

## Cohabitation

It is increasingly common these days for couples to live together as Husband and Wife, but not actually get married. It is also common for married couples to separate but not actually get divorced, whether for financial or other reasons.

In the event of separation people are often unsure as to what rights and obligations they have in relation to their home and financial situation. A Separation Agreement can provide more certainty to both parties by setting out each party's position as a result of them going their separate ways.

### **Are Separation Agreements binding on divorce?**

Strictly speaking; no. The Courts have the power to make any Orders they see fit on a divorce if it is just and fair to do so. However, provided a Separation Agreement has been drafted well and certain criteria met, the document is very likely to persuade a Judge to only make an Order in the terms set out in the agreement.

It is for this reason that it is absolutely crucial to take expert legal advice about Separation Agreements if you wish to secure more certainty around your financial situation.

### **Are Separation Agreements binding on non-married couples?**

Strictly speaking; no. The courts powers for separating couples who are not married are much narrower than the powers of the family court. Usually, the courts involvement is confined to any jointly owned land and property. However, in those circumstances, a Separation Agreement can be persuasive in proving to the court the parties intentions and therefore we do still recommend clients consider entering into such agreements where jointly owning property.

**Why not contact our specialists, Carly or Julie  
for no obligation appointment?**

7&8 St Mary's Grove, Stafford, ST16 2AT

24 Market Place, Burslem, SOT, ST6 3LE

**01785 252 377 or 01782 813 315**

[www.nowellmeller.co.uk](http://www.nowellmeller.co.uk)

