Ministry of Justice

**The Baroness Levitt KC**
Parliamentary Under-Secretary of State for Justice

**Sir Peter Fraser, Chair and Prof. Lisa Webley,**
The Law Commission
1st Floor, Tower
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05 June 2026

Dear Sir Peter and Prof. Webley,

**COHABITATION AND FINANCIAL REMEDIES REFORM CONSULTATION**

I am writing to inform you that the Government has today launched a public consultation, entitled "*A Fairer End to Relationships*", which sets out draft proposals for reform across three connected areas of law: financial remedies on divorce and dissolution, protections for cohabitants on separation and inheritance provision for cohabitants on death.

The Law Commission has of course completed very significant reports in respect of these areas of the law. Your reports *Cohabitation: The Financial Consequences of Relationship Breakdown* (2007), *Intestacy and Family Provision Claims on Death* (2011), *Matrimonial Property, Needs and Agreements* (2014) and *Financial Remedies on Divorce and Dissolution: Scoping Report* (2024) have been highly informative and valuable to the Government during its development of the consultation.

In particular, you will note that the consultation proposes adopting a "codification-plus" style model for financial remedies reform, based on one of the four models proposed in your *Financial Remedies on Divorce and Dissolution: Scoping Report*. The consultation further proposes adopting qualifying nuptial agreements, broadly in line with your proposals in your *Matrimonial Property, Needs and Agreements* report. Intestacy proposals also align with those in your report *Intestacy and Family Provision Claims on Death*.

**Financial Remedies Reform**

Your 2024 scoping report on financial remedies on divorce and dissolution found that the current law can produce unpredictable outcomes and, in some cases, prolong conflict at an already difficult time. As I have just said, in order to address this, the consultation seeks views on a "codification-plus" approach to reforming the law.

Under this model, the established case law principles of "sharing" and "needs" would be set out clearly in legislation, so that the court's starting point is that matrimonial property should be shared equally, unless unequal division is required to meet needs. The Government also proposes codifying definitions of matrimonial and non-matrimonial property. In addition, further targeted statutory reforms would be made where the law is currently uncertain. These include binding qualifying nuptial agreements, supported by safeguards to ensure that any decision to enter into such an agreement is fully informed and freely made.

The consultation also invites views as to whether the court should give greater weight to the impact of domestic abuse, including controlling or coercive behaviour or economic abuse, when assessing financial needs for married couples and cohabitants. Given the importance and complexity of this issue and the range of views, the consultation will provide an opportunity to engage with stakeholders and build a robust evidence base in order to inform our approach.

**Cohabitation Reform**

More than 3.5 million couples live together without getting married or entering a civil partnership, more than double the number thirty years ago. Yet cohabiting couples continue to have very limited financial protection on separation and no automatic right to inherit when a partner dies without a will. Many are unaware that they only have limited legal rights.

This disproportionately affects the economically vulnerable, including women, children and victim-survivors of domestic abuse (including economic abuse). That is why, in its 2024 manifesto, the Government committed to "[strengthening] the rights and protections for women in cohabiting couples" as part of a wider commitment to tackle violence against women and girls. This consultation marks the first step in delivering that commitment.

The consultation seeks views on a new framework of rights for cohabiting couples when they separate. It aims to offer a proportionate and targeted set of protections, while remaining clearly differentiated from what is available on divorce or dissolution. The framework would apply automatically to eligible couples, with an option for both partners to opt out. To ensure protections are only available to those in long-term, committed and interdependent relationships, eligibility would be limited to adults who have lived together for at least three years or live together and share a child.

Under the proposed model, the court would begin from the position that each person keeps that which they legally own. The court would only depart from this where it is necessary to meet an individual's defined needs, including, as the primary consideration, the needs of the child. These needs would be assessed more narrowly than on divorce and would exclude discretionary needs (such as luxury items).

In relation to inheritance provision, the proposals include extending intestacy rights to qualifying cohabitants, who would automatically inherit where their partner dies without a valid will.

**Consultation aims and next steps**

This consultation provides an opportunity to build consensus about the direction of reforms. The Government will consider the findings of the consultation carefully before finalising our policy positions. Any reform would then take place when parliamentary time allows.

Thank you again for the very significant work the Law Commission has done in relation to these areas. Please accept this letter as a final formal response to your reports: *Intestacy and Family Provision Claims on Death* and *Financial Remedies on Divorce and Dissolution: Scoping Report*.

Yours sincerely,



**THE BARONESS LEVITT KC**