



COHABITATION



The information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.

It is often thought that there is a concept of common law husband or wife, but this does not exist under English law. People do not acquire rights automatically by living together, no matter how long they have lived together.

Therefore the following points need to be thought about:-

1. If a property is in one party's sole name, the presumption will be that they own it outright unless the other party can show that they

have somehow acquired an interest in it by, for example, investing in that property themselves and improving it. An example might be paying for an extension, or fitting out a new kitchen. The idea then would be that they have created some form of implied trust.

2. If a property is in joint names without any clear agreement there is a strong argument to say that they own half shares.
3. Similarly, the parties might enter into an agreement that they will divide property in a particular way if they do ever separate. Such an agreement might be in writing or it could even be a verbal one, although the latter can be difficult to prove.
4. If there are children of the relationship both parties are responsible for their upkeep. So if, for example, a child remains living with one party to the relationship, the other would be expected, subject to their means, to pay maintenance.
5. In certain circumstances the Court also has power to order school fees to be paid.
6. The Court may also order that one party make property or money available to the other for the upkeep of the child. An example might be where one party has a child living with them but has insufficient funds to purchase a property. The other party, if it they have sufficient funds available, might then be ordered to provide enough for the purchase of a property - albeit their

investment would return to them when the child grows up.

These are quite technical areas and detailed advice will be given depending on particular circumstances.

HATCH BRENNER FAMILY LAW DEPARTMENT OUR APPROACH

Most family disputes are the result of a breakdown in a relationship. People in these situations are often emotionally stressed, with feelings of sadness, anger, hopelessness and guilt. No one enters a relationship expecting it to end. We appreciate that people in these situations feel very sensitive, and will often require support in reaching difficult decisions.

Where children are involved, we recognise the need to protect them from the difficulties which their parents may be having.

In our experience no one wants to go to Court over any issue if they can avoid it - although sometimes it is necessary.

Our approach is to try to negotiate fair settlements, and to keep legal costs to a minimum. However, this is not always possible because of the complexities of the case, or because the other party is not so willing to reach a fair solution.

We will try to provide realistic estimates of costs. If, for any reason, we need to vary those estimates, we will tell you. We account to clients on a monthly basis and expect those accounts to be paid promptly. We expect clients to pay Court fees on account. We also expect clients to pay on account for other fees which we may be responsible for, such as the instruction of estate agents, accountants or barristers.

We ask that you are open and honest with us.

We will seek to be non-confrontational and straightforward with the other party, or their representatives. We do not seek to enter into arguments for the sake of them, but will be firm when necessary. Our aim is to give you measured advice, in a cost-effective way, in order to reach an appropriate conclusion as quickly as the procedures will allow. This will enable you to begin putting a distressing part of your life behind you and hopefully make a fresh start.

THE FAMILY DEPARTMENT



Jonathan Brock

Jonathan is head of the family department, and is a court advocacy specialist handling matrimonial, divorce, co-habitee and childcare matters.

David Bloomfield

David is a childcare specialist and has been a Hatch Brenner partner since 1985. David is a member and former interviewer for the Law Society's Children's Panel and the Norfolk & Norwich Medico-Legal Society



Richard Dilks

Richard has always specialised in family matters including financial settlements after divorce or separation, and child-related issues such as contact and residence disputes. Richard is a Family Law accredited specialist and trained Collaborative Lawyer.



Jo Mayes

Jo joined the firm in 1985, and has had experience in civil litigation, personal injury and divorce matters. Jo is a member of the Norfolk & Norwich Medico-Legal Society.



4 THEATRE STREET



DENCORA HOUSE

► Solicitors

Hatch Brenner LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC343110. The registered office is 4 Theatre Street Norwich NR2 1QY. A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a Member of Hatch Brenner LLP.

The content of this brochure is for general information only. As always, specific professional advice should be taken on each individual matter. Copyright in this publication belongs to Hatch Brenner.

4 Theatre Street
Norwich, NR2 1QY
DX 5237 Norwich 1

T 01603 660811
F 01603 619473
E info@hatchbrenner.co.uk
www.hatchbrenner.co.uk