

Response of the Coalition for Marriage to the Ministry of Justice consultation “A fairer end to relationships”

Submitted by: Coalition for Marriage (C4M)

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About the Coalition for Marriage

Coalition for Marriage is a grassroots campaign founded in 2012 to defend marriage as the voluntary, exclusive, lifelong union of one man and one woman. We speak for supporters across the United Kingdom, drawn from every walk of life and every part of the country, and our published work is at <https://www.c4m.org.uk>. In accordance with the consultation’s request to representative groups, this response is made on their behalf. Many of our supporters are responding individually - this document sets out the Coalition’s institutional position.

Summary of our position

The Government has asked the public how to design a statutory framework of financial claims for cohabitants on separation. On the separation framework it has not asked whether such a framework should exist at all - Question 43 puts the in-principle question about inheritance, but nothing in Part 2 puts it about the scheme itself. Our answer to that unasked question runs through everything below, and it is No.

We oppose the proposals in Parts 2 and 3 of this consultation because they would erect, alongside marriage, a parallel legal institution for couples who have not married - an automatic framework of marriage-derived financial claims on separation, and inheritance on death identical to that of a husband or wife. The framework would even permit a statutory cohabitation claim against a person who is still married to someone else, as we show at Question 27. The

consultation's own fourth guiding principle promises "Preserving the distinct status of marriage", and defines it as "Ensuring protections for cohabitants are proportionate, targeted and clearly differentiated from the full legal consequences of marriage, maintaining marriage as a distinct institution", at <https://www.gov.uk/government/consultations/a-fairer-end-to-relationships/a-fairer-end-to-relationships-consultation-document>. The proposals break that promise. As we have said publicly of this scheme, "You do not uphold marriage by building its replacement. You do not strengthen families by removing the reason many couples have to make a deliberate, public commitment to each other", at <https://www.c4m.org.uk/news/put-a-ring-on-it-says-the-times-why-bother-says-the-government>.

Marriage's distinctiveness was never the size of a financial settlement. It is the deliberate, public, lifelong promise itself. A scheme that attaches consequences modelled on marriage to couples automatically, by the passage of time - and on death, consequences identical to marriage's - erases the one thing that made the promise meaningful, and then claims to be protecting it.

Our objection is not that cohabitants never face hardship. They plainly can, and the law should help them in ways that respect their choices.

It is worth being clear what this consultation is not about, because the language of rights runs through it. This is not a case of couples shut out of legal protection. Every couple in England and Wales can obtain the full protections of the law this week, at a register office, by marrying or by forming a civil partnership - and since 2019 the civil partnership route has been open to opposite-sex couples too. The consultation's own glossary records that a civil partnership "provides the same legal rights on dissolution as those available to married couples on divorce". Nobody is excluded. Around three and a half million couples are living together without having taken either route, and the state now proposes to decide the question for them.

Why they have not taken it varies, and we do not pretend otherwise. Some have deliberately chosen to keep their affairs separate. Some believe, wrongly, that they are already protected - the Government's own figure is that nearly half the public think so. Some intend to marry and have not yet. Those are different situations calling for different responses, and only one of them is an argument for changing the law rather than explaining it. What none of them is, is exclusion from protection.

The better path - set out in our answers - is truth-telling about the law, targeted claim-based remedies where genuine hardship arises, and policies that strengthen marriage rather than build its substitute. Reform in this area has to pass a two-sided test. It must not undermine marriage, and it must not undermine the freedom of those who have deliberately chosen not to marry. These proposals fail both halves of it at once.

General observations

1. The consultation never asks the question that matters

Question 43 asks squarely whether cohabitants should inherit as spouses do, and we answer it squarely. Part 2 contains no equivalent. Its eighteen questions begin at the definition of a cohabitant and proceed on the assumption that the framework will exist, inviting respondents to adjust thresholds, factors and safeguards but never to contest the premise. Question 44 goes further still. The body of the document states that “the Government will ensure” cohabitants receive the same priority for a Grant of Administration as a spouse, presenting as settled the very matter the question asks. A consultation on the biggest change to family law in decades should put the in-principle question openly. We answer it anyway - the framework should not be created, and this response explains why under the Government’s own four principles.

2. The design abolishes the distinction it promises to preserve

The Government’s case is that the framework is “narrower than divorce” and so leaves marriage distinct. The design says otherwise, in the consultation’s own words.

On death, the narrowness claim is abandoned entirely. The Government is “minded to adopt a clear and simple model under which qualifying cohabitants receive the same intestacy rights as spouses or civil partners” - the same amount, and the same priority - having considered a narrower partial model and rejected it. You do not preserve the distinct status of marriage by abolishing the distinction at death.

On separation, the framework is built from the components of divorce law: the same Family Courts, a needs principle borrowed from divorce, a factor checklist that “would broadly mirror the factors set out in Part 1, which themselves largely align with the existing factors in section 25 of the Matrimonial Causes Act”, a new compensation factor in both schemes, misconduct “treated consistently by the

Family Courts across both financial remedies law and its proposed cohabitation framework”, and “a broad set of remedies which reflect what is available on divorce, including property adjustment orders, lump sum orders and pension sharing orders”, with maintenance available in exceptional cases. Every quoted phrase is the consultation’s own. A pension is a lifetime’s deferred earnings, and sharing it has until now been a consequence of the vows. Under these proposals the whole toolkit of divorce arrives for couples who never married - only the amounts differ.

The document is warm about marriage in general terms. It calls it “a uniquely important social and legal institution”, “one of this country’s most important and beloved institutions”, and a lifelong union bringing “emotional support, financial stability and legal protections”. What it never does is say what marriage’s distinct legal status consists of once this scheme exists - which of those consequences remain marriage’s alone. Distinctness is established entirely by subtraction: the new scheme is “narrower”, “more limited”, “not more favourable”. A tribute is not a definition. The paper says only what the new scheme must stay smaller than, never what marriage keeps. Commentators who support reform have noticed the same thing from the other side. An analysis in the Financial Remedies Journal argues that “the limitations on remedies for cohabitants appear to perform a largely symbolic function”, at <https://financialremediesjournal.com/a-fairer-end-to-cohabiting-relationships-some-problems-with-the-governments-reform-proposals/>. When the scheme’s supporters call its marriage-preserving limits symbolic, and its authors cannot say what those limits protect, the fourth principle is not protecting anything. It is a description of an intention, printed at the front of a document whose contents run the other way.

The cap proposed at Question 39 completes the picture. A scheme that must be statutorily forbidden from awarding cohabitants more than divorcing spouses is a scheme calibrated against divorce. Marriage is the benchmark being shadowed, and a fractional copy of marriage is still a copy.

And the convergence runs in both directions. Under Part 1, a married couple with a qualifying nuptial agreement would have any needs-based challenge assessed “on a narrower basis, similar to those proposed for cohabitants in Part 2 of the consultation”. The Government proposes to let spouses contract down to the cohabitant standard while cohabitants are levelled up towards the spousal one. Two statuses, drawn together from both ends, meet in the middle. That is not preserving a distinction. It is dissolving one.

