

What are my inheritance rights?

The doom and gloom of the credit crunch is making us all a bit nervous about our future and ensuring the financial security of our loved ones. When a couple live together, but are not Civil Partners, then they need to be extra careful when planning their future together.

The myth of the common law spouse still persists and many couples believe that the Civil Partnership Act 2004 has also introduced the same concept for same sex couples. Unfortunately, there is no such thing as a common law spouse and however long you have lived together is irrelevant; without a civil partnership you will have no right to automatically inherit your partner's estate when they die.

Without a Will, the law directs who will receive your Estate. A civil partner may not receive all your Estate. Step-children receive nothing. If there is no civil partner or children, other relatives will inherit down as far as cousins, but beyond that everything goes to the State.



If you have lived together for a period of two years before the date of death, then you may be able to make a claim under the Inheritance (Provision for Family and Dependents) Act 1975 for 'reasonable financial provision' from your late partner's estate, but this entails suing the family member such as parents, children or siblings of your partner who would otherwise have inherited their estate.

This is obviously emotionally difficult as well as risky in terms of legal costs and an uncertain outcome – the Court will not consider what your partner would have wanted for you, it will only consider what is reasonable financial provision for you in all the circumstances.

A well drafted Will can also save you inheritance tax and could also save you Residential Home costs in the future. It also allows you to appoint whoever you wish to administer your estate and gives you the opportunity to appoint guardians for your children.

If you would like a costs estimate for the preparation of a Will, please download and complete our Wills questionnaire from the Living Together website and send it by email to livingtogether@foot-ansteys.co.uk or by post to:

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For more information or advice please contact the Living Together team:

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