioner and Chair of the Cohabitation Committee at Resolution, told us that cases rarely “get off the ground” because the Child Maintenance Service has jurisdiction over payments for a child’s living costs unless the paying parent earns over £156,000 per year.<sup>17</sup> Professor Rebecca Probert, Professor of Law at the University of Exeter, told us that payments are “largely a top-up for wealthy parents”. She added that most cases concerning the transfer and settlement of property involve “very wealthy fathers settling property” for the benefit of the child until they reach 18.<sup>18</sup> Some witnesses criticised Schedule 1 for not adequately addressing the needs of children from families with lower incomes or satisfying the future needs of any children and their primary carer beyond the child’s minority.<sup>19</sup>

12. Legal practitioners noted that Schedule 1 was historically intended to ensure the children of unmarried parents were treated equally to those of married parents.<sup>20</sup> However, practitioners within the Family Law Bar Association (FLBA) observed the real problem for children of cohabitants is how the law treats their parents on family breakdown. The FLBA argued that, in practice, the children of married or civil partnered parents “still benefit further from the slipstream of the more generous outright capital provision” under the Matrimonial Causes Act 1973 and Schedule 5 of the Civil Partnership Act 2004.<sup>21</sup> Resolution’s view was that “Schedule 1 is discriminatory to unmarried couples with children”.<sup>22</sup> It argued that the legislative framework needs reviewing to make it more accessible, flexible and fairer for children of parents in a cohabiting relationship.<sup>23</sup>

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11 Resolution [[HAB0238](#)]

12 Dickson Poon School of Law [[HAB0367](#)]; Q7

13 Q5 [Professor Gillian Douglas]; University of Exeter [[HAB0366](#)]; Resolution [[HAB0238](#)]

14 Q5

15 Q143

16 Q143 [Neal Barcoe]; Q147 [Mike Freer]

17 Q54

18 Q8

19 See, for example, Q8 [Professor Rebecca Probert]; Resolution [[HAB0238](#)]

20 Q53 [Graeme Fraser]; Family Law Bar Association [[HAB0333](#)]

21 The Family Law Bar Association [[HAB0333](#)]

22 Q53 [Graeme Fraser]

23 Resolution [[HAB0238](#)]



Graeme Fraser told us that non-discrimination should be the centrepiece of any changes. He suggested that it would be fairly simple to reform Schedule 1 so that it operates “more along the lines of the Matrimonial Causes Act 1973” but stressed that overall cohabitation law reform is preferable.<sup>24</sup>

## Modern relationships

13. Several witnesses to our inquiry acknowledged that cohabitation is the fastest growing family type in England and Wales and, consequently, there is a pressing need for greater legal protections.<sup>25</sup> Professor Anne Barlow suggested that many couples choose to delay getting married until they are older and some preferred to remain cohabitants. She argued that cohabitants often feel their obligations to their relationships are “functionally similar” to those in a marriage or civil partnership, even if they are not legally obliged to take on such responsibilities.<sup>26</sup> As a result, she claimed that cohabitants are likely, especially if they have children, to experience the same inequality of contributions and disconnect from the labour market as they would if married.<sup>27</sup> However, unlike for marriage and civil partnership, the law does not provide any remedies for a couple if their relationship breaks down in the short-term while cohabiting.<sup>28</sup>

14. As the general law prioritises financial contributions over domestic contributions, most witnesses argued that the often financially weaker partner can end up with nothing following relationship breakdown.<sup>29</sup> While some men are negatively affected, most witnesses observed that women typically reduce or give up paid work to undertake childcare and are likely to find themselves unable to make the necessary financial contributions that property law values.<sup>30</sup> Graeme Fraser told us that many former cohabitants face ongoing financial hardship, which can lead to cases of child poverty and reliance on the state for support.<sup>31</sup>

15. Legal practitioners informed us that the current law is unable to take account of caring and other non-financial contributions which would allow judges to craft more effective remedies. Elizabeth Darlington, a Barrister at Parklane Plowden Chambers and member of the Family Law Bar Association, told us that the courts do what they can to “stretch things as far as possible” for cohabitants but they cannot go much further because of “the history and the weight of the case law that has built up”.<sup>32</sup> She noted that “judges are pushing property law to do whatever can be done when dealing with cohabitants, but it is necessarily limited”.<sup>33</sup> Graeme Fraser claimed “that the law as it currently stands is not

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24 Q53

25 See, for example, Resolution [[HAB0238](#)]; University of Exeter [[HAB0366](#)]; John Haskey, University of Oxford [[HAB0375](#)]

26 Q23; Q31

27 Q23

28 Q23 [Professor Anne Barlow]

29 See, for example, Q29 [Professor Anne Barlow]; Q51 [Mandip Ghai]; Resolution [[HAB0238](#)]; University of Exeter [[HAB0366](#)]

30 See, for example, Q28 [Professor Rebecca Probert]; Q51 [Mandip Ghai]; Q80 [Elizabeth Darlington]; Q99 [Elizabeth Darlington]

31 Q44

32 Q75

33 Q75

fit for purpose. It does not help our clients. It does not help society”.<sup>34</sup> Several witnesses observed also that the problems that cohabitants can face are exacerbated by the so-called ‘common law marriage myth’.

### **Common law marriage myth**

16. Unmarried couples living together in a stable intimate relationship are often referred to as ‘common law spouses’. Although the legal entitlements and rights available to spouses and civil partners do not apply to cohabitants, many people falsely believe that they do. A 2019 British Social Attitudes Survey demonstrates the prevalence of this ‘common law marriage myth’. Almost half (46%) the total England and Wales population wrongly assumed cohabitants living together form a ‘common law marriage’. In households with children, 55% of people believed in common law marriage.<sup>35</sup> Belief in the myth has not decreased significantly over the last fifteen years. In 2005, 47% of respondents believed in the existence of common law marriage.<sup>36</sup>

17. The consequences of believing in the myth can be significant. Professor Anne Barlow told us that many cohabitants are unaware of their position until separation or death of a partner and are shocked to discover they have lived their lives “according to an assumption that is totally false”.<sup>37</sup> Resolution argued that belief in common law marriage “can put couples, and their children, at a significant disadvantage if the relationship breaks down or one partner passes away”.<sup>38</sup>

18. Mandip Ghai, Senior Legal Officer at Rights of Women, argued that cohabitants should be made aware of their legal position when “entering into a religious-only marriage, buying a property, entering into a tenancy agreement, starting a pension, opening a bank account or any other type of legal or financial transaction”.<sup>39</sup> However, she added that by the time most people receive this advice, they may feel it is too late to act on it.<sup>40</sup> Many witnesses argued that the Government should launch a public awareness campaign explaining the legal position of cohabiting couples in contrast to spouses and civil partners.<sup>41</sup> However, Professor Barlow argued that the myth would be “incredibly difficult to dispel, because it is so deeply embedded in society”. She told us:

In certain areas of law you are treated as if you are married. If you apply for car insurance and you do a Google search and you look at what premium you are likely to have to pay, cohabiting couples are often described as common-law married as a status, and that then just has helped to embed and fuel the myth. You would have a very difficult task to unpack all of that and explain to people what they experience day to day, both socially in terms of the way they are treated by, say, their children’s school and just in wider society, in a meaningful way, where everybody would clearly understand where they stood.<sup>42</sup>

34 Q37

35 *‘Almost half of us mistakenly believe that common law marriage exists’*, NatCen Social Research, 22 January 2019

36 *Ibid.*

37 University of Exeter [[HAB0366](#)]; Q3

38 Resolution [[HAB0238](#)]

39 Q36

40 Q36

41 See, for example, Marriage Foundation [[HAB0007](#)]; Coalition for Marriage [[HAB0289](#)]; Surviving Economic Abuse [[HAB0255](#)]; Rights of Women and Southall Black Sisters [[HAB0293](#)]

42 Q2

### Legal agreements for cohabitants

19. Couples living together who do not get married or register a civil partnership can still obtain legal protection by creating cohabitation contracts. Such agreements can make provision for a couple's financial affairs, including the division of assets upon separation. However, Professor Anne Barlow told us that although the law expects people to be legally rational about their relationships, it is often “emotionally and practically difficult” to do so.<sup>43</sup> Dr Charlotte Bendall, Lecturer in Law at Birmingham Law School, provided evidence showing that when couples were seeking to make decisions as to finances there was “little to suggest that people are acting on the basis of a knowledge of the law, or even that they are aware of what the law is”.<sup>44</sup>

20. Some witnesses argued that optimism bias plays an influential role at the beginning of most relationships and, even when aware of the potential consequences of not doing so, people often do not get around to arranging legal protection.<sup>45</sup> Professor Barlow spoke of “uneven” couples—typically where one party does not agree to marry, enter a civil partnership or other legal arrangement—as being particularly vulnerable. These relationships may also involve “a mismatch of knowledge of financial power” and perhaps instances of abuse further enhancing their potential to create relationship-generated disadvantage.<sup>46</sup>