3. Obligations without consent, and no way to ask the couple

Marriage binds because both parties chose it, publicly, on a known date, before witnesses. This framework binds by lapse of time. Protections “apply automatically to cohabitants who meet the eligibility criteria”, and escape requires both partners to agree, execute a deed, exchange material financial disclosure and each take independent legal advice - and the consultation adds that “It should not be possible for a party to waive their rights to disclosure and legal advice”, so the couple cannot simplify the exit even by consent. Either partner can refuse to agree at all, and the obligations stand. To acquire marriage-like liabilities a couple need do nothing. To avoid them they need two solicitors and each other’s consent.

The consultation contains no transitional provisions of any kind. Nothing grandfathers the millions of couples who set up home under the current law, and the impact assessment models the full caseload from the scheme’s first year. On commencement day, every qualifying cohabiting couple in England and Wales would find themselves inside a statutory financial regime they never chose, many without knowing it exists. Scotland’s experience of a far narrower scheme is on the record in Nuffield Foundation research, where practitioners reported that people “have been statutorily opted in and they don’t know it”, at <https://nuffieldfoundation.org/sites/default/files/files/Cohabitation-final-report.pdf>.

The objection is not ours alone, and it is not confined to defenders of marriage. When the parallel Cohabitation Rights Bill was debated in the House of Lords on 17 July 2026, Lord Wolfson of Tredegar warned that such a scheme “would come close to creating what has sometimes been described as marriage without consent”, adding that “the state should be slow to impose legal obligations that people might have deliberately chosen not to assume”, and that “the law should not leave people guessing where they have inadvertently entered into a legal relationship carrying significant financial consequence. Marriage does that; you know when a marriage begins and when a marriage legally ends.” Baroness Deech, calling the Bill “well intentioned but profoundly misguided”, described the model as “illiberal, intrusive and a bedroom tax - ‘share your bedroom and you will pay for it for evermore’”, and observed that cohabiting couples “can choose to marry, enter a civil partnership, make a will, sign an agreement...” - “That respects autonomy; this Bill does not”. Both speeches are in the Official Report, House of Lords, 17 July 2026, volume 858. The Government’s own impact assessment concedes the principle when it rejects the full-parity model. That model, it says, “would also raise concerns about infringing on personal

autonomy, by imposing the same obligations on cohabiting couples as exist for marriage, without the couple having made the same legal or explicit public commitment”. The concern applies with equal force to the model the Government prefers. Autonomy is not infringed less because the obligations imposed without consent are somewhat smaller.

4. The evidence does not carry the weight placed on it

The Government’s assurance that none of this will harm marriage rests, in the consultation document, on a single sentence - “Research has found no evidence that introducing legal rights for cohabitants in other jurisdictions has reduced marriage rates.” Its footnote 29 cites two sources. The first is a 2006 journal article built on Australian and European data, co-authored by a long-standing advocate of cohabitation reform who argues that legal reform here “should remain a priority for government”, at <https://news.exeter.ac.uk/research/legal-reforms-to-address-the-common-law-marriage-myth-should-remain-a-priority-for-government/>. The second is a 2023 comment piece which welcomes the planned reform and sets out not whether to change the law but what reform might look like, at <https://financialremediesjournal.com/cohabitation-and-labours-commitment-to-changing-the-law-what-reform-might-look-like/>. The Government’s family test repeats the exercise. Its claim that “Studies indicate” no reduction in marriage rates is footnoted to the same single 2006 article. One pre-2007 study, cited twice, is the entire evidential foundation for the claim that marriage is safe.

Absence of evidence is not evidence of absence, and “no evidence that reform reduced marriage rates” is the absence of a finding, not a finding of safety. It is also the wrong question. Falling marriage rates were never the heart of the objection. The danger is subtler than that. By handing couples the rewards of marriage without their ever having to marry, the law removes the reason to marry at all. A reform that leaves marriage standing in name while draining its purpose would not announce itself as a sudden fall in any single statistic - which is precisely why “no measured fall” cannot answer it.

We said publicly, within days of this consultation opening, that its assurance to marriage rested on a single footnote with two sources that are not neutral on the reform, at <https://www.c4m.org.uk/news/the-governments-plan-to-make-marriage-pointless>. Since then, the evidence the Government said did not exist has arrived. In August 2026 the Centre for Social Justice published a causal analysis of what it calls “the closest real-world test case available for the British

proposal” - Finland, whose Act on the Dissolution of the Household of Cohabiting Partners came into force on 1 April 2011, at https://www.centreforsocialjustice.org.uk/wp-content/uploads/2026/08/CSJ-Finishing_Marriage.pdf. Using synthetic-control analysis, validated against Finland’s actual pre-reform marriage rates, the study estimates that Finnish women’s first marriage rate was 23 per cent lower within seven years of the reform than it would have been in its absence.

Two further findings bear directly on this consultation’s claims. First, the fall in marriage brought nothing. In the study’s words, “The change was not followed by an increase in household stability amongst cohabiting couples, which also declined in the following years. The analysis estimates that the reform reduced marriage rates without achieving a requisite increase in household stability.” The trade this consultation offers - a little less distinctiveness for a little more security - was run in Finland, and it delivered neither. Second, the Finnish fertility rate fell by 21 per cent by 2018, and demographic research has attributed 42 per cent of the decline in first births to falling fertility among cohabiting couples.

Two cautions, stated plainly because we hold others to the same standard. The Finnish findings are estimates from a counterfactual model, not measurements, and the study’s own extrapolations to England and Wales are presented by its authors as illustrative - we do not deploy them. And Finland’s reform was narrower than what is proposed here. The study notes that “The proposed reforms in England and Wales are broader than Finland’s 2011 legislation in three main ways”, including a lower qualifying threshold and the extension to inheritance, which Finland never legislated. That cuts one way only. The closest available test of the Government’s assurance was run on a milder dose than the one now proposed, and marriage still fell by nearly a quarter against the counterfactual.

Footnote 29 cannot answer any of this, because its evidence was published in 2006 - five years before Finland legislated. The Government is entitled to disagree with the Finnish analysis. It is not entitled to go on asserting that no evidence exists, and the burden of proof lies with the party proposing the change. The British public, meanwhile, expects what the Government denies. Polling by Whitestone Insight for the Family Education Trust, published on 5 June 2026, found that 80 per cent of the public say giving cohabiting couples the same legal rights as married couples would likely lead to fewer people getting married, at <https://familyeducationtrust.org.uk/media/latest-news-statements/eight-in-ten->

britons-believe-the-governments-cohabitation-reforms-would-reduce-marriage-new-poll-finds/.

The regulatory impact assessment, at https://assets.publishing.service.gov.uk/media/6a1eee48050971fbeb3bd8b/Regulatory_Impact_Assessment_-_Cohabitation_and_Financial_Remedies_Reform_Consultation.pdf, contains no assessment of the scheme's effect on marriage rates, on the incentive to marry, or on family stability. Across 43 pages the behavioural effects it models are effects on case volumes - how many disputes, how many contested, how many opt-outs. The one place in the instrument set where the marriage question is addressed at all is the family test, and there it is asserted rather than assessed, on the single 2006 study. The same document scores the preferred cohabitation model as a net social cost of £39.1 million, assumes some 6,700 new cohabitation financial remedy cases each year - 2.4 times what its own annex derives from scaling Scotland's actual caseload - identifies "revenue-earning opportunities for legal firms" among the impacts, and declares on its face, "Will the policy be reviewed? It will not be reviewed." A reform whose central justification is untested is to be enacted without any commitment to measure what it does to marriage.

