

**CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND  
OBLIGATIONS OF COHABITANTS ACT 2010  
("the Act")**

The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 has wide ranging implications for both heterosexual and same-sex couples living together. The Act also establishes a civil registration scheme for same -sex couples with consequent rights, obligations and protections.

**WHEN IS IT LAW?**

As and from 1<sup>st</sup> January 2011 the provisions of the Act are in force.

**WHO DOES IT AFFECT?**

Cohabitants (opposite-sex or same-sex)  
Civil Partners (same-sex)

**WHO ARE CO-HABITANTS?**

A 'qualified' cohabiting couple is defined as a couple (opposite-sex or same-sex) who are living together as an unmarried couple for:

- 5 years or more
- 2 years or more where there is a child or children of that relationship.

**WHO ARE CIVIL  
PARTNERS?**

The concept of Civil Partnership is confined to adults of the same sex who are both parties to a civil partnership registration.

**HOW DOES IT AFFECT?**

**CO-HABITANTS**

Prior to the Act, cohabitants had no automatic property rights, no rights of occupation in the property which is their home and no financial support or inheritance rights at the end of their relationship or death of one of them.

Under Section 173 of the Act the courts can now in certain circumstances make the following Orders in favour of one 'qualified' cohabitant over the other. This is referred to as a redress scheme and is set up as a legal safety net for people in long term relationships who may be vulnerable financially at the end of the relationship, whether through break-up or through bereavement.

- Property Adjustment Orders (Section 174) i.e. effect a transfer of property from one cohabitant to the other.
- Compensatory Maintenance Orders (Section 175) i.e. Maintenance
- Pension Adjustment Orders (Section 187) i.e. transfer of pension rights
- An Order (Section 194) in favour of a surviving cohabitant for provision from the net estate of his / her deceased cohabitant.

**NOTE** that Section 202 of the Act provides that Cohabitants may enter into a Cohabitants' Agreement. The Agreement may provide that neither cohabitant may apply for an Order for redress as referred to above; the parties can effectively contract out of the redress scheme. In entering into such a Cohabitants' Agreement, all legal protocols must be observed.

**CIVIL PARTNERS**

There shall now be 'marriage-like' benefits to civil partners in the areas of Property, Succession Rights, Pensions, Tax, Maintenance and Social Welfare.

- Civil partners now have protection similar to that afforded to married couples under the Family Home Protection Act 1976, in respect of their 'shared home'.

- A civil partner has a Legal Right Share to ½ of the estate of the deceased civil partner in the event that he / she dies testate (i.e. having made a Will)
- If one civil partner dies intestate (i.e. without having made a Will) leaving no issue, the surviving civil partner shall take the entire estate.
- If one civil partner dies intestate leaving issue, the surviving civil partner shall take 2/3 of the estate.

If you would like to discuss any matter in greater detail, please do not hesitate to contact us.

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