21. Professor Barlow added that the common law marriage myth is a major factor preventing people from marrying, entering a civil partnership, or making cohabitation agreements and wills.<sup>47</sup> She argued that the widespread belief that cohabitants have the same legal status as married couples and civil partners “undermines (the) whole argument of autonomy: that people are choosing to do this (cohabit) because they do not want the legal protections that marriage and civil partnership currently afford through family law”.<sup>48</sup> Dr Sharon Thompson, Reader in Law at Cardiff University, also told us that the prevalence of the myth explained why many couples do not enter cohabitation agreements because such agreements only work “if the parties are aware of what their rights are”.<sup>49</sup>

22. Mike Freer MP, former Minister for Equalities, suggested that the common law marriage myth is something the Government could perhaps “seek to address through information campaigns”.<sup>50</sup> Tom Pursglove MP, former Minister for Justice, added that the Law Commission's work on wedding law reform is an “opportune moment” to look at this further.<sup>51</sup> He also suggested that the Government could do more to raise awareness around civil partnerships—which are now available to both same-sex and opposite-sex couples—as a “low cost” solution for cohabitants who do not wish to get married.<sup>52</sup> However, Dr Andy Hayward, Associate Professor at Durham Law School and Specialist Adviser to this inquiry, has argued:

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43 University of Exeter [[HAB0366](#)]

44 Birmingham Law School [[HAB0372](#)]

45 See, for example, University of Exeter [[HAB0366](#)]

46 Q25 [Professor Anne Barlow]; Q193 [Professor Nicholas Hopkins]; Dr Anna Heenan, Cardiff University [[HAB0286](#)]

47 University of Exeter [[HAB0366](#)]

48 Q1

49 Dr Sharon Thompson, Cardiff University [[HAB0342](#)]

50 Q148

51 Q161

52 Q139

equal civil partnerships are not a panacea capable of directly tackling all forms of relationship-generated disadvantage. It is clear that they will offer a desired option for formalisation to a significant minority of cohabiting couples, but it is statistically more likely that the majority will not formalise their relationship.<sup>53</sup>

**23. The current law applicable to cohabitants on relationship breakdown can be costly, complicated and unfair. Complex property law and trusts principles often require the financially weaker partner—often women—to demonstrate direct financial contributions to the acquisition of the family home, while childcare and other non-financial contributions go largely unrecognised. Schedule 1 to the Children Act 1989, is out-dated, mostly benefits the children of wealthy parents and is in need of reform.**

**24. It is staggering that so many people in England and Wales believe in the common law marriage myth. This misplaced belief in legal protections can have profound consequences for cohabiting partners—many of whom do not realise the reality of their situation until it is too late. *The Government should conduct a public awareness campaign to highlight the legal distinctions between getting married, forming a civil partnership, or choosing to live together as cohabiting partners.***

## Equalities issues

25. We asked witnesses if the current law disadvantages any specific groups with protected characteristics. Concerning relationship breakdown, Graeme Fraser told us that “generally speaking, in surveys, about two thirds of our clients are women who are disproportionately disadvantaged, but in my own practice it is virtually always women who come to see me”.<sup>54</sup> He claimed that although Resolution members try to use out-of-court processes where they can, “they do not tend to work because we do not have fair laws that enable them to work. It already starts with a disproportionate balance often in favour of men”.<sup>55</sup>

26. Several women’s charities told us of the experience of survivors of domestic abuse who are often adversely affected by the current law for cohabitants on separation.<sup>56</sup> Mandip Ghai, Senior Legal Officer at Rights of Women, argued that the complexity and cost of litigation forces many cohabitants to seek out-of-court settlements, which most perpetrators are unlikely to engage with in a fair and transparent manner.<sup>57</sup> Surviving Economic Abuse (SEA) informed us that many women claimed the “prohibitive” costs of TOLATA litigation and appeals “emboldened their abusers to negotiate unfairly, knowing that they are unlikely to proceed to court due to the risk of having to pay both parties’ costs”.<sup>58</sup> The Government told us that victims could receive support under the Domestic Abuse Act 2021 as well as being able to apply to the court for an occupation order to determine who should live in the home regardless of ownership of that property.<sup>59</sup>

53 A Hayward, ‘*The Steinfeld Effect: Equal Civil Partnerships and the Construction of the Cohabitant*’ (2019) 31(4) *Child and Family Law Quarterly* 283, 300

54 Q39; see also Professor John Eekelaar, University of Oxford [[HAB0370](#)]; Dr Georgina May Collins, Lancaster University [[HAB0305](#)]

55 Q39

56 See, for example, Q36 [Mandip Ghai]

57 Q42; Rights of Women and Southall Black Sisters [[HAB0293](#)]

58 Surviving Economic Abuse [[HAB0255](#)]

59 Tom Pursglove [[HAB0387](#)]

### Religious-only marriages

27. Couples that have undergone a religious-only ceremony—i.e., their wedding conformed to the beliefs and practices of their religion but not recognised in law—are subject to the same law in England and Wales as cohabitants. Professor Rebecca Probert informed us that the Muslim nikah is likely to be the most prevalent type of religious-only marriage in the UK.<sup>60</sup> Nazmin Akthar, Co-Chair of Muslim Women’s Network UK (MWNNUK), told us that MWNNUK’s helpline hears from “Muslim women who find themselves in a cohabiting relationship, whether they know it or not, and are at the point of breakdown”.<sup>61</sup> She added that domestic abuse is often involved in these cases and the lack of legal protections under the current law can be a reason for them to continue in such relationships.<sup>62</sup> Mandip Ghai contended that the lack of legal protections for cohabitants has a disproportionate effect on black and minoritised ethnic women, some of whom face discrimination in religious arbitration forums.<sup>63</sup>

28. In September 2020, the Law Commission published a consultation paper on proposed changes to weddings law.<sup>64</sup> Currently, if a couple fails to comply with formalities, either the marriage is treated as void but the couple still has access to financial orders available on divorce; or the ceremony is classed as non-qualifying and the court treats the couple as cohabitants. Professor Nicholas Hopkins, Law Commissioner for Property, Family and Trust Law, explained that under the Law Commission’s proposals, more religious weddings would be treated as valid—or more likely to be void rather than non-qualifying—even if they only satisfy some of the legal requirements. He told us that “we have really narrowed down the circumstances in which a couple who have a religious only wedding would be treated in law as cohabitants”.<sup>65</sup>

29. When we asked Nazmin Akthar if the Law Commission’s proposals will fully address the problems that Muslim women in religious-only marriages face, she was doubtful. She said this was because they are “more directed at those who want to get a legally recognised marriage in the first place”.<sup>66</sup> She added that “more often than not” couples will actively avoid a civil marriage because one party wants to prevent the other from acquiring legal protections. She told us that many women are fully aware that they have no legal rights when they enter a religious-only marriage but proceed under pressure, coercion, and the fear of being stigmatised by their family and religious community.<sup>67</sup> She argued that when women seek legal advice and learn that they have no, or limited, legal protections “it is almost not worth the backlash they will receive as a result of trying to access their rights”.<sup>68</sup>

30. The former Minister for Equalities told us that the Government was aware of the disproportionate negative effect the current law has on women.<sup>69</sup> He said that the Government could look at international examples to draw conclusions about how best to

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60 Q28

61 Q51

62 Q51

63 Q46

64 The Law Commission, *Getting Married: A Consultation Paper on Weddings Law*, Consultation Paper 247, 20 September 2020

65 Q192

66 Q52

67 Q52; Q65

68 Q43

69 Q152 [Mike Freer]

“amend our own laws to improve the situation, particularly for disadvantaged women”.<sup>70</sup> He stated that when the Law Commission publishes its final report on weddings law, “I think some of the gaps that you are seeking to plug will be plugged or it will highlight where further work needs to be done”.<sup>71</sup> However, Professor Nicholas Hopkins informed us that the proposals set out in the Law Commission’s weddings law project would not help cohabiting relationships. He said that this was “why we say in our weddings consultation paper that cohabitation reform is needed”.<sup>72</sup> Professor Russell Sandberg, Professor of Law at Cardiff University, supported that view, noting that even if the Law Commission proposals were enacted “some unregistered religious marriages would remain”, which underlines the continuing need for cohabitation reform.<sup>73</sup>

31. The Law Commission published its final recommendations to the Government on 19 July 2022.<sup>74</sup> It confirmed that the recommendations concerning the validity of weddings “will provide a better outcome for many people whose marriage is not legally valid. But they will not help everyone”. It noted that “a woman who is pressured or coerced into entering a religious-only marriage, whether through cultural or religious expectations, or by the conduct of her partner”, will still have a non-qualifying ceremony if legal formalities are not met. The Law Commission argued that people in such a position should not be left without a remedy and called for cohabitation law reform.<sup>75</sup>