The safety claim fares no better. The consultation asserts that "the prevalence of domestic abuse is twice as high for cohabitants as it is for married couples", citing an Office for National Statistics release whose text does not state it. What that release records is that "a significantly lower proportion of people aged 16 years and over who were married or in a civil partnership experienced domestic abuse in the last year than those who were either cohabiting, single, separated or divorced". We ask the Government to publish the source of the two-fold figure, or to amend the citation, at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2025>. Meanwhile the Government's own impact assessment models separating cohabitants as twice as likely to experience domestic or economic abuse as divorcing spouses. On the Government's own materials, marriage is the safer setting. The consultation never asks why, and never weighs what it means to entrench, by statute, the arrangement its own evidence associates with greater harm. Our published position stands. Marriage between a man and a woman is, on average, the safest place for women, for men and for children - and a Government serious about protecting women would put marriage at the centre of its strategy, not build a legal substitute for it.

The stability evidence points the same way. Across ten years of the UK Household Longitudinal Study, cohabiting parents split at an annual rate of 6.5 per cent against 1.9 per cent for married parents - a gap that persisted after controls for age, income, ethnicity, education and relationship happiness, at <https://marriagefoundation.org.uk/wp-content/uploads/2022/05/MF-10-year-research-note-The-Stability-Gap.pdf>. The Government's own equalities assessment for this consultation reaches for a related measure - not stability, but the economic position that follows it. Families with previously married lone mothers, it notes, "were less likely to be in poverty than their previously cohabiting contemporaries (52% compared with 67%)", and 84.2 per cent of cohabiting households with children received state support in 2023-24 against 63.7 per cent of married or civil partnered households. We do not present those figures as proof that marriage caused the difference, and we say so plainly.

What the Government does with them is the point. Having set out evidence that families formed on marriage are markedly less likely to be poor, the assessment concludes that "Strengthening rights and protections for cohabitants may therefore help improve financial stability for formerly cohabiting families with children of the relationship." Read that again. The evidence is that the married family is the more stable arrangement. The conclusion drawn is that cohabitation should be given more of marriage's legal furniture. That only follows if what produced the stability was the paperwork - and nobody believes that. The commitment came first and the law followed it. This scheme proposes to send the law without the commitment and expects the stability to arrive anyway.

We are aware of the standard objection, and we meet it directly. It is argued that such gaps reflect selection - that the couples who marry were the stabler couples anyway. Three things answer it. First, the same body of work finds that the poorest married parents hold together slightly better than the richest cohabiting ones. If the gap were simply the more prosperous and settled buying a ceremony, that is not the pattern one would expect to find. Selection on other things - commitment, faith, family expectation - could still be at work, and we do not claim the finding settles the matter. Second, the selection finding most often cited rests on an analysis of roughly three-quarters of its own survey sample. Research published in June 2026, examined doctorally at the University of Bristol, reworks the full sample with multiple imputation and concludes that "marriage accounts for half or more of the gap in union dissolution", regardless of when the marriage occurs and regardless of socio-economic background, at <https://marriagefoundation.org.uk/research/the-timing-of-marriage-and-union-dissolution/>. That is one re-analysis, not yet answered by those it criticises, and

its author states plainly that disentangling causation from selection remains the central challenge in this field. Third, and decisively for policy, the argument does not need to be settled. Even read at its most sceptical, marriage is the most reliable marker a state possesses for the conditions in which children stay with both parents. A marker this strong is not something a serious government legislates to blur. A children-first reform would build on it.

5. Children come first in the principles and last in the design

The Government's first principle is "Prioritising fair outcomes for children". Three features of the design betray it.

First, Part 3 takes from children by default. The consultation concedes that granting a surviving partner spouse-equivalent inheritance "may reduce in part, or entirely, what is available" to the deceased's children from previous relationships, and that under the proposals those children "would probably have standing under the I(PFD)A 1975 to bring a claim to the estate. This may be the inverse of what would happen in this situation currently." Today the children inherit by right and a partner may claim. Under the proposals the partner inherits by right and the deceased's own children must sue. A reform that moves children from default heirs to litigants has not put them first.

Second, the "child of the family" trigger reaches beyond a couple's own children. Eligibility with no qualifying period at all arises where there is "any child whom both individuals have treated as a child of the relationship". A man who moves in with a mother and helps raise her child from a previous relationship could find himself, from day one, exposed to quasi-marital financial claims he never undertook. The law would attach the financial consequences of family headship to a man who made no promise to the mother, while the child's own father stands outside the household. Marriage exists to bind a man and a woman to each other and to the children they create. This scheme attaches the liability instead to a man who stepped into a parental role in someone else's household - which is a good thing for a man to do, and no reason at all for the state to treat him as though he had married the child's mother.

Third, children's genuine protections already exist and are untouched by the absence of this scheme. Child maintenance through the Child Maintenance Service and financial orders for the child's benefit under Schedule 1 to the Children Act 1989 apply regardless of the parents' marital status - the consultation says so itself. The welfare of children therefore cannot be the justification for creating quasi-marital claims between the adults. If child welfare is

the aim, the evidence above identifies the family form that most reliably keeps a child's mother and father together, and it is not the one this scheme entrenches.

6. The honest answer to a myth is the truth

The Government leans throughout on the finding that nearly half the public wrongly believe living together confers marriage-like rights. A false belief is an argument for telling people the truth, not for making the falsehood true. Public education works. Between 2001 and 2006, during the Living Together Campaign, belief in common law marriage fell from 56 per cent to 51 per cent, and the proportion correctly believing that marriage offered greater financial security rose from 48 per cent to 61 per cent, at

<https://impact.ref.ac.uk/casestudies/CaseStudy.aspx?Id=23842>. From September 2026 schools in England will teach, as part of statutory relationships education, that common law marriage is a myth, at

https://assets.publishing.service.gov.uk/media/6970e7e67e827090d02d42e0/Relationships_education_relationships_and_sex_education__RSE__and_health_education__for_intro_1_September_2026_.pdf. It would be incoherent to teach children the truth in September while legislating to make the myth substantially true for their parents. And the scheme would not even cure the confusion. It would replace one myth with a lattice of new ones - three years or a child, opt-outs by deed, needs but not sharing, exceptional maintenance - none of it marked by any public act. Marriage is a bright line the public can see. This scheme is a fog with a courtroom at the end of it.

7. The mandate is narrower than the plan, and the safeguards will not hold

The Government presents this as delivering an election promise. The promise was narrow. The 2024 manifesto committed to "strengthen the rights and protections available to women in co-habiting couples", and it did so within a programme to halve violence against women and girls. That is a considerable distance from a general statutory status for every unmarried couple in the country, and a further distance still from giving an unmarried partner inheritance rights identical to a husband or wife. Ministers should be held to the limits of what they asked the country for.

