

Before the cohabitation agreement

A checklist to go through together before you write your cohabitation agreement. It's not an agreement.

Without marriage, each of you keeps what's yours, and things bought from a joint account are probably owned jointly. An agreement can't decide inheritance – that needs a will. Covers England and Wales. This is not legal advice.

1. The home

- ☐ Who owns the home, or whose name is on the tenancy?
- ☐ Who paid the deposit, and how much? Does a declaration of trust record each of your shares? It must be in writing and signed.
- ☐ Who pays the mortgage, the Council Tax and renovations? Paying towards a home doesn't change who owns it by itself.
- ☐ Who stays in the home if you separate, and how do you buy each other out?

2. Belongings

- ☐ List what each of you brings: furniture, appliances, anything of value. Attach the list to the agreement.
- ☐ How do you want to treat what you buy together: half each, or by what each paid?
- ☐ Keep receipts and bank transfers for bigger purchases – they also help if a bailiff ever visits.

3. Money and costs

- ☐ Do you split shared costs equally, by income or from a joint account?
- ☐ Who has signed which loans, and who pays what each month?
- ☐ What if one of you works less, for example because of children?

4. What the law decides

- ☐ An unmarried partner doesn't inherit without a will. Each of you makes one, signed in front of two witnesses. Marrying later usually cancels it.
- ☐ There is no Inheritance Tax exemption for unmarried partners above the £325,000 threshold. Check the beneficiaries on life insurance and pensions.
- ☐ "Next of kin" has no legal meaning. Consider a lasting power of attorney for each of you.

5. The agreement itself

- ☐ Write it down with a date and both your signatures. Citizens Advice suggests help from a family law solicitor.
- ☐ Go back to it when something big changes: a new home, a child, an inheritance.
- ☐ It can't stop either of you from applying to the Child Maintenance Service.

Notes