**32. The lack of comprehensive legal protections for cohabitants upon relationship breakdown means that women, especially women from ethnic minority backgrounds and those who have had a religious-only marriage, can suffer relationship-generated disadvantage. The Law Commission’s proposals for weddings law reform, although welcome, primarily focus on resolving issues around formalised relationships and the validity of marriage ceremonies. Women who feel pressured into a religious-only marriage, other non-legally recognised weddings, or remaining as cohabitants without a formal agreement will remain unprotected by the current law. *The Government should undertake a targeted information campaign aimed at women in religious communities where religious-only marriages are commonplace, highlighting the risks of not having a ceremony which meets legal formalities. Such a campaign will need to consider the Law Commission’s recommendations for weddings law reform.***

## A new cohabitation law

33. Although the social reality of modern relationships has changed, several witnesses noted that the law in England and Wales—unlike in other jurisdictions—has not caught up with the way in which people decide to partner and parent today.<sup>76</sup> The neighbouring jurisdictions of Scotland and Ireland both legislated to provide remedies to cohabitants upon relationship breakdown in 2006 and 2010 respectively.<sup>77</sup>

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70 Q176

71 Q152

72 Q194

73 Professor Russell Sandberg, Cardiff University [[HAB0343](#)]

74 The Law Commission, *Celebrating Marriage: A New Weddings Law*, HC 557, Law Comm No 408, 19 July 2022

75 *Ibid* p51

76 Q23 [Professor Anne Barlow]; Resolution [[HAB0238](#)]

77 See, for example, Dr Alan Brown [[HAB0377](#)] and Kate Dowdalls QC [[HAB0384](#)] for information on the Scottish regime and, Brian Tobin [[HAB0373](#)] and Dr Kathryn O’Sullivan [[HAB0365](#)] for Ireland

### **Cohabitation reform in other jurisdictions**

34. Several witnesses informed us of how other jurisdictions approached reform.<sup>78</sup> The approaches adopted are diverse and range from creating an alternative status to marriage, accessible to couples on an opt-in basis, to the creation of a range of legal protections that couples can access once they have satisfied certain criteria (and opt-out of, if they so wish). Similarly, within both opt-in and opt-out regimes, experts have noted that couples may be ‘assimilated’ with spouses/civil partners in terms of the level of legal protections or ‘differentiated’ whereby they receive lesser entitlements.<sup>79</sup> As Professor Jens Scherpe, University of Cambridge, noted, the key question for a country legislating for cohabitants is whether they want to “keep [their] distance from marriage, and if so, how much”.<sup>80</sup>

35. The Committee took evidence regarding the approach in New Zealand where cohabitants (known there as ‘de facto partners’) are equated with spouses, provided they satisfy eligibility criteria. The partners must be aged 18 or over and have lived together as a couple for three or more years. Once satisfied, the couple will be subject to a system of deferred equal sharing of relationship property. Professor Margaret Briggs, University of Otago, noted the strong protection provided to cohabitants in New Zealand and the fact this regime was brought in to protect vulnerable couples that “were no different functionally from those people who were married”.<sup>81</sup> Although generally welcomed, the regime has been criticised because it is sometimes difficult to determine when a qualifying cohabiting relationship begins as “de facto relationships do not have that absolute clear start date that marriages and civil unions do”.<sup>82</sup>

36. Weaker protections for cohabiting partners exist in Scotland and Ireland. In Scotland, since 2006, cohabitants have been able to seek an order requiring a former partner to pay a cash or capital payment to them upon cessation of the relationship. A claim is also available upon death. Kate Dowdalls QC, Commissioner at the Scottish Law Commission, remarked that at the time the reform was “broadly welcomed”.<sup>83</sup> It was motivated by current trends and to “provide safeguarding protection for those who are vulnerable while not bringing cohabitant rights in line with those for spouses or civil partners”.<sup>84</sup> The law has been criticised for its “lack of clarity”, particularly in relation to the test for financial provision, the tight and inflexible time limit for making claims and the range of remedies available.<sup>85</sup> It is currently under review by the Scottish Law Commission.

37. In Ireland, Dr Kathryn O’Sullivan, Senior Lecturer at the University of Limerick, noted the “very restrictive approach” adopted in terms of the types of cohabitant that can access remedies.<sup>86</sup> To qualify, a couple needs to be in a committed adult relationship for two years with a child or five years without. In addition, an applicant must show that they are financially dependent on the other as a result of the relationship or the breakdown

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78 See, for example, Professor Margaret Briggs [[HAB0383](#)] for New Zealand; Kate Dowdalls QC [[HAB0384](#)] for Scotland; Dr Kathryn O’Sullivan [[HAB0382](#)] for Ireland

79 Joanna Miles, ‘*Unmarried Cohabitation in a European Perspective*’ in: Jens M. Scherpe (ed.), *European Family Law Volume III: Family Law in a European Perspective*, Edward Elgar Publishing 2016, 82.

80 Q125

81 Q129

82 Q130 [Professor Margaret Briggs]

83 Q130 [Kate Dowdalls QC]

84 Q127 [Kate Dowdalls QC]

85 Q130 [Kate Dowdalls QC]

86 Q128

of it. While introduced to protect vulnerable cohabitants and “roundly welcomed”, Dr O’Sullivan noted that the requirement of financial dependence has limited the reach and impact of the reform.<sup>87</sup>

### *Law reform in England and Wales*

38. Many witnesses have called for cohabitation law reform in England and Wales. Some argued that the simplest approach is to include eligible cohabitants within the jurisdiction of the Matrimonial Causes Act 1973, which would allow cohabiting partners access to the same discretionary remedies as divorcing couples.<sup>88</sup> Where children were involved, Professor Anne Barlow favoured equalisation of treatment by the law as it “would reflect the functional similarity between all relationships with children in a household”.<sup>89</sup> Where no children were present, she said the issue was less “clear cut”.<sup>90</sup> Similarly, Professor Gillian Douglas cautioned us against accepting “too readily the proposition that cohabitants should not be treated by the law as if they were married”. Provided there was the ability to opt-out, Professor Douglas believed that:

no injustice is done to any cohabitant by being subject to the same regime as applies to divorced/civilly partnered couples because both divorce law and inheritance law are sufficiently flexible to deliver a fair outcome whatever the factual circumstances on an individual case.<sup>91</sup>

39. Michael Horton QC, Barrister at Coram Chambers and member of the FLBA, disagreed with the notion of equating cohabitation with marriage as did other submissions.<sup>92</sup> From a practical perspective, he told us that it would be very difficult to transpose the same principles the family courts use to distribute assets in divorce cases to cohabitants. He cautioned against leaving cohabitation cases to the same discretionary regime as divorce because it risks a generation of cohabitants fighting “test cases to work out what it is that judges are supposed to do”.<sup>93</sup>

### *Concerns with cohabitation law reform*

#### *Undermining marriage*

40. Several submissions spoke of the importance of the public commitment that marriage provides, which expresses a couple’s traditional, moral or religious values, rather than the informal arrangement of cohabitation.<sup>94</sup>

41. Harry Benson, Research Director at Marriage Foundation, remarked that “giving marriage-like rights automatically to cohabiting couples” ran the risk of “undermining commitment”.<sup>95</sup> He argued that getting married can provide a couple with certainty, while

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87 Q130

88 See, for example, Q20 [Professor Gillian Douglas]; Q51 [Mandip Ghai]

89 University of Exeter [[HAB0366](#)]

90 Ibid.

91 Dickson Poon School of Law [[HAB0367](#)]

92 See, for example, Professor Chris Barton [[HAB0376](#)]

93 Q78

94 See, for example, Coalition for Marriage [[HAB0289](#)]; Marriage Foundation [[HAB0007](#)]; Christian Institute [[HAB0269](#)]

95 Q103



some cohabiting relationships possess “ambiguity”—often the result of one partner being less committed than the other.<sup>96</sup> Graeme Fraser confirmed that practitioners are aware of “scenarios where men simply walk away from their responsibilities after 30 years and do not pay their fair share in terms of helping with the family”.<sup>97</sup> We received evidence from people and organisations who believe that marriage lays the foundations for family stability. They argued that legally placing cohabitation in closer alignment to marriage will increase the risk of family breakdown.<sup>98</sup>