We add a point about timing. This consultation was launched under one administration and closes under another. The Deputy Prime Minister whose foreword opens the consultation document has since left office, and the country

has a new Prime Minister. Nothing obliges a new Government to inherit its predecessor's scheme unexamined, and the arrival of significant new evidence during the consultation window - the Finnish analysis set out in our fourth observation, published in the consultation's final week - is exactly the circumstance in which a new administration can pause, commission its own assessment, and look again. The same polling shows fewer than a quarter of the public consider changing cohabitation law a priority for Government at all. There would be no political cost in getting this right slowly. There may be a considerable one in getting it wrong quickly.

Nor should anyone treat this design as the resting place. Look at where the borrowed three-year threshold comes from. New Zealand, which the consultation cites as the model for that period, began with a limited scheme for couples living together and moved, through the reforms to its Property (Relationships) Act 1976, to an equal-division regime that now sits alongside marriage rather than beneath it. Scotland began deliberately narrow in 2006 and its Law Commission has since recommended modernising the definition and widening the remedies available. This is the pattern parallel statuses follow. They enter modest, are criticised for being too modest, and are widened - and each widening is argued for on the ground that the previous limit was arbitrary, which it was, because every limit on a copy of marriage is arbitrary. England and Wales would not be starting at the beginning of that road. On the remedy menu proposed here, including pension sharing, we would be starting some way along it.

There is a further gap in how this has been prepared. The impact assessment appraises doing nothing, the needs model, the parity model and a variant with a lower conduct threshold. It never appraises an opt-in scheme - the least intrusive option available, and the obvious one for a Government that says it wants to respect the choices couples have made. An options appraisal that omits the least intrusive option has not tested whether the intrusion is necessary.

8. The exclusions show what the scheme is really for

The framework excludes people who are too closely related to marry, and it excludes flatmates and siblings, because it is aimed only at "romantic, committed" relationships. Consider what that means in practice. Two sisters who have shared a home and their means for forty years fall entirely outside this scheme, on separation and on death alike. A couple who moved in together three years ago fall inside it. If the purpose were genuinely to relieve financial hardship arising from interdependence, the sisters would have the stronger claim of the

two. They are excluded because the scheme is not, in truth, a hardship measure. It is a status measure - it confers a version of marriage on relationships that resemble marriage, and it says so by the company it keeps.

That is worth stating plainly, because it is the answer to the Government's framing. The question before Parliament is not whether some cohabitants suffer hardship. It is whether the state should create a second marital status and assign people to it without asking them.

9. Religion, and the couples the equalities assessment overlooks

The equalities assessment treats religion almost entirely as the question of religious-only weddings - couples who marry in a religious ceremony that carries no legal effect, among them, on the assessment's own figures, more than 60 per cent of Muslim women over 25. Their vulnerability is real and we do not minimise it. But this scheme is the wrong remedy for it, and it will entrench the problem it claims to solve.

The right answer to an unregistered religious marriage is registration. One civil marriage, one route to its dissolution, and one law of marriage for everyone in this country. A woman who believes herself married should be married in law, with the full protections that follow - not assigned a lesser statutory bundle that codifies her second-class position and removes the pressure to regularise it. That reform is precisely what the Government's companion weddings consultation leaves undone. The two papers are presented as a single programme, yet between them they manage to consult on almost everything except bringing unregistered religious marriages within the law - while this paper offers the women concerned a narrower set of rights instead. That is not a remedy for their position. It is an accommodation of it.

The assessment's treatment of religion has a second gap. It considers believers only as potential beneficiaries, never as citizens with a stake in what marriage means. For very large numbers of people in this country - Christian, Jewish, Muslim, Hindu, Sikh - marriage is not a bundle of financial consequences that the state may redistribute at will. It is a covenant, publicly made. A state that legislates as though the promise were incidental to the benefits has taken a position on that question, and it should at least acknowledge that it has done so.

10. The woman this consultation is really about

We should address directly the case the Government has in mind, because it is a real one and it deserves an answer rather than a principle.

A woman gives up her career, or most of it, to raise the children. The house is in his name. Twenty years later he leaves, and she walks away with a claim for the children and nothing for herself. Her contribution was real, it was made for the family, and the law does not see it. That is the case for this reform in its strongest form, and it is not answered by saying she could have married him. She could not have married him on her own.

Three things are true about her at once, and an honest response holds all three.

The first is that she is not without remedy today, though her remedies are worse than a wife's. Where the home was bought as a joint venture, or where she contributed to it, the law of trusts can give her a share, and the courts have widened that considerably over the past two decades. Where she is caring for his children, Schedule 1 to the Children Act 1989 can transfer a home to her for as long as they need it. These are narrower and more litigious than what a wife receives, and we do not pretend otherwise.

The second is that her situation is an argument for helping her, not for creating a status. If Parliament's concern is the woman who gave up earnings for the family, then legislate for that - a claim founded on demonstrated economic sacrifice made for the household, assessed by a judge, available whether the couple lived together for three years or thirty. That is the compensation model the Law Commission proposed in 2007 and the Government has now set aside, and it is closer to justice for her than a needs-based scheme that will mostly move money between people who are not her. A remedy aimed at her would reach her. A status aimed at three and a half million couples reaches her incidentally, and reaches a great many people who need nothing.

The third is the one nobody in this consultation says. She is in this position because he would not marry her, and the law spent thirty years telling them both it made no difference. Every reform of this kind is presented as protecting women in her position. Each one also makes it easier for the next man to decline the commitment, because the difference it makes shrinks a little further. We would rather Parliament asked why so many women find themselves twenty years in with no promise, and whether the state has helped.

11. What we ask instead

We are not asking the Government to do nothing. We ask it to do the things its own evidence supports.

The first ask is truth-telling. Run the public information campaign contemplated at Question 42, and run it about the law as it stands - cohabiting couples have no marriage-like rights, and the way to obtain them is to marry, to form a civil partnership, or to make a will.

The second is to remove the obstacles to marrying, and to mean it. Reducing the cost and rigidity of the wedding itself is worth doing, and the Government says it intends to. Then remove the disincentives that operate the other way, which are larger and which no consultation is addressing. Couple penalties are widespread in the benefits system. The Institute for Fiscal Studies found in 2010 that almost all couples with children - 95 per cent of them - faced one, at https://ifs.org.uk/sites/default/files/output_url_files/bn102.pdf, and the Department for Work and Pensions' own evidence review reports that research suggests the policy "may discourage some people from living with a partner", at <https://www.gov.uk/government/publications/are-household-formation-decisions-and-living-together-fraud-and-error-affected-by-the-living-together-as-a-married-couple-policy/are-household-formation-decisions-and-living-together-fraud-and-error-affected-by-the-living-together-as-a-married-couple-policy-an-evidence-review>. A Government concerned that poorer women lack the protections of marriage might begin by ending the system that charges them for seeking it.

