
Financial advantages of civil partnerships for opposite sex couples

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The introduction recently of civil partnerships for mixed-sex couples can bring financial benefits for those who do not wish to marry. Harry Nosworthy explains how...



New Year's Eve was a memorable occasion for many – not least for the heterosexual couples who ended the year becoming civil partners.

After years of calls for change, the Supreme Court finally granted heterosexual couples the legal right to a civil partnership from 31 December 2019.

Rebecca Steinfeld and Charles Keidan [won their Supreme Court battle](#) for the right to enter into a heterosexual civil partnership, which has paved the way for thousands of other couples to follow suit – the government anticipates 84,000 will join them this year alone.

It's quite easy to question why the right to civil partnership is needed for heterosexual couples when marriage has always been available. The reality is that not all happy couples wish to marry, and civil partnerships come with their own legal benefits.

So, with this new option now at the fingertips of couples taking their relationship forward, it's important they know whether marriage or civil partnership would be the best next step.

A bit of background...

In 2005, the Government introduced new laws for same sex couples to enter into civil partnerships, which offers almost identical rights as marriage.

The purpose of the law was to enable same sex couples to obtain legal recognition of their relationship by registration of a civil partnership. However, the same provision was not available for heterosexual couples.

We live in times when the number of unmarried cohabiting couples has doubled over the past 15 years from 1.5 million to a current peak of 3.3 million and rising.

It, therefore, seems peculiar, if not unfair, that these couples have not been availed of the same opportunity to formalise their relationship without wishing to marry.

Why choose a civil partnership?

Many couples say they do not wish to marry but would like to have an alternative option. Keidan and Steinfeld, like others, objected to the principle of marriage and the patriarchal associations they believed comes with it.

Others who have been married previously have wished to avoid making the same vows and promises again, which they have broken or found to have been unsuccessful.

Protection

Many unmarried cohabiting couples wrongly believe that they have so-called 'common law marriage' rights when dividing up their finances. They are mistaken.

Under the current law it is possible to live with someone for decades, and have children together, but not to have any form of responsibility or obligation for that partner should the relationship break down.

For example, if one cohabiting partner dies without leaving a will, the surviving partner will not automatically inherit anything unless the couple jointly own property.

A married partner or civil partner would inherit all, or, some of the estate. An unmarried partner who may have given up their career to care for the couple's children, for example, cannot make a claim for themselves for property, maintenance or pension sharing orders should the relationship come to an end. A marriage or now a civil partnership would provide a level of protection.

Civil partnerships like a marriage carry certain rights and protections. Under a civil partnership, civil partners assume legal rights and responsibilities with regard to each other and to third parties, including the state.

Civil partners acquire many of the legal rights and benefits currently enjoyed by married couples. However, the law does not purport to create a marriage but a distinct institution with specific statutory rights and responsibilities.

Separation

Civil partners can claim for financial relief in relation to dissolution or nullity orders (when a civil partner seeks to bring the partnership to an end), as married couples can on a divorce.

This can include spousal maintenance, lump sum payments and rights in relation to property. Civil partners are also treated the same as a married spouse in relation to inheritance claims in the event of death.

There have also been various changes made to rights in respect of arrangements for couples' children on separation, and now a civil partner can acquire parental responsibility for their partner's child, in the same way as a step parent, by agreement between the couple, or by way of court order.

Marriage: outdated for some

Marriage is of course not for everybody. There may be those who do not wish to enter a form of union, which is considered by many to be antiquated and driven by religious beliefs.

A civil partnership provides a different route, and an opportunity for those who wish to formalise their relationship on what they may consider to be a more equal footing.

These new changes to the law now gives these individuals almost parallel rights to married couples.

Marriages and civil partnerships have their own benefits, each of them suitable for the needs and desires of couples. Choice for all couples can only be seen as a huge positive, and although the option for a civil partnership may not be for every couple, the opportunity to do so will save couples from the risks of unnecessary loss.

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