42. Other witnesses disagreed that cohabitation law reform would undermine marriage. Professor Anne Barlow observed that the marriage rate had already been “declining year on year for a very long period of time”.<sup>99</sup> Professor Margaret Briggs, reflecting on the experience of New Zealand, noted that undermining the institution of marriage, as an argument, is dealt with “fairly well”.<sup>100</sup> She remarked that this argument ignored the fact that, in many other areas of the law outside property entitlement, *de facto* partners were already well recognised in New Zealand law, and they had already been given equality in many other areas.<sup>101</sup> Indeed, changes were “really just catching up with a lot of other areas of law”.<sup>102</sup>

43. Several experts argued for the introduction of a separate regime—distinct to that which applies to marriage and civil partnership—which protects cohabitants. Starting with a “clean-sheet policy”, Graeme Fraser of Resolution called for the UK Government to introduce “specific, defined cohabitation laws with cohabitation law remedies” that reflect and support this modern family type.<sup>103</sup>

### *Gender stereotyping*

44. Baroness Deech DBE QC, Crossbench Peer, argued that the case for reforming cohabitation law is based on gender stereotypes that portray the woman in a relationship as disadvantaged.<sup>104</sup> Rather than the outdated notion of being “condemned to a life of housewifery, servitude and disadvantage”, Baroness Deech argued that many women living with a man may well have given up a career because they wanted to, and benefit from their partner going out to work.<sup>105</sup> She argued that a new cohabitation law would only benefit the former partners of the wealthy, such as someone who “lives with a well-off footballer”.<sup>106</sup> She claimed that ensuring financial protection will not mean much to women living in a “council house and they are on benefits”.<sup>107</sup>

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96 Q104

97 Q44

98 See, for example, Q116 [Harry Benson]; Q121 [Harry Benson]

99 Q23

100 Q130

101 Q130

102 Q130

103 Q40

104 Q109

105 Q109

106 Baroness Ruth Deech [[HAB0002](#)]; Q109; Q112

107 Q112

### *Preservation of autonomy*

45. Several witnesses spoke of the need to preserve the autonomy of couples.<sup>108</sup> The Marriage Foundation argued that “automatically assigning rights and responsibilities to adults who have either chosen or neglected to choose to change the legal status of their relationship is unacceptable state interference and profoundly illiberal”.<sup>109</sup> Rather than create a new category of law, Baroness Deech argued that family law should “safeguard personal autonomy” and encourage cohabitants to use agreements to create legal obligations within their relationship.<sup>110</sup> However, Dr Sharon Thompson disagreed with the argument that reform undermines the private choices of individuals because “in many cases such choices were not made in the first place”.<sup>111</sup> The nature of the reform can also preserve autonomy. Kate Dowdalls QC remarked that one of the perceived benefits of the Scottish reform was that it “does not impose marriage or civil partnership-like responsibilities on people who have chosen not to marry or have a civil partnership”.<sup>112</sup>

46. Witnesses stressed that even if reform materialised, party autonomy could nevertheless be protected through couples being able to opt-in or out of the legal protections offered. Baroness Deech expressed a preference for an opt-in system, believing that if couples wanted protections they “should choose it” and that it was an “issue of freedom”.<sup>113</sup> Law firm Mishcon de Reya LLP argued that “the lack of a wider understanding of cohabitation rights, and the limited education historically provided around this, may mean many cohabitant partners fail to opt-in, meaning they remain vulnerable and financially exposed”.<sup>114</sup> Another law firm, Howard Kennedy LLP, suggested a two-fold approach whereby cohabitants can register their relationship should they wish, with the option to remove themselves from the register at any time. However, conceding that a registration system would require mutual consent, which may not always be forthcoming in uneven relationships, it suggested that the court could assess whether an unregistered couple were cohabitants using a list of statutory factors indicating cohabitation.<sup>115</sup>

47. Other witnesses favoured an opt-out approach where eligible couples would be covered unless they decide to disapply the scheme.<sup>116</sup> This could involve written agreement, signed by the parties and satisfying certain procedural requirements, that disapplied the applicable regime. Remarking on the generous law in New Zealand, Professor Margaret Briggs noted that an opt-out regime was preferred as it would protect more people than an opt-in regime. Moreover, it “would protect more vulnerable people (predominantly women) who were likely unaware of their rights or unable to get their partner to agree to opt into the Act”.<sup>117</sup> Dr Kathy Griffiths, Lecturer at Cardiff University, alongside other witnesses, stressed the importance of “an effective opt-out” facility to protect autonomy and to ensure that couples can “make their own arrangements instead”.<sup>118</sup> Professor Jens Scherpe noted such an approach “shifts the power-balance in a relationship towards

108 See, for example, Baroness Ruth Deech [[HAB0002](#)]; Marriage Foundation [[HAB0007](#)]; Mr David Lyall [[HAB0072](#)]

109 Marriage Foundation [[HAB0007](#)]

110 Baroness Ruth Deech [[HAB0002](#)]

111 Dr Sharon Thompson, Cardiff University [[HAB0342](#)]

112 Q135

113 Q116; Q119

114 Mishcon de Reya [[HAB0297](#)]

115 Howard Kennedy LLP [[HAB0299](#)]

116 See, for example, Dr Ruth Lamont, University of Manchester [[HAB0371](#)]

117 Professor Margaret Briggs [[HAB0383](#)]

118 Dr Kathy Griffiths, Cardiff University [[HAB0312](#)]

the weaker party, which arguably is desirable”.<sup>119</sup> Remarking that “almost all legal rules are—and are meant to be—infringements on autonomy”, Professor Scherpe believed that autonomy can, and routinely is, overridden to “address an imbalance of power/and or pursue an important social policy aim” such as the protection of a weaker party.<sup>120</sup>

## Law Commission’s proposals

48. In July 2007, the Law Commission published a report, [Cohabitation: The Financial Consequences of Relationship Breakdown](#). The Law Commission did not consider that cohabitants should have access to the same remedies as married couples and civil partners. Instead, the report recommended a new bespoke scheme of financial relief upon relationship breakdown based on financial and non-financial contributions that the parties had made to the relationship. Professor Nicholas Hopkins, Law Commissioner for Property, Family and Trust Law, confirmed that the Law Commission reached its conclusions following an extensive consultation which received over 250 responses, including “from groups that represent women, men, LGBT+ people and religious organisations, as well as legal practitioners and academics”.<sup>121</sup>

49. Professor Hopkins told us that this scheme would “give courts a family law-based discretion as to what to do, rather than the property rules that apply at the moment”.<sup>122</sup> In essence the scheme was aimed at ensuring that the pluses and minuses of the relationship were fairly shared between the couple after having regard to a range of factors. A menu of remedies would be available but periodical payments (i.e., maintenance) would not generally be available unless for on-going childcare costs. Unlike the regime applicable upon divorce or dissolution, there is no principle that the parties should share their assets equally or receive remedies based on one party’s needs.

50. The Family Law Bar Association broadly supported the Law Commission’s 2007 proposals for cohabitation law reform in England and Wales.<sup>123</sup> Michael Horton QC told us that “if you are going to introduce an opt-out system, (the Law Commission’s proposal) probably is the best way of doing it”.<sup>124</sup> However, Professor Gillian Douglas had “considerable reservations about using a Law Commission-type scheme, which is full of difficult concepts and complexities that would be very hard for laypeople to get their heads round”. She observed that the Law Commission made its proposals at a time when legal aid was still available.<sup>125</sup> Professor Douglas cautioned against adopting “even a modified Law Commission scheme” without clarity on how it would work for couples who do not have legal assistance.<sup>126</sup>

51. We asked Professor Nicholas Hopkins if anything had changed since the Law Commission published its 2007 proposals. He confirmed that not much had changed that “fundamentally impacts on the recommendations that we put forward”.<sup>127</sup> That said, several witnesses suggested that a review of the proposed scheme might be in order

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119 Professor Jens Scherpe [\[HAB0385\]](#); see also Dr Anna Heenan, Cardiff University [\[HAB0286\]](#)

120 Professor Jens Scherpe [\[HAB0385\]](#)

121 Q180

122 Q186

123 Qq78–9

124 Q78

125 Q34; Dickson Poon School of Law [\[HAB0367\]](#)

126 Q34

127 Q184

to see whether the case for reform has strengthened and to gather insights from other jurisdictions that have introduced cohabitation reforms since its publication.<sup>128</sup> When we spoke to Tom Pursglove MP, former Minister for Justice, he would not commit the Government to cohabitation law reform. However, he told us that he would be “very willing” to engage with the Law Commission about its recommendations and explore whether they are still appropriate and fit for purpose.<sup>129</sup>

## Key features applicable upon relationship breakdown

52. The Law Commission’s 2007 report stated that not all cohabitants should be able to access financial remedies under the proposed scheme. It recommended that a remedy should only be available where:

- the couple satisfied certain eligibility requirements such as the presence of a child or living together for a minimum duration;
- the couple had not made a valid agreement to disapply the scheme; and
- the applicant had made qualifying contributions to the relationship giving rise to certain enduring consequences at the point of separation.

