

Ending a relationship – unmarried couples who live together

The information in this fact sheet applies to both same-sex and heterosexual couples.

If you are living with your partner but are not married or in a civil partnership and your relationship ends, you do not have to take any legal action to formalise your separation. However, there may be issues about children, housing, property and money to sort out. You can do this by making a separation agreement, which can be done with or without the help of a solicitor.

Separation agreements

A separation agreement allows you to sort out practical arrangements for the future. You can agree, for example, on which one of you is to stay in the home, or that one of you will make weekly payments to the other for the support of children, or will meet rent or mortgage payments or pay for household bills.

You could make a verbal agreement with your partner about these things. However, it is advisable to put the agreement in writing and also to get legal advice from a solicitor about what the agreement should contain, and how to draw it up. This is important because the agreement might have long-term consequences for your financial situation. It also means that you can ask a court to uphold the terms of the agreement, if there is any dispute between you and your partner at a later date.

You may be able to get legal aid to help with the costs of drawing up a separation agreement– see under Further help.

Family Mediation

If you and your partner are finding it difficult to come to a voluntary agreement, you could seek the help of a professional **family mediator**. Family mediation is a way of helping you try and resolve your differences fairly, and reach your own decisions about the issues arising from relationship breakdown. It is an alternative to solicitors negotiating for you, or having decisions made for you by the courts. The mediator has no power to impose a settlement – responsibility for all decisions will remain with you and your partner. You will also be encouraged to consult a solicitor during the mediation process to advise you on the personal consequences of your decisions. At the end of mediation, your solicitor can draw up a legal agreement based on the decisions you have made.

To find out more about mediation services in your area, visit www.relationships-scotland.org.uk or telephone 0845 119 2020.

Children

At the end of a relationship, both you and your partner will be responsible for supporting your children financially, regardless of which one of you the children live with.

If it is not possible to come to a voluntary agreement for the care of your children, a court can be asked to intervene. The court can make orders about who the children should live with. The order will usually allow contact between the child and the parent with whom the child is not living, unless there are exceptional circumstances.

If your children live with you after the relationship ends, you can use the **Child Support Agency** (CSA) to get maintenance for the children, although you don't have to.

Money and possessions

If you are not married or in a civil partnership, neither you or your partner automatically has a duty to provide financial support to the other after your relationship ends – although you will both be financially responsible for any children (see above). However, you may be able to apply to court for a limited financial settlement from your former partner.

If you have been financially dependent on your partner and you do not work, or you work less than 16 hours a week, you may be able to claim benefits, for example Income Support or income-based Jobseeker's Allowance.

If you work 16 hours or more a week, you may be able to get Working Tax Credit. If you have children, you may be able to get Child Tax Credit.

You may also be able to get Housing Benefit and Council Tax Benefit to help you pay your rent and council tax, regardless of whether or not you are working.

If you are already getting benefits or tax credits, you should report the fact that you have separated from your partner to your local benefits office, or to HM Revenue and Customs Tax Credit helpline, straightaway.

If you and your partner have a **joint bank account**, you can continue to use the account and arrange for statements and other correspondence to be sent to both of you. However, as one of the account holders could withdraw some or all of the money in the account without the other account holder's

permission, you may wish to close the account and open separate, individual accounts. It may be advisable for you to freeze the joint account to prevent your partner withdrawing any money.

Decisions about how to divide up **possessions** between you and your partner can be complicated, but the following rules should help you decide:

- Any goods you owned before you started living with your partner will remain yours
- Any household goods which were bought or acquired while you were living with a partner are presumed to be owned equally
- Any gifts or inherited goods belong to the person who received them
- Property will be owned jointly if it was bought from money in a joint household account.

Housing

If you want to remain in your home without your partner, whether or not this is possible will depend on what legal rights you have to the home and whether you can come to an agreement with your partner.

If you decide to leave your home, you may be able to apply for long-term accommodation from your local authority as a homeless person – see under Further help.

A court can order who should stay in the home in the short-term and can also transfer a tenancy. If there are children, courts can include property as part of an overall settlement to protect the children.

Tenants

If you live in rented accommodation with your partner, one or both of you may be the tenant. If your partner is the sole tenant and asks you to leave when you want to stay, you have no right to stay if you are not the tenant. You can ask a court to grant you the right to remain in the home. If you are in this position, you should get legal advice.

Owner-occupiers

A property may be owned in the sole name of one partner or may be owned by both of you. If your partner is the **sole owner**, you may have no rights to remain in the home if your partner asks you to leave. However, you can ask the court to grant you the right to remain in the home. You will need to get legal advice on this.

If you do own your home **jointly** with your partner and you decide to leave, you should take steps to protect your right to go back there if you want to. You will also need to protect your share in the value of the home by making sure

that your partner does not sell it without your knowledge. You will need to get legal advice on this.

Further help

Citizens Advice Bureaux

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, visit www.cas.org.uk. You can also look under C in the phone book.

Adviceguide

The following pages on the Adviceguide website give more information about some of the issues raised in this fact sheet:

- Help with legal costs
- Frequently asked questions about benefits
- Using a solicitor
- Finding accommodation

This fact sheet is produced by The Scottish Association of Citizens Advice Bureaux - [Citizens Advice Scotland](#) (Scottish charity number SC016637). It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to Scotland only.

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