

Property disputes and co-habitation

Those who live together without being married are often unaware that the law affecting their property and financial obligations does not offer the same financial protection it affords those who are married. Even where a couple has lived together for many years the Court has no power to transfer property, adjust the shares in which property is held or order maintenance or lump sum payments to meet the needs of one party or share assets acquired during their relationship fairly. However where there are children the Court does have some power to make financial provision for those children.

It is therefore important that unmarried couples who buy property together give their solicitors clear instructions about the shares they each wish to hold in the property, and when living together consider making legal arrangements to provide for the possible breakdown of their relationship.

Where the legal ownership of property is not clearly defined in legal documents, the cost and uncertainty of the resulting Court proceedings are often considerably greater than those in cases arising after the breakdown of a marriage. Family mediation offers an alternative forum in which such disputes can be resolved vastly more cheaply and far more quickly than through the Court. For those who are still on reasonably good terms, family mediation can offer a place to talk through the arrangements they wish to make and iron out any potential problems with the help of a professional mediator.

You can contact family mediation services direct, or by referral from your solicitor. Your initial appointment will give you the opportunity of meeting a mediator on your own, and finding out more about the mediation process before committing to it. Mediation Services which have the Mediation Quality Mark and are contracted to the Community Legal Service provide mediation free to those financially eligible for legal aid.

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