## Definition and eligibility criteria

53. There is no universal, legal, definition of cohabitation in England and Wales, and such a relationship is defined differently depending on the specific context. Several definitions adopt the ‘marriage analogy’ approach and refer to the couple living together as if they were a married or civil partnered couple.<sup>130</sup> Other definitions exist such as a couple ‘living together on an enduring basis’.<sup>131</sup> The Law Commission recommended that persons should be cohabitants for the purposes of being eligible to apply for financial relief on separation where:

- i) they are living as a couple in a joint household; and
- ii) they are neither married to each other nor civil partners.

54. Professor Nicholas Hopkins confirmed that the Law Commission’s proposed definition of cohabitation would sufficiently reflect modern relationships. He explained that a “significant” aspect of the definition is that it deliberately avoids an analogy with marriage, an approach which most witnesses agreed with.<sup>132</sup> He added that the definition is sufficiently broad enough as to include people who feel that getting married or entering a civil partnership is not for them.<sup>133</sup> Professor Hopkins also reasoned that “if you are putting together a scheme for a particular type of relationship, that relationship should not be defined by reference to what you are distinguishing it from”.<sup>134</sup>

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128 Q125 [Professor Jens Scherpe]; Q163 [Tom Pursglove]; Q164 [Neal Barcoe]

129 Qq163–64

130 See *Family Law Act 1996*, *Inheritance (Provision for Family and Dependents) Act 1975*, *Fatal Accidents Act 1976*

131 See *Adoption and Children Act 2002*

132 Q188; see also Q56 [Mandip Ghai]; Dr Alan Brown [[HAB0377](#)]

133 Q188

134 Q188

55. Several submissions questioned how one would distinguish between an intimate cohabiting relationship and two people who happen to live together—such as flatmates or siblings. Baroness Deech noted that the difficulty of defining cohabitation would “open the door to a great deal of litigation”.<sup>135</sup> The Law Commission decided against recommending a statutory checklist in England and Wales to determine who is a cohabitant. Professor Nicholas Hopkins told us that the Law Commission’s description of living together in a joint household “captured couples we are concerned with and could be understood as a matter of plain English”.<sup>136</sup> The Law Commission suggested that social security legislation already provides sufficient assistance for the courts to identify a couple if necessary, a view that Graeme Fraser, Chair of Resolution’s Cohabitation Committee, agreed with. Mr Fraser said that practitioners “can spot cohabitation when they see it. We should not get too overly concerned”.<sup>137</sup> Professor Margaret Briggs, commenting on the New Zealand experience, also noted that “at the end of the day, the court will have to stand back and just make that judgement, based on the facts before them”.<sup>138</sup>

### *Eligibility criteria*

56. To be eligible for financial relief under the Law Commission’s scheme, couples living together in a joint household would either need to have had a child together or to have lived together for a minimum duration period.<sup>139</sup> Professor Nicolas Hopkins explained that the Law Commission’s proposed eligibility criteria operates as a gateway for cohabitants to seek financial remedies.<sup>140</sup> To obtain a remedy, eligible applicants would need to evidence that they made qualifying contributions to the relationship which had either subjected them to continuing economic disadvantage or given their partner a retained benefit.

57. Witnesses broadly accepted the need for a cohabitation scheme to distinguish between different types of cohabitants. Most witnesses agreed that the presence of joint children automatically demonstrates a clear commitment.<sup>141</sup> Similarly, several legal practitioners accepted that a minimum duration period of two years is sufficient to prove a committed relationship between cohabitants without children.<sup>142</sup> Resolution argued that a two-year threshold would also be consistent with existing legal provisions such as claims under the Inheritance (Provision for Family and Dependents) Act 1975.<sup>143</sup>

58. Some witnesses suggested that the court should have the discretion to dispense with a minimum duration period in cases where it is just and fair to do so.<sup>144</sup> The Law Commission proposed that if the minimum duration period was set at two years there should be no discretion to dispense with that requirement in “hard cases”.<sup>145</sup> However, consideration as to whether that should be permitted was needed if the minimum duration period was longer.<sup>146</sup> Michael Horton QC, Barrister at Coram Chambers and member of the FLBA, recognised the potential for hard cases but upheld the view that there “is value in having

135 Q122

136 Q186

137 Q59

138 Q132

139 The Law Commission, *Cohabitation: The Financial Consequences of Relationship Breakdown*, Cm 7182, July 2007

140 Q189

141 See, for example, Q30 [Professor Anne Barlow]; Q62 [Graeme Fraser]

142 Q62 [Graeme Fraser]; Q88 [Elizabeth Darlington]

143 Resolution [[HAB0238](#)]

144 See, for example, Muslim Women’s Network UK [[HAB0378](#)]; Q33 [Professor Rebecca Probert]

145 The Law Commission, *Cohabitation: The Financial Consequences of Relationship Breakdown*, Cm 7182, July 2007

146 Ibid.

some integrity in the system, having it consistent and clear to understand”.<sup>147</sup> He also agreed that sending a clear message that after two years a couple will be protected by the law, or sooner if there are children, would help to dispel the common law marriage myth.<sup>148</sup> Similarly, Elizabeth Darlington said that a discretion to dispense with that period “would lead to further litigation” and emphasised “the need for certainty”.<sup>149</sup>

59. Professor Rebecca Probert criticised the Law Commission’s scheme for being complicated. She argued that the three levels of criteria—definition, eligibility requirements, and the test of relationship-generated disadvantage/retained benefit—are unnecessary. She told us that “you could quite easily at least get rid of the intermediate eligibility requirements. It seems to me that, if you have grounds for relief, it should not actually matter if you have not satisfied a particular time period”.<sup>150</sup> Professor Hopkins countered that the scheme is designed “to ensure that the right result is reached across a very wide range of relationships”.<sup>151</sup>

### Opt-out

60. The Law Commission recommended that a new cohabitation scheme should allow couples, subject to necessary protections, to disapply the statute by means of an opt-out agreement, leaving them free to make their own financial arrangements. Parties could opt-out of the proposed framework without the need to seek independent legal advice. The court would be able to set aside an opt-out agreement if its enforcement would cause manifest unfairness having regard to:

- i) the circumstances at the time the agreement was made; or
- ii) circumstances at the time the agreement comes to be enforced which were unforeseen when the agreement was made.<sup>152</sup>

61. Many witnesses argued that an opt-out provision—rather than a scheme which requires people to opt-in—is the best way to both respect personal autonomy and to protect vulnerable cohabitants, some of whom may be unaware of their legal position.<sup>153</sup> However, experts agreed that certain safeguards should be put in place to ensure that people are not misled into signing an opt-out agreement. Michael Horton QC favoured a “cast iron” opt out that would require cohabitants to obtain “lawyered agreements”, similar to prenuptial agreements, which would provide a clear statement of a couple’s intention to look after their own economic affairs.<sup>154</sup> He argued that the Law Commission’s more informal approach to opt-out would result in lots of challenges in court as people try to prove manifest unfairness, which would, as a result, undermine the benefit of having an opt-out.<sup>155</sup>

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147 Q90

148 Q91

149 Q89

150 Q22

151 Q187

152 The Law Commission, *Cohabitation: The Financial Consequences of Relationship Breakdown*, Cm 7182, July 2007

153 See, for example, Q66 [Mandip Ghai]; Q190 [Professor Nicholas Hopkins]

154 Qq92–4

155 Q92

62. Professor Nicholas Hopkins told us that the Law Commission decided against a cast iron opt-out because it “would put barriers and costs in the way of opting out”.<sup>156</sup> If the parties did seek individual legal advice, he argued that it would be harder for the parties to demonstrate that the agreement was manifestly unfair. Michael Horton QC acknowledged that lawyers may not always spot signs of duress but claimed that a stronger opt-out system would still be open to challenges if someone signed a lawyered agreement under unfair pressure.<sup>157</sup>

63. **The law should fully recognise the social reality of modern families and protect people regardless of whether they are married, in a civil partnership, or in long-term cohabiting relationships. However, law reform should recognise that marriage continues to hold an important social and religious status in England and Wales. We believe that the Law Commission’s 2007 proposals for an opt-out cohabitation scheme are a pragmatic approach for reforming cohabitation law. The Law Commission’s proposed approach has the potential to:**

- **protect eligible cohabitants who are economically vulnerable;**
- **preserve individual autonomy;**
- **maintain a distinction with marriage and civil partnership; and**
- **provide certainty about who qualifies as a cohabitant.**

64. *The Government should reform family law to better protect cohabiting couples and their children from financial hardship in the event of separation. We recommend an opt-out cohabitation scheme as proposed by the Law Commission in its 2007 report on the financial consequences of relationship breakdown. The Government should make a commitment to publishing draft legislation for pre-legislative scrutiny in the 2023–24 Session of Parliament. In the meantime, the Ministry of Justice should commission a refresh review of the Law Commission’s 2007 proposals to see if they need updating.*

## Death of a partner

### *Intestacy and family provision claims*

65. In England and Wales, testamentary freedom is key and where a valid will has been made a cohabitant may receive property in accordance with its terms.<sup>158</sup> If that will should exclude the cohabitant or make insufficient provision, the surviving partner can make an application under the Inheritance (Provision for Family and Dependents) Act 1975 for reasonable financial provision. This provision is less generous than that received by spouses or civil partners and is limited to maintenance. An application can be made by an individual who had lived in the same household as the deceased as if they were a married couple or civil partners for two years immediately preceding their partner’s death.

