One Million Cohabiting Couples Stand to Inherit Nothing if Their Partner Dies

Monday 10 November, 2014

More than one million unmarried and same sex couples not in a civil partnership and with dependent children, are at risk of leaving their finances in legal limbo if one of them dies without a will.

Recent changes to the intestacy rules strengthened the position of married spouses and civil partners, but left the position of cohabiting couples unchanged.

Only partners who are married or in a civil partnership can inherit under the rules.

If you are not married or in a civil partnership and die without a will, your children will be entitled to your entire estate - creating a financial headache for your surviving partner.

Andrew Caplen, President of the Law Society said under the rules, assets passing to children are held in trust until they reach the age of 18, potentially leaving the surviving partner in a emotional and financial mess, and with no access to vital funds to help them cope.

"Further, these assets must be paid to the child when they turn 18 - there is no other option. Many people would regard 18 as far too young to receive what could be a substantial sum of money," he said.

"A properly drafted will can ensure trustees hold the sum until a later age when children are more able to deal with an inheritance.

"These changes are a reminder of the importance of having a will. Dying without one, not only means your final wishes go unmet, but could leave problems for your loved ones to sort out. Don't make this mess your legacy.

"To find a solicitor to help you prepare a will, visit the Find a Solicitor website. It allows you to search a database of 140,000 solicitors across the country.

"It can help you find a qualified, insured solicitor, who is trained to spot and address the issues that could lead to trouble for you later on.

"Consumers need to be able to distinguish between those who are unregulated, uninsured and untrained, and solicitors who offer a quality service.

"The Law Society's consumer campaign - 'Use a professional. Use a solicitor' - supports this and encourages people to use a professional, regulated solicitor when making a will.

"It's the only way to give you future financial security."

Sarah Bibby, 37, a designer from Redcar, North Yorkshire is unmarried and has two children under two years old.

She said learning she would inherit nothing if her partner passed away without a will reinforced her desire to get one written as quickly as possible.

"If my partner died, not only would I have to deal with the grief, I could be left with a financial crisis on my hands. If you have children you really should have a will - it's selfish not to.

"Wills force you to confront some difficult questions, and I think this puts people off getting one. But ultimately it is in your family's best interests to confront these questions head on."

To find a solicitor specialising in wills and probate visit the Law Society's Find a Solicitor service here: http://solicitors.lawsociety.org.uk/

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Mum Sarah Bibby (37), twins Charlotte and Ethan (21 months), and dad Robert Allinson (37), all of Redcar, North Yorkshire.

Office of National Statistic (ONS) figures indicate that as of 2013 there were more than 1.17 million heterosexual and homosexual couples with dependent children in the UK.

Changes to the intestacy laws were introduced on October 1, 2014.

About the Law Society of England and Wales

The Law Society is the independent professional body, established for solicitors in 1825, that works globally to support and represent its members, promoting the highest professional standards and the rule of law.

About the consumer campaign

Public relations agency DTW is managing the Law Society's consumer campaign.

For more information on this media release and the campaign please contact DTW on: **01287 610404**, or email **lawsociety@dtw.co.uk**

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