The third is to help the hard cases through the routes that already exist. The Inheritance (Provision for Family and Dependants) Act 1975 relieves genuine hardship at death through judicially assessed claims. The Child Maintenance Service and Schedule 1 to the Children Act 1989 protect children irrespective of their parents' marital status. Occupation orders, the criminal law and the Government's own violence-against-women-and-girls programme address abuse. If gaps remain in those routes, mend them. That is targeted reform, and none of it requires building a parallel marriage.

The fourth is to measure what has been done. Put the family test in law - asked, answered in writing and published for every Bill - and commission the post-implementation review of family-law reform that this impact assessment expressly declines to promise. The Government cannot know whether it has damaged marriage if it never intends to look.

If, despite the case set out here, ministers press ahead, three things are the minimum. The death provisions in Part 3 should go, because full spousal

equivalence on intestacy cannot be reconciled with any claim to preserve marriage's distinct status. The distinct status of marriage should be written into the statute itself, on the face of the Bill, not asserted in a press release. And the evidence base should be levelled, because a generational change in family law should not rest on a single 2006 journal article while the stability evidence goes uncited.

Answers to the consultation questions

Part 1: Reforming the law of financial remedies on divorce

The reform of financial remedies between divorcing spouses is a matter for the family-law community, and the Coalition expresses no view on the technical codification questions (Questions 1 to 10, 19 and 22). We answer the three clusters in Part 1 that bear directly on the boundary between marriage and cohabitation. We make no comment on Questions 11 to 18, on domestic abuse and misconduct, beyond recording that we support strong protection for victims of abuse. The design of conduct thresholds and court procedure is for practitioners and specialist victim-support organisations.

Question 20: Do you consider that these proposed safeguards will ensure individuals understand the consequences of their agreement and provide sufficient protection against coercion?

No. The safeguards are sensibly drawn as far as they go, but they cannot do the work asked of them, because the risk in a nuptial agreement is not principally that a party fails to understand the document. It is that the weaker party understands it perfectly and signs anyway. Independent advice and a 28-day window do not equalise a couple in which one has the assets and the other has the wedding booked. Our objection is more fundamental. Binding agreements of this kind change what a marriage is. The moment a couple negotiates in advance what happens when the marriage ends, they have redefined the promise they are about to make - from a covenant into a contract between two individuals managing risk. The Government should not be legislating to make that the norm, and its own impact assessment expects such agreements in 22 per cent of weddings after reform.

Question 21: Do you agree with the Government's view that when considering meeting "needs" under the qualifying nuptial agreement model

proposed, this should exclude discretionary needs, in the same way as proposed for cohabitants?

No. Our objection is not to the treatment of discretionary needs. It is to what this proposal admits. Under it, a married couple who sign a qualifying nuptial agreement would have any needs-based challenge assessed “on a narrower basis, similar to those proposed for cohabitants in Part 2 of the consultation”. Marriage’s mutual obligation of sharing - the legal expression of the vows - becomes waivable by contract down to the standard set for the unmarried, at the same moment Part 2 levels the unmarried up towards the standard set for spouses. The impact assessment expects 22 per cent of weddings to involve such agreements after reform. A reform programme that lets marriage be contracted down to cohabitation while cohabitation is legislated up to marriage is converging the two statuses from both ends, and no statement of intent about marriage’s “distinct status” survives that design.

Question 23: Do you agree that the court should consider a pre-marital cohabiting relationship as counting towards the length of a marriage, where that relationship moves seamlessly from cohabitation to marriage?

No. Marriage begins when the commitment is publicly and legally made, not when a couple first shared an address. Statute should not backdate the vows. Codifying “seamless cohabitation” teaches that living together is simply marriage quietly accruing - feeding the very common law marriage myth the Government elsewhere says it wants to dispel. The law currently starts from the opposite presumption for the two states. In *Gow v Grant* the Supreme Court recorded that at the end of cohabitation each party retains his or her own property, unlike on divorce, at https://supremecourt.uk/uploads/uksc_2011_0184_judgment_bd4b658f1b.pdf. Writing cohabitation years onto the marriage clock in statute collapses categorically different commitments into one.

Question 24: Which factors should the court take into account when assessing whether there has been seamless cohabitation prior to the marriage?

None - we do not accept the premise, for the reasons given at Question 23. The factor list illustrates the problem. Courts would be sent on intrusive inquiries into joint households, finances and “presence of a sexual relationship” to date a status that marriage dates with a certificate. A bright legal line already exists. It is the wedding day.

Part 2: Reforming the law for cohabitants on separation

Question 25: Do you agree that cohabitants captured within the framework should be two people living together as a couple in an enduring family relationship?

No - we oppose the framework itself, and the definition shows why.

“Enduring family relationship” is the vocabulary of marriage applied to couples who have made no public commitment. Eligibility would turn on judicial archaeology of private life rather than a verifiable legal act. When does living together “begin”, and when is a relationship “enduring”? Unlike marriage - a single, dated, public act - cohabitation has no register and no certificate. Scotland’s narrower scheme has been dogged by exactly this. Sixteen years after it began, the Scottish Law Commission recommended modernising the definition of a cohabitant and setting clearer tests, at <https://www.scotlawcom.gov.uk/publications/report-261-cohabitation> - the definition having proved to be one of the scheme’s persistent difficulties. An automatic scheme built on an inherently contestable definition manufactures the litigation, cost and delay the Government says it wants to remove.

Question 26: What factors should the court take into account when considering whether individuals are cohabitants?

None adequately substitutes for the bright line of marriage. That a court would need a six-factor inquiry - joint household, stability, finances, children, “presence of a sexual relationship”, public recognition - to discover whether two people are inside a financial regime proves the point. We add one further defect. The definition contains no requirement of exclusivity. The consultation itself acknowledges, in Part 3, that there “could be competing claims to an estate as a qualifying cohabitant”. A statutory scheme under which two households can hold simultaneous marriage-like claims against the same person is not a smaller version of marriage. It is a different institution altogether, and the law should not build it.

Question 27: Do you agree that those who are already married or in a civil partnership with each other, or those who are too closely related to each other to have married, should be ineligible for the framework?

Yes - though the exclusion both admits our case and fails to do its own job.

The consultation excludes married couples from the framework because allowing them to use it “would duplicate legal routes and undermine the distinct legal

status of marriage and civil partnership”. That is precisely our objection to the framework as a whole - a parallel set of marriage-like remedies for the unmarried duplicates marriage’s legal consequences and undermines its distinct status. The Government has stated the principle. It should follow it.

But the exclusion as drafted is narrower than it looks. The same paragraph states that “This exclusion would not prevent a person from bringing a claim against someone who is married, where the applicant is in a cohabiting relationship with that person.” Only couples married to each other are excluded. A person still married to one partner can face a statutory cohabitation claim from another - the consultation nowhere requires that the marriage has broken down, and the cohabitant definition contains no exclusivity requirement and no bar on a concurrent marriage. English law would then attach a marriage-style financial claim on separation to a relationship conducted alongside a subsisting marriage, with claims by a spouse and by a cohabitant payable from the same assets. We recognise that competing claims of that kind are not wholly novel - the Inheritance (Provision for Family and Dependants) Act 1975 has long permitted a cohabitant to claim against the estate of a person who was married. But a discretionary claim on death, assessed by a judge against a finite estate, is a different thing from a statutory financial regime operating during the lifetime of the marriage it runs alongside. A scheme whose stated rationale is to avoid undermining “the distinct legal status of marriage” would put a statutory price on the parallel relationship that marriage excludes by definition. If the framework proceeds in any form, no claim should lie where the respondent - or either party - is party to a subsisting marriage or civil partnership.