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156 Q190

157 Q99

158 Testamentary freedom is the legal right for a person to leave their estate to whoever they wish.

66. Cohabitants are more vulnerable where a valid will has not been made i.e., an intestate succession. The intestacy rules, contained in Part IV of the Administration of Estates Act 1925, do not include cohabitants. This means that cohabitants must again rely on the aforementioned Inheritance Act 1975 to seek “reasonable financial provision” from the estate.

67. In a report published in 2011, [Intestacy and Family Provision Claims on Death](#), the Law Commission recommended that some unmarried partners who had lived together for five years should have the right to inherit after each other’s death under the intestacy rules, without having to go to court. Where the couple had a child together, this entitlement would accrue after two years’ cohabitation, provided the child was living with the couple when the deceased died. The Law Commission also recommended that a surviving cohabitant who had a child with the deceased should be able to make a family provision claim under the Inheritance (Provision for Family and Dependents) Act 1975 even if the relationship had lasted for a shorter period than two years.<sup>159</sup> The recommendations were to be given effect by the draft Inheritance (Cohabitants) Bill annexed to the report which is yet to be implemented.<sup>160</sup>

68. Several witnesses who were supportive of the 2011 proposals for intestacy and family provision claims on death told us that those recommendations would be relatively easy to enact.<sup>161</sup> However, successive Governments have not taken action to implement the recommendations. Lord Marks of Henley on Thames (Liberal Democrat) has introduced a Cohabitation Rights Bill in several parliamentary sessions, which sought to introduce a framework of rights and responsibilities for cohabitants upon separation and death.<sup>162</sup> The Bill would have implemented similar provisions to the Law Commission’s 2007 and 2011 recommendations but did not progress.

### **Survivor pensions and inheritance tax**

69. Other distinctions exist between spouses/civil partners and cohabitants upon death, notably concerning survivor pensions and inheritance tax exemption.

70. Later Life Ambitions (LLA), an organisation that brings together the voices of 250,000 older people, told us that married couples only need provide their marriage certificate to secure their entitlement to their spouse’s pension. This is due to the legislative assumption that married spouses and civil partners are in “financially dependent relationships”.<sup>163</sup> By contrast, LLA told us that cohabitants must produce evidence of mutual dependency to the trustees of the pension scheme, such as joint mortgage or tenancy agreements, joint insurance policies or joint bank accounts.<sup>164</sup>

71. Lisa Ray, General Secretary of the Civil Service Pensioner’s Alliance, claimed that about 80% of cohabitants rely on trustees’ discretion to secure their partner’s pension. She informed us that some cohabitants “have to jump through a lot of hoops” to prove

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159 See The Law Commission, *Intestacy and Family Provision Claims on Death Executive Summary*, Law Com No 331 (Summary), 14 December 2011

160 Ibid.

161 Q20 [Professor Gillian Douglas]; Q50 [Graeme Fraser and Lisa Ray]; Q81 [Michael Horton QC]

162 Cohabitation Rights Bill [HL] 2019–21

163 Later Life Ambitions [[HAB0301](#)]

164 Ibid.



they are dependent.<sup>165</sup> She observed that some schemes require cohabitants to fill out a lot of forms, often with “intrusive questions” about their relationship with the deceased.<sup>166</sup> LLA added that, even then, this does not guarantee entitlement to a survivor’s pension.<sup>167</sup> Lisa Ray noted that some pensioners were unaware of both what they (or their partner) is entitled to and the specific requirements of different schemes to access entitlement. She argued that there should be “clarity out there on people’s entitlements” and regarding “consistency of evidence because some schemes ask for more than others. Some people do not have to rely on the discretion of trustees”.<sup>168</sup>

72. Cohabitants do not benefit from the same exemption from inheritance tax that married couples and civil partners enjoy.<sup>169</sup> Juliet Brook, Principal Lecturer at the University of Portsmouth, told us that cohabitants who inherit their deceased partner’s share in the family home can face an inheritance tax burden that leaves the retention of the home unaffordable.<sup>170</sup> Although there are provisions whereby a person can pay the tax in instalments (with interest), this can become unmanageable for someone who does not have the financial means to pay.<sup>171</sup> Professor Anne Barlow observed that in the worst-case scenario an individual may have to sell the home and could struggle to rehouse themselves depending on the value of property in their area. She called for the Government to address this disparity to ensure that cohabitants avoid potential hardship.<sup>172</sup>

**73. People need certainty following the loss of a partner. We support the Law Commission’s 2011 recommendations concerning intestacy and family provision claims for cohabitants. We are concerned that many cohabitants rely on trustee’ discretion to access their deceased partner’s pension, often after being asked to supply disproportionate amounts of evidence compared to married or civil partnered claimants. Like spouses and civil partners, cohabitants should be able to inherit the family home without fear they will have to sell it to pay an inheritance tax bill. *The Government should immediately:***

- a) *implement the Law Commission’s 2011 recommendations concerning intestacy and family provision claims for cohabiting partners;*
- b) *publish clear guidelines on how pension schemes should treat surviving cohabiting partners, including what those partners are entitled to, and what evidence they will need to access survivor’s pensions; and*
- c) *review the inheritance tax regime so it is the same for cohabiting partners as it currently is for married couples and civil partners.*

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165 Q47

166 Q47

167 Later Life Ambitions [[HAB0301](#)]

168 Q67; Q74

169 You can pass a home to your husband, wife or civil partner when you die. There’s no Inheritance Tax to pay if you do this. If you leave your home to another person in a will, the home counts towards the value of your estate (property, money and possessions). The standard Inheritance Tax rate is 40% and is charged on the part of your estate that is above the £325,000 threshold.

170 Mrs Juliet Brook, Portsmouth University [[HAB0295](#)]

171 Mrs Juliet Brook, Portsmouth University [[HAB0295](#)]; Q12 [Professor Anne Barlow]

172 University of Exeter [[HAB0366](#)]

## Conclusions and recommendations

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### Modern relationships

1. The current law applicable to cohabitants on relationship breakdown can be costly, complicated and unfair. Complex property law and trusts principles often require the financially weaker partner—often women—to demonstrate direct financial contributions to the acquisition of the family home, while childcare and other non-financial contributions go largely unrecognised. Schedule 1 to the Children Act 1989, is out-dated, mostly benefits the children of wealthy parents and is in need of reform. (Paragraph 23)
2. It is staggering that so many people in England and Wales believe in the common law marriage myth. This misplaced belief in legal protections can have profound consequences for cohabiting partners—many of whom do not realise the reality of their situation until it is too late. *The Government should conduct a public awareness campaign to highlight the legal distinctions between getting married, forming a civil partnership, or choosing to live together as cohabiting partners.* (Paragraph 24)

### Equalities issues

3. The lack of comprehensive legal protections for cohabitants upon relationship breakdown means that women, especially women from ethnic minority backgrounds and those who have had a religious-only marriage, can suffer relationship-generated disadvantage. The Law Commission's proposals for weddings law reform, although welcome, primarily focus on resolving issues around formalised relationships and the validity of marriage ceremonies. Women who feel pressured into a religious-only marriage, other non-legally recognised weddings, or remaining as cohabitants without a formal agreement will remain unprotected by the current law. *The Government should undertake a targeted information campaign aimed at women in religious communities where religious-only marriages are commonplace, highlighting the risks of not having a ceremony which meets legal formalities. Such a campaign will need to consider the Law Commission's recommendations for weddings law reform.* (Paragraph 32)

### Key features applicable upon relationship breakdown

4. The law should fully recognise the social reality of modern families and protect people regardless of whether they are married, in a civil partnership, or in long-term cohabiting relationships. However, law reform should recognise that marriage continues to hold an important social and religious status in England and Wales. We believe that the Law Commission's 2007 proposals for an opt-out cohabitation scheme are a pragmatic approach for reforming cohabitation law. The Law Commission's proposed approach has the potential to:
  - protect eligible cohabitants who are economically vulnerable
  - preserve individual autonomy;

