

Stuart Bridge, Law Commissioner

"We have received the Government's interim response to the recommendations set out in our report 'Cohabitation: The Financial Consequences of Relationship Breakdown'.

We were asked by the Government to look at the law that currently applies to cohabitants when they separate. The Law Commission concluded in the light of consultation that reform is necessary. The existing law is uncertain and expensive to apply and, because it was not designed for cohabitants, often gives rise to results that are unjust.

We rejected calls that cohabitants should be given the same rights as married couples and civil partners in the event of their separation and instead recommended a new scheme of financial remedies. Only those couples who have had a child together or who have lived together for a minimum period (to be set by Parliament within a suggested range of two to five years) would be eligible to apply. Awards would be based solely on contributions made to the relationship. Couples who wished to do so could opt out of the scheme.

We welcome the Government's view that the report is very thorough and of very high quality. The Government has indicated to us that it is postponing its decision on our report because it is concerned to establish estimates of the costs and financial benefits to Government of our recommendations. It has said that it hopes to do so by examining the operation of the Family Law (Scotland) Act 2006. We look forward to receiving the Government's final response".