Question 28 - not answered. Our opposition to the framework is registered throughout, and the minimum age is an uncontentious alignment with the age of marriage.

Question 29: Do you agree with the Government’s proposal that couples without children must have lived together for a minimum of three years, before they can access the cohabitation framework?

No. Three years of private domestic life is not the public, legal commitment on which marriage-like claims should hang, and no qualifying period cures the scheme’s defect. Any duration threshold attached to automatic rights manufactures cliff-edge disputes about when cohabitation began, in a context where the relationship has no legal start date. Scottish practitioners told Nuffield-funded researchers that, compared with divorce, the cohabitation provisions

lacked predictability - “With the 2006 Act, I struggle ... to give them any sense of where we’re going with their outcome”, at <https://nuffieldfoundation.org/sites/default/files/files/Cohabitation-final-report.pdf>. If Parliament imposes a threshold even so, it should be substantial - five years or more - so that the scheme reaches only relationships whose length approaches the commitment it presumes. We have selected “More than 5 Years” on that basis alone. Our position remains that the framework should not exist.

Question 30: Do you agree that where cohabitants are living together and there is a child of the family, the minimum duration requirement should be disapplied?

No - the minimum duration should not be altered as a result of children. A child’s claims on both parents already exist regardless of the parents’ marital status - child maintenance through the Child Maintenance Service, and financial orders for the child’s benefit under Schedule 1 to the Children Act 1989, which the consultation itself describes as made “solely for the benefit of the child”. Making a child the trigger for quasi-marital claims between the adults instrumentalises the child to create adult rights the parents never undertook towards each other. And the trigger overreaches. A “child of the family” includes “any child whom both individuals have treated as a child of the relationship”, so a man who helps raise another man’s child could be exposed, from the first day of cohabitation, to financial claims as though he had taken on the duties of marriage. If the concern is children’s welfare, the evidence points to supporting the family form children most reliably keep. Across the UK Household Longitudinal Study, cohabiting parents split at an annual rate of 6.5 per cent against 1.9 per cent for married parents, at <https://marriagefoundation.org.uk/wp-content/uploads/2022/05/MF-10-year-research-note-The-Stability-Gap.pdf>.

Question 31: Do you agree that a time limit should be introduced to prevent claims being made after two years have passed since the relationship ended?

Yes - if the framework exists at all, a firm limit is necessary - but be candid about what time limits do in practice. In Scotland, the one-year limit drove protective litigation. Nuffield-funded research records that 42 per cent of studied cases involved court, largely actions raised and immediately sisted because of the statutory time limit, at <https://www.nuffieldfoundation.org/sites/default/files/files/Briefing%2051.pdf>. A two-year window, twice Scotland’s, extends the shadow of potential claims over

every ended cohabitation - including, on the consultation's own footnote, former partners still living in the same property - while still generating start-date and end-date disputes. This is the predictable cost of attaching legal consequences to an undocumented status. The need for an arbitrary cut-off is itself evidence of how much uncertainty the scheme creates.

Question 32: Do you agree that “needs” should be the guiding principle the court follows for determining outcomes when cohabitants separate?

No. “Needs” is the language of spousal obligation, and spousal obligation flows from vows exchanged in public. Cohabitants have made no such undertaking to each other. The principle was stated plainly in the Scottish policy debate quoted by the Supreme Court in *Gow v Grant* - “Cohabitants are under no legal obligation to aliment each other during their relationship, so there is no reason that we should seek to ensure that they do so when the relationship is over”, at https://supremecourt.uk/uploads/uksc_2011_0184_judgment_bd4b658f1b.pdf. We note in fairness that the minister who said it went on to defend Scotland's own limited scheme on fairness grounds. The principle survives the speaker: an obligation to support arises from an undertaking to support, and cohabitants have given none. The Government's own rationale for narrowing the needs objective concedes the distinction on which our whole response rests, because marriage involves “an explicit legal commitment” which cohabitation lacks. Obligations should follow the commitment actually made - which is the current law. And the promise held out for this principle - that needs-based claims will make cohabiting households more secure - is the promise Finland tested. Stability among Finnish cohabiting couples did not rise after the 2011 reform. It declined. Within the scheme's own logic, a needs basis is less damaging than importing the sharing principle, and that is the most that can be said for it.

Question 33: Do you agree that the objective for meeting needs should be to enable termination of dependence and obligations as soon as is just and reasonable?

Without prejudice to our opposition to the framework, **yes** - an early clean break is less damaging than lingering obligations between people who never married. But the cleanest break of all is not to create court-enforceable dependence between them in the first place.

Question 34: Do you agree that discretionary needs should be excluded from the consideration of needs for cohabitants?

Without prejudice to our opposition, **yes - but today's narrowness is no safeguard**. Limited schemes of this kind ratchet outward. Scotland's deliberately modest capital-sum remedy was followed within sixteen years by its Law Commission recommending broader remedies, property transfer orders and extended time limits, at <https://www.scotlawcom.gov.uk/publications/report-261-cohabitation>. Once a parallel status exists, every residual difference from divorce is attacked as the next unfairness, and the exclusions consulted on today become the amendment schedule of tomorrow. The Cohabitation Rights Bill now before the House of Lords - House of Lords Bill 14 of session 2026-27, read a second time on 17 July 2026 - already proposes fuller spouse-equivalent rights than this consultation. The ratchet is visible before the scheme even exists.

Question 35: Do you agree that the court should be able to take account of needs arising from wider circumstances than the relationship (for example, serious health conditions or disabilities) when determining financial provision?

No - this is the clearest overreach in Part 2. It would conscript a former cohabitant as insurer of the other's illness or disability. That undertaking is exactly what spouses promise each other - in sickness and in health - and exactly what cohabitants, by definition, have not promised. Hardship from illness is real, but it is the business of social security and targeted welfare, not of a private liability imposed on an ex-partner who never assumed it. Imposing spousal insurance obligations on the unmarried does not preserve marriage's distinct status. It distributes marriage's gravest obligation to people who never consented to it.

Question 36: Do you agree there should be a checklist of the matters the court must particularly consider when applying the needs principle?

We make no comment on the checklist's contents - the mirroring is the objection. The consultation says the approach "would broadly mirror the factors set out in Part 1", which themselves "largely align with the existing factors in section 25 of the Matrimonial Causes Act". Transplanting the architecture of divorce law - objectives, needs principle, section 25-style factors, a new compensation factor - into a scheme for the unmarried is the construction of divorce-without-marriage, whatever label is attached.

Question 37: Do you agree with our proposed approach in relation to remedies for cohabitants?