- maintain a distinction with marriage and civil partnership; and
  - provide certainty about who qualifies as a cohabitant. (Paragraph 63)
5. *The Government should reform family law to better protect cohabiting couples and their children from financial hardship in the event of separation. We recommend an opt-out cohabitation scheme as proposed by the Law Commission in its 2007 report on the financial consequences of relationship breakdown. The Government should make a commitment to publishing draft legislation for pre-legislative scrutiny in the 2023–24 Session of Parliament. In the meantime, the Ministry of Justice should commission a refresh review of the Law Commission’s 2007 proposals to see if they need updating.* (Paragraph 64)

### Death of a partner

6. People need certainty following the loss of a partner. We support the Law Commission’s 2011 recommendations concerning intestacy and family provision claims for cohabitants. We are concerned that many cohabitants rely on trustee’ discretion to access their deceased partner’s pension, often after being asked to supply disproportionate amounts of evidence compared to married or civil partnered claimants. Like spouses and civil partners, cohabitants should be able to inherit the family home without fear they will have to sell it to pay an inheritance tax bill. *The Government should immediately:*
- a) *implement the Law Commission’s 2011 recommendations concerning intestacy and family provision claims for cohabiting partners;*
  - b) *publish clear guidelines on how pension schemes should treat surviving cohabiting partners, including what those partners are entitled to, and what evidence they will need to access survivor’s pensions; and*
  - c) *review the inheritance tax regime so it is the same for cohabiting partners as it currently is for married couples and civil partners.* (Paragraph 73)

# Formal minutes

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**Tuesday 19 July 2021**

## **Members present:**

Caroline Nokes, in the Chair

Jackie Doyle-Price

Carolyn Harris

Draft Report (*The rights of cohabiting partners*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 73 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

## **Adjournment**

[Adjourned until Wednesday 7 September at 2 p.m.]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Wednesday 22 September 2021

**Professor Anne Barlow**, Professor of Family Law and Policy, University of Exeter; **Professor Rebecca Probert**, Professor of Law, The University of Exeter; **Professor Gillian Douglas**, Professor of Law and Emeritus Executive Dean, Dickson Poon School of Law, Kings College, London

[Q1–35](#)

### Wednesday 3 November 2021

**Mandip Ghai**, Senior Legal Officer, Rights of Women; **Nazmin Akthar**, Co-Chair, Muslim Women's Network UK; **Graeme Fraser**, Cohabitation Chair, Resolution; **Lisa Ray**, General Secretary, Civil Service Pensioners' Alliance and Partner of Later Life Ambitions

[Q36–74](#)

### Wednesday 1 December 2021

**Elizabeth Darlington**, Barrister at Parklane Plowden Chambers, Leeds and Member of the Family Law Bar Association National Committee; **Michael Horton QC**, Queen's Counsel at Coram Chambers and Member of the Family Law Bar Association National Committee

[Q75–102](#)

**Mr Harry Benson**, Research Director, Marriage Foundation; **Baroness Ruth Deech**

[Q103–123](#)

### Wednesday 5 January 2022

**Professor Jens Scherpe**, Professor of Comparative Law, University of Cambridge; **Professor Margaret Briggs**, Professor of Law, University of Otago; **Kate Dowdalls QC**, Commissioner, Scottish Law Commission; **Dr Kathryn O'Sullivan**, Senior Lecturer of Law at the School of Law, University of Limerick

[Q123–137](#)

### Wednesday 2 February 2022

**Tom Pursglove MP**, Parliamentary Under-Secretary of State (Minister for Justice), Ministry of Justice; **Mike Freer MP**, Parliamentary Under-Secretary of State (Minister for Equalities), Government Equalities Office; **Neal Barcoe**, Deputy Director, Family Justice Policy, Ministry of Justice

[Q138–178](#)

**Professor Nicholas Hopkins**, Law Commissioner for Property, Family and Trust Law, Law Commission

[Q179–195](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

HAB numbers are generated by the evidence processing system and so may not be complete.

- 1 Acland, Mrs Heidi (Full time student, Union School of Theology) ([HAB0108](#))
- 2 Adams, Mr David N ([HAB0061](#))
- 3 Aldridge, Thomas ([HAB0267](#))
- 4 Allen, Mr Geoffrey ([HAB0144](#))
- 5 Anderson, Dr Colin (R&D Director, American Chemet Corporation) ([HAB0049](#))
- 6 Anderson, Mr. Ian ([HAB0232](#))
- 7 Andrews, Mrs Molly ([HAB0107](#))
- 8 Barklem, Mr Roland ([HAB0210](#))
- 9 Barlow, Professor Anne (Professor of Family Law and Policy, The University of Exeter) ([HAB0380](#))
- 10 Barton, Professor Chris ([HAB0376](#))
- 11 Bayley, Rev Oliver ([HAB0025](#))
- 12 Belcham, Mr Leigh ([HAB0322](#))
- 13 Benefer, Mrs Sharon ([HAB0145](#))
- 14 Biggs, Mr Edward (n/a, n/a) ([HAB0161](#))
- 15 Birmingham Law School ([HAB0372](#))
- 16 Blackman, Mrs C ([HAB0313](#))
- 17 Blundell, Mr David (Retired Pharmacist, Retired) ([HAB0287](#))
- 18 Boswell, Mr David ([HAB0363](#))
- 19 Bowman, Victoria (Teacher, Leicestershire County Council) ([HAB0106](#))
- 20 Brice, Dr Philippa ([HAB0036](#))
- 21 Briggs, Professor Margaret ([HAB0383](#))
- 22 Brook, Mrs Juliet (Principal Lecturer, University of Portsmouth) ([HAB0295](#))
- 23 Brown, Dr Alan (Lecturer in Private Law, University of Glasgow) ([HAB0377](#))
- 24 Brunning, Mr Martin ([HAB0214](#))
- 25 Bunting, Dr John W (Retired computer scientist, (retired)) ([HAB0290](#))
- 26 Burnett, Mr and Mrs ([HAB0358](#))
- 27 Butterfield, Mr David ([HAB0095](#))
- 28 Calver, Mr Bren (Retired, Ministry of Defence) ([HAB0082](#))
- 29 Chamberlain, Mr ([HAB0353](#))
- 30 Chambers, Professor Clare (Professor of Political Philosophy, University of Cambridge) ([HAB0254](#))
- 31 Chaplin, Miss Juliet ([HAB0227](#))
- 32 Charles, Revd Jim (Vicar, Church of England) ([HAB0260](#))
- 33 Clarke, Brian ([HAB0356](#))

- 34 Clarke, David ([HAB0132](#))
- 35 Coalition for Marriage ([HAB0289](#))
- 36 Collins, Dr Georgina May (Lecturer in Law, Lancaster University) ([HAB0305](#))
- 37 Consultation, Cohabitation Rights ([HAB0354](#))
- 38 Cook, Mr Rodney ([HAB0162](#))
- 39 Cooke, Lawrence (Activities Coordinator, BUPA) ([HAB0054](#))
- 40 Cooper, Mr Ian (retired, no organisation) ([HAB0157](#))
- 41 Cordle, Mr Sidney (leader political party, Christian Peoples Alliance) ([HAB0097](#))
- 42 Couch, Mr. Patrick ([HAB0088](#))
- 43 Craven, Mr Brian (Church Group co-Leader, St Helens LIFE Group) ([HAB0048](#))
- 44 Cross, Mr James ([HAB0196](#))
- 45 Croucher, Mr Stanley (Retired, n/a) ([HAB0344](#))
- 46 Crump, Miss Elizabeth (Academic Mentor, Secondary School) ([HAB0306](#))
- 47 Dafydd, Mr Eifion ([HAB0253](#))
- 48 Davies, (Retired Teacher, Local authority) ([HAB0143](#))
- 49 Davies, Mr Gerard (Social Worker, GSL Davies) ([HAB0258](#))
- 50 Deech, Baroness Ruth (Crossbench Peer, House of Lords) ([HAB0002](#))
- 51 Dennis, Mr Simon (Company Director, Flowstore Systems Ltd; and Company Director, Flowstore Systems Ltd) ([HAB0331](#))
- 52 Dickson Poon School of Law ([HAB0367](#))
- 53 Dobson, Mrs. Jeanette ([HAB0261](#))
- 54 Dowdalls QC, Kate ([HAB0384](#))
- 55 Dudfield, Mrs Shirley (school teacher, Education Department) ([HAB0310](#))
- 56 Dunn, Mrs Joanna (Residential Support Worker, Canaan Trust Homeless Charity) ([HAB0182](#))
- 57 Dyson, Mr Michael (Computer Technician, Self employed) ([HAB0151](#))
- 58 Edwards, Mr Patrick ([HAB0040](#))
- 59 Elston, Mr Chris ([HAB0203](#))
- 60 Epps, Mr Benjamin (Pastor, Longmeadow Evangelical Church) ([HAB0147](#))
- 61 Equalities, Minister for ([HAB0266](#))
- 62 Erazo, Miss Mary (Research Technician, University of Derby) ([HAB0091](#))
- 63 Fallon, Mr Robert ([HAB0060](#))
- 64 Family Education Trust ([HAB0005](#))
- 65 Family Law in Partnership ([HAB0364](#))
- 66 Feely, Joe ([HAB0029](#))
- 67 Ford, Anthony ([HAB0020](#))
- 68 Freer MP, Mike ([HAB0386](#))
- 69 Geach, ([HAB0231](#))
- 70 German, Mr Adrian John ([HAB0080](#))
- 71 Giles, Mr Robin ([HAB0023](#))

