

Chapter 22: Guidance on answering the self-test questions

Question 1: A client tells you that after she has lived with her partner for two years, she is a 'common-law wife'. Is she correct?

This is a persistent myth which you will come across in private practice. There is no such thing as a common-law wife/husband. Be aware that your clients will argue with you!

Question 2: Does a cohabitant have the right to maintenance for herself after the end of a relationship?

There is no legal right to maintenance for a cohabitant, although some cohabitants may agree to pay some maintenance.

Question 3: Your cohabitant client wishes to have a contract drawn up to deal with the family home following any relationship breakdown. Explain whether this is permitted.

Following the case of *Sutton v Mischon de Reya and Gawor & Co* [2004] 1 FLR 837, it appears that there may be some support for cohabitation contracts. It is not certain, however, that the court will follow this decision as it is a first instance decision.