No. The proposal hands the court “a broad set of remedies which reflect what is available on divorce, including property adjustment orders, lump sum orders and pension sharing orders”, plus exceptional maintenance - the divorce toolkit, for couples who never married. The consultation’s own justification for including pension sharing is that excluding it would push courts to “more considerable capital awards” - conceding that the remedy menu is being sized to deliver divorce-like outcomes by another route. Identical remedies, administered by the same Family Courts, under a needs principle borrowed from divorce, is a parallel marriage in everything but name.

Question 38: In relation to maintenance in particular, do you agree with the following statements?

Without prejudice to our opposition, if maintenance between former cohabitants exists at all, it must be exceptional, time-limited and non-extendable, so we support all three restrictions as far as they go. The fencing itself admits something. Maintenance is the paradigm spousal remedy, and a scheme that must so carefully ration its availability to the unmarried is a scheme conscious that it is trespassing on marriage’s ground. The Government also proposes restrictions on cohabitant maintenance - exceptional circumstances, fixed terms, no extensions - that it expressly declined to impose on spousal maintenance in Part 1, on the stated ground that retaining the difference “upholds its core approach to retain the distinct status of marriage”. Distinctiveness, on this design, is a difference in payment schedules. That is how far the distinct status of marriage has fallen in this document.

Question 39: Do you agree there should be an explicit requirement that the court cannot award cohabitants a higher award than one which would have reasonably been made if they were a married couple divorcing?

Yes - if the framework proceeds, this cap is essential. And notice what it concedes. A scheme that must be statutorily forbidden from out-awarding divorce is a scheme calibrated against divorce. Marriage is the benchmark being shadowed. The Government’s own launch materials promised cohabitants “a distinct and different set of rights from married couples, helping to preserve the sanctity of marriage”, at <https://www.gov.uk/government/news/millions-of-unmarried-couples-to-get-stronger-rights> - yet every parameter of the design, from the needs floor to this ceiling, is defined by reference to what a spouse would receive.

Question 40: Do you agree that all of the safeguards listed above should be required in order for an opt-out agreement to be valid?

The listed safeguards would be necessary if opt-outs exist - and their weight is the measure of the scheme's defect. Under these proposals a couple acquires marriage-like obligations by doing nothing, but to escape them both partners must execute a deed, exchange material financial disclosure and each take independent legal advice, none of which can be waived, and either partner can refuse. It is harder to stay legally unentangled than to become entangled. The state's default falls on exactly the couples who do not know the law exists - and with no transitional provision anywhere in the consultation, it falls on every existing qualifying couple in England and Wales on commencement day. Scotland shows where that leads, in practitioners' own words - "they have been statutorily opted in and they don't know it", at <https://nuffieldfoundation.org/sites/default/files/files/Cohabitation-final-report.pdf>. An opt-out regime with two-lawyer exit costs is not neutral machinery. It is conscription with an expensive exemption certificate. The public agrees. Polling published by the Centre for Social Justice in August 2026 found 59.3 per cent agree that "Couples should choose whether they marry, rather than automatically gaining marriage-style rights after a set period of time", against 11.0 per cent who disagree - a majority of better than five to one for an opt-in model over the Government's proposed opt-out - and over four in ten are concerned that an active opt-out process could cause problems in otherwise happy relationships, at https://www.centreforsocialjustice.org.uk/wp-content/uploads/2026/08/CSJ-Finishing_Marriage.pdf. If any scheme exists it should be opt-in. The state may properly offer legal machinery to couples who choose it, and marriage - the original opt-in - already exists. What the state should not do is impose the consequences of a choice its citizens deliberately declined to make.

Question 41: Do you agree an opt-out should not be able to prevent an application being made on behalf of a child?

Yes. Children are not parties to their parents' agreements, and their protections - child maintenance via the Child Maintenance Service and applications under Schedule 1 - rightly stand outside any adult bargain. But this proposal proves a point the consultation never confronts. Children's financial protection already exists irrespective of marital status, so the welfare of children cannot be the justification for creating quasi-marital claims between the adults.

Question 42: What do you think is the most effective way to communicate these reforms to the public, particularly to help dispel the common law marriage myth and raise awareness of the new legal rights?

The most effective communication about the common law marriage myth is the truth - that marriage and cohabitation are legally different, and that the full protections belong to marriage - told before, and instead of, changing the law to match the myth. The consultation admits the myth is held by nearly half the public. Public education works, if imperfectly. Between 2001 and 2006, during the Living Together Campaign, belief in common law marriage fell from 56 per cent to 51 per cent among the public, and the proportion correctly believing marriage offered greater financial security rose from 48 per cent to 61 per cent, at <https://impact.ref.ac.uk/casestudies/CaseStudy.aspx?Id=23842>. From September 2026, schools will teach that common law marriage is a myth as part of statutory relationships education, at https://assets.publishing.service.gov.uk/media/6970e7e67e827090d02d42e0/Relationships_education_relationships_and_sex_education__RSE__and_health_education__for_intro_1_September_2026_.pdf, and Citizens Advice already explains the differences plainly, at <https://www.citizensadvice.org.uk/family/living-together-marriage-and-civil-partnership/living-together-and-marriage-legal-differences/>. It is incoherent to teach children the truth in September while legislating to make the myth substantially true for their parents.

Nor would the new law end the confusion. It would relocate it. The public would now need to hold in mind a good deal: that rights arise at three years but not before, or at once if a child is “treated as” a child of the family; that they can be disclaimed, but only by deed, with two solicitors; that needs are covered but not sharing; that maintenance exists but only exceptionally; and that death brings full spousal equivalence but separation does not. None of this is marked by any public act. The honest communication campaign, and the one the Government should run, is the one that says this. If you want the protections of marriage, marry - and if you wish to provide for a partner, make a will. Both are free choices, and both are available today.

Part 3: Reforming the law for cohabitants on intestacy

Question 43: Should qualifying cohabitants receive the same intestacy rights as spouses or civil partners?

No - this is the most far-reaching proposal in the consultation, and the one we most strongly oppose. Identical inheritance, identical priority. The

consultation considered a narrower partial model and rejected it, so the choice on the table is full spousal equivalence or the present law. On death, the legal distinction between a husband or wife and a cohabitant would simply cease to exist.

The present law is not a void. A cohabitant who lived with the deceased throughout the two years before death can already claim reasonable financial provision under the Inheritance (Provision for Family and Dependants) Act 1975, at <https://www.legislation.gov.uk/ukpga/1975/63/contents>, and anyone who wishes to provide for a partner can do so completely, today, by making a will.

We should meet an objection here, because we have argued elsewhere in this response that many cohabitants do not know what the law is. If that is so, can silence about a will be read as a decision? Our answer is that it need not be read as anything. The 1975 Act exists precisely so that a court can decide what provision is reasonable when the deceased left no instructions, weighing the partner's position against the children's. That is the honest way to handle uncertainty about what someone wanted. What the Government proposes instead is to resolve the uncertainty by statutory presumption, always in the same direction, and always at the expense of the same people - the deceased's children. Ignorance of the law is a reason for a discretionary remedy and a public information campaign. It is not a reason to write a will for people who did not make one.