- 72 Glass, Mr Phil ([HAB0032](#))
- 73 Gouriet, Mr Michael (Partner, Withers LLP) ([HAB0303](#))
- 74 Gray, David ([HAB0318](#))
- 75 Gray, Trevor (Retired doctor, Ex-National Health Service) ([HAB0104](#))
- 76 Griffiths, Dr Kathy (Lecturer, Cardiff University) ([HAB0312](#))
- 77 Griffiths, Mrs Victoria (Contract Management Officer, Parliament) ([HAB0038](#))
- 78 Gulliford, Mrs C.A. ([HAB0241](#))
- 79 Gurtler, Mrs ([HAB0321](#))
- 80 Hagget, Rev Martin (Retired Pastor, Coedpoeth Evangelical Church) ([HAB0207](#))
- 81 Harper, Mrs ([HAB0085](#))
- 82 Harverson, Dr Godfrey (Retired Radiologist, NHS) ([HAB0126](#))
- 83 Haskey, John (Associate Fellow, Department of Social Policy and Intervention, University of Oxford) ([HAB0375](#))
- 84 Healey, Mrs. Janet ([HAB0355](#))
- 85 Heenan, Dr Anna (Lecturer, Cardiff University) ([HAB0286](#))
- 86 Hellawell, Mr Richard ([HAB0178](#))
- 87 Hill, Mr and Mrs (Retired schoolteacher and retired nursing sister, Dept of Education (Lancashire/Merseyside L E A) and NHS (Southport)) ([HAB0296](#))
- 88 Hill, Mr. ([HAB0026](#))
- 89 Hopkinson, ([HAB0018](#))
- 90 Howard Kennedy LLP ([HAB0299](#))
- 91 Hubbard, A ([HAB0068](#))
- 92 Hunter, David (Retired High School headteacher, private submission) ([HAB0197](#))
- 93 Huxham, Dr Adrian (Retired University Lecturer, Higher education) ([HAB0128](#))
- 94 Irwin, Mr Timothy ([HAB0285](#))
- 95 James, Revd. Prof. (retired lecturer; retired Methodist minister, The University of Sheffield; Methodist Church of Great Britain) ([HAB0171](#))
- 96 Johns, Mr Christopher ([HAB0086](#))
- 97 Jones, Dr Edwin ([HAB0222](#))
- 98 Jones, Dr Frances Elizabeth (Community Paediatrician (retired), Newcastle upon Tyne Hospitals NHS Trust) ([HAB0259](#))
- 99 Jones, Dr Phil ([HAB0109](#))
- 100 Joynton, Mrs. Janice ([HAB0164](#))
- 101 Keeler, Mr Matthew ([HAB0357](#))
- 102 Kendall, Mr Roger ([HAB0030](#))
- 103 Kinch, Mr Ralph ([HAB0051](#))
- 104 Kinder, Sue ([HAB0192](#))
- 105 King, John ([HAB0081](#))
- 106 Kirk, Doctor Andrew ([HAB0123](#))
- 107 Lally, Stephen (Retired, Home & Family) ([HAB0059](#))



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- 118 Murtagh, Mr ([HAB0146](#))
- 119 MacLean, Mr SM ([HAB0174](#))
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- 121 Martin, Mr Philip ([HAB0206](#))
- 122 Matthews, Mrs Christine (N/A retired, n/a) ([HAB0248](#))
- 123 McDonald, Mr Brian (Retired, Christian) ([HAB0183](#))
- 124 McGrail, Ms ([HAB0208](#))
- 125 Mear, Mr Philip ([HAB0066](#))
- 126 Meyer, Mr Alan ([HAB0250](#))
- 127 Mishcon de Reya ([HAB0297](#))
- 128 Mitchell, Mr John (Management Consultant, Clarity) ([HAB0233](#))
- 129 Mitchell, Mr. Bryan ([HAB0131](#))
- 130 Morris, Dr Stephen ([HAB0337](#))
- 131 Morton-Holmes, Mr Trevor ([HAB0028](#))
- 132 Mr and Mrs Staples (Retired Local Govt Officer and Teacher, Local authority) ([HAB0185](#))
- 133 Murchie, R ([HAB0340](#))
- 134 Muslim Women's Network UK ([HAB0378](#))
- 135 Newcombe, Robert (Emeritus Professor, Cardiff University) ([HAB0191](#))
- 136 Nicholas, Mr Paul ([HAB0071](#))
- 137 O'Sullivan, Dr Kathryn ([HAB0365](#))
- 138 O'Sullivan, Dr Kathryn ([HAB0382](#))
- 139 Owens, Mrs Roz (Full time housewife , No Default) ([HAB0116](#))
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- 144 Patrick, Mr David (Retired, -) ([HAB0166](#))

- 145 Pennington, Rev James (Rector of Parish of Passenham with Old Stratford with Deanshanger, Church of England (submisison is personal and not on behalf of the Church of England or the Diocese).) ([HAB0127](#))
- 146 Perkins, Dr Andrew (Retired GP, NHS before retirement) ([HAB0237](#))
- 147 Petit, Revd Andrew (Vicar of Cholsey and Moulsoford, Church of England) ([HAB0041](#))
- 148 Pierson, Mr Lance (Lance Pierson Performer, Self-employed) ([HAB0332](#))
- 149 Plummer, Dr Edmund ([HAB0186](#))
- 150 Pope, Mr Roy (Retired, Not Applicable) ([HAB0148](#))
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- 166 Sandberg, Professor Russell (Professor of Law, Cardiff University) ([HAB0343](#))
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- 174 Soper, Dr Charles (Consultant Physician, NHS) ([HAB0195](#))
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- 176 St John's Wood Road Baptist Church ([HAB0351](#))
- 177 Steel, Mr Graham (Senior Software Engineer, Waters Corporation) ([HAB0113](#))
- 178 Stewart, Mr Alex (Director, ACA Research) ([HAB0022](#))
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- 185 Taylor, Professor Stephen (Professor, University of Liverpool) ([HAB0236](#))
- 186 The Christian Institute ([HAB0269](#))
- 187 The Family Law Bar Association ([HAB0333](#))
- 188 The Law Society ([HAB0368](#))
- 189 The University of Exeter ([HAB0366](#))
- 190 Thompson, Dr Sharon (Reader in Law, Cardiff University) ([HAB0342](#))
- 191 Tobin, Brian (Lecturer in Law, National University of Ireland) ([HAB0373](#))
- 192 Trump, Mrs Ruth ([HAB0262](#))
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- 198 Venables, Reverend Philip (Clergyman, Church of England) ([HAB0099](#))
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- 208 Whyman, Mrs Nichola ([HAB0062](#))
- 209 Williams, Anthony ([HAB0159](#))
- 210 Worthington, Mr Richard (Retired state school teacher, Bridge Learning Campus) ([HAB0039](#))
- 211 Wynar, Mr John ([HAB0074](#))
- 212 Youde, Mr John ([HAB0070](#))
- 213 Young, Mr Peter ([HAB0140](#))
- 214 Young, Revd Dan (Clerk in Holy Orders [retired], Church of England) ([HAB0177](#))
- 215 Wills, Mr Tim ([HAB0011](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

### Session 2021–22

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2nd	Appointment of the Chair of the Social Mobility Commission: Katharine Birbalsingh CBE	HC 782
3rd	Reform of the Gender Recognition Act	HC 977
4th	Ethnicity pay gap reporting	HC 998
5th	Equality in the heart of democracy: A gender sensitive House of Commons	HC 131

### Session 2019–21

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1st	Unequal impact? Coronavirus, disability and access to services: interim Report on temporary provisions in the Coronavirus Act	HC 386
2nd	Appointment of the Chair of the Equality and Human Rights Commission	HC 966
3rd	Unequal impact? Coronavirus and BAME people	HC 384
4th	Unequal impact? Coronavirus, disability and access to services: full Report	HC 1050
5th	Unequal impact? Coronavirus and the gendered economic impact	HC 385
6th	Changing the perfect picture: an inquiry into body image	HC 274