

## Is 'love and marriage' going the same way as horse and carriage?

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### #ModernFamilies #LGBT

The latest UK marriage statistics have confirmed that the 2015 marriage rates were the lowest on record, only 21.7 marriages per thousand unmarried men and 19.8 marriages per thousand unmarried women.

When you look into the statistics in more detail, it is interesting to see that men over 65 and women over 55 are bucking this trend, with marriage rates for those age groups increasing instead. Perhaps this shows that it is a generational issue; and if the trend not to marry is more predominant in the younger generation it seems set to continue.

On the basis that the decision to remain unmarried is becoming more common, it becomes increasingly important that there are legislative changes to protect those who choose not to marry.

### The first same sex marriage statistics

These marriage statistics are the first to include a full year's worth of data on same sex marriage. Whilst they show that there were far more same sex marriage than civil partnership (6,493 to 861) that may be a reflection of the number of people who were waiting for the law to change.

What is interesting to me is that so many have chosen civil partnership over marriage, when the legal implications are the same for both. It may be that a change in the law that allowed heterosexual couples to form civil partnerships would be a helpful step forward.

That said, my strong view is that the law should change to protect all cohabitants' rights without the need for them to go through any formal process. Statistics also show that the vast majority of LGBTQ couples are cohabiting rather than entering into civil partnership or marriage.

The law should reflect the choices of modern families, and not continue to cater for what appears to be a dying breed.

Whilst we continue to wait for a change in the law, it is crucial that people are aware of the legal implications of their decisions, so that they can take steps to protect themselves.

If you are one of the many choosing not to marry, it is important to make that decision with a full understanding of the following facts:

1. If you separate then regardless of how long you have been together, neither of you have any claim against the other for maintenance. If you have children, who live with you, then you will be entitled to maintenance for them (in some cases capital), but only until they are 18 or in full time education. Please [click here](#) for more details
2. If your home is in your name then, in the absence of an agreement, the only way that you can secure a share is by application to the court. Such applications are notoriously difficult and expensive, which is why it is important to have an agreement as to how you own the property and what your interest is.
3. If you wish to protect your partner's financial position in the event of your death then you need to have a will and take advice, as your partner will not automatically inherit your assets and the inheritance tax exemption for spouses does not apply.

4. If you jointly own property, then how you own it is relevant to what happens in death. Property (including bank accounts) can be held as what is known as 'joint tenants' which means that when one party dies the other inherits their share regardless of any will.

If you wish to find out more about your rights and how to protect your financial position if you are cohabiting then please [click here](#), and also read our [Top 10 tips for cohabiting couples](#) which sets out practical steps you can take to protect yourself and your family.

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