Question 44: Should qualifying cohabitants have the same priority as spouses and civil partners to apply for a Grant of Administration where their partner dies intestate?

No - this falls with Question 43. It is a consequential amendment whose purpose is to complete the spousal equivalence we oppose. We note with concern that the consultation document states "the Government will ensure" this change in the Non-Contentious Probate Rules - announcing as settled the matter on which this question invites views.

Question 45: What, if any, are the other factors the Government should consider when deciding on the definition of a cohabitant for the purposes of intestacy rights?

The factor that should weigh most is what the proposed definition admits. The Government's preferred "marriage-equivalence" definition identifies qualifying cohabitants as those living in the same household "as the deceased's spouses or

civil partners". The scheme can only operate by deeming the unmarried to have been married. A reform that must define its beneficiaries as people living as if married cannot coherently claim to preserve marriage as a distinct institution. The Government should also weigh its own acknowledgement that competing claims by rival "qualifying cohabitants" to a single estate are possible - a possibility that cannot arise in marriage, which is exclusive by law. And it should weigh the incoherence of running two different statutory definitions of the same status - "enduring family relationship" for separation, marriage-equivalence for death. A status the state cannot define consistently is not a status the state should be enforcing.

Question 46: What do you consider to be an appropriate minimum duration period where the couple do not have a child together? What are the potential unintended consequences of setting either a shorter or a longer minimum duration period?

If the reform proceeds at all, the period should be more than five years, and the Law Commission's recommended five-year minimum must be a floor, never a ceiling. The direction of this consultation is itself the warning. The Law Commission recommended five years, and the Government now consults on "Less than 5 years". Introduced as modest, criticised as too narrow, then expanded - that is the pattern of every parallel status, and England and Wales would be starting further down the road than Scotland did.

On unintended consequences, the Government has already named two of the gravest itself. The first, in its words, is that "If the minimum duration is too short, there is the risk of creating incentives for perpetrators of abuse within cohabiting relationships." The second is that spouse-equivalent rights for a surviving partner "may reduce in part, or entirely, what is available" to children from previous relationships. Automatic redistribution at death, on any threshold, takes from the deceased's children and family to endow a status the deceased chose not to formalise.

Question 47: What do you consider to be an appropriate minimum duration period where the couple have a child together? Are there any specific risks or benefits you have identified?

More than 2 years - the longest period this question offers - and we oppose outright the option of no minimum period. Our answer is given without prejudice to our opposition to spousal-equivalent inheritance at any duration, and it should not be read as endorsing a two-year threshold. We

note the oddity that the questionnaire offers a shorter maximum here than at Question 46, so that the presence of a child lowers the bar rather than raising it. The consultation itself notes that where the surviving partner does not qualify, the children of the couple inherit under the existing intestacy rules, and a surviving partner caring for the deceased's child retains claim routes under the 1975 Act. The child is not left unprovided for under the current law. The specific risk the Government should weigh is the one its own document describes. The reform inverts the family's position, so that the deceased's own children - including the children of the very relationship in question - become the parties who must litigate against the surviving partner for a share of their parent's estate. A reform that begins from "fair outcomes for children" should not end with children suing for what is currently theirs by right.

Question 48: Do you agree with the Government's proposal to extend eligibility for I(PFD)A 1975 claims where cohabitants have shared children?

No - and we set out our reasoning carefully, because this is the one proposal in Part 3 that takes the form we have commended elsewhere in this response.

The 1975 Act already reaches almost every case of real need. A cohabitant of two years' standing can claim, and a cohabitant of any duration who was being maintained by the deceased immediately before death can claim as a dependant, at <https://www.legislation.gov.uk/ukpga/1975/63/contents>. We accept that a narrow margin would remain uncovered - a self-supporting mother of the deceased's child, cohabiting for less than two years and maintained by no one. That is a real category, and it is small.

We answer No for two reasons. The first is that the child of that relationship already has a claim in their own right, and where the mother's need arises from caring for that child, the child's claim is the proper route. The second is context. This proposal does not arrive on its own. It arrives alongside Question 43, which would give qualifying cohabitants full spousal inheritance, and the two together move the law a long way in one session. Were Part 3 confined to targeted, judicially assessed relief of the kind the 1975 Act provides, we would engage with the question of its precise boundaries in a very different spirit. We say so plainly so that our answer is not mistaken for opposition to targeted remedies as such.

Question 49: Are there any wider impacts of extending eligibility for I(PFD)A 1975 claims where cohabitants shared children that the Government should consider?

Yes - the impact on the coherence of the Government's whole package. The 1975 Act shows that the law can relieve hardship at death through judicially assessed claims that respect both testamentary freedom and the distinct status of marriage. If that targeted route is judged adequate for hard cases - as its existence and operation show it is - the Government should explain why automatic spousal equivalence at Question 43 is needed at all. The wider impacts of extension are those we have set out throughout Part 3 - children's entitlements diluted, will-making discouraged by a false sense of automatic provision, and litigation between a bereaved partner and bereaved children where the current default gives the estate to the children and the discretion to the court.

Conclusion

The Government asked itself the right question in its fourth principle and answered it with the wrong scheme. Marriage's distinct status does not survive a framework that copies its remedies, mirrors its factors, shadows its awards, borrows its definitions and, on death, simply becomes it. Nor is the scheme saved by its narrowness, because its own architecture - the cap at Question 39, the marriage-equivalence definition, the qualifying nuptial agreement floor set at the cohabitant standard - measures everything against marriage, and a copy calibrated against the original is still a copy.

The people this consultation means to help are already within the law's reach: the abused, through the criminal law, occupation orders and the protections the Government is separately strengthening; children, through the Child Maintenance Service and Schedule 1; the bereaved dependant, through the 1975 Act; and every couple who wants marriage's protections, through marriage itself. We ask the Government to honour its own principle - tell the public the truth about the law, encourage the commitment that protects, and decline to build the institution that would relieve marriage of its purpose.

We end on the Government's own ground, because there is more common cause here than this response may suggest. Ministers write that marriage will always be one of this country's most important and beloved institutions. They say they want it to remain distinct. Their weddings programme is premised on making it easier to enter. And their own equalities assessment, without drawing the conclusion, sets out what marriage does for the people this consultation is most concerned about - the previously married lone mother less likely to be in poverty than her previously cohabiting contemporary, the married household with

children far less likely to be leaning on the state. The evidence that marriage protects women and children is not something the Government has to be persuaded of by us. It is inside its own papers.

So this is an invitation rather than a complaint, and it is addressed to a new Government that owes this scheme nothing. Marriage has carried the families of this country through every generation, and it is carrying fewer of them now largely because we have made it harder, costlier and less meaningful to enter, and have said less and less about why it matters. Put the effort this consultation spends replicating marriage into commending it. Tell people the truth about the law. Make marrying simpler. End the penalties that fall on the poorest couples who want to do the very thing this Government says it values. Do those things and the marriage gap between rich and poor might start to close, instead of being written into statute. The Coalition for Marriage and its supporters would gladly help, and we would welcome the opportunity to discuss this response.

Coalition for Marriage

August 2026