



60 SECONDS WITH... ISABELLA SAVILL SENIOR ASSOCIATE PAYNE HICKS BEACH



Q What is one work related goal you would like to achieve in the next five years?

A I would love to become better known for adoption and surrogacy work. Being donor-conceived myself, I find it particularly fulfilling helping other individuals embark on this journey, navigating the complexities of the process and enabling them to start and grow their own families.

Q What cause are you passionate about?

A Supporting any cause that fights cancer. It is the most beastly illness which can derail your whole world in an instant. I have seen too many people suffer, and so any charity researching cures, treatments and/or how to help those affected deserve our wholehearted backing.

Q What does the perfect weekend look like?

A I have a 1-year-old son. So, the perfect weekend would involve him sleeping through the night (!), a relaxed and slow morning with a strong coffee (or two), followed by a pub lunch, stroll around the local area and trip to the playground. After that, bath and bedtime for my son before having friends over for dinner. My husband is a brilliant and adventurous cook whereas I am usually in charge of the cocktails, so we make quite the double act and love to host.

Q What has been the best piece of advice you have been given in your career?

A It is better to be a big fish in a small pond, than a small fish in a big pond. While I would not say

Payne Hicks Beach is 'small' (it has hugely grown in the 11 years I have been there), it is a size where individuals can stand out and thrive. None of us are a faceless cog in a large corporate machine, rather we are all an important part of a team in which we can be ourselves and play to our strengths, allowing us to flourish and achieve individual as well as collective success.

Q What is the best film of all time?

A I am sure I should be saying something highbrow... But I think Moulin Rouge is hard to beat! I have always been a big fan of the soundtrack and love Baz Luhrmann. I guess pointing out the fact the film is apparently based on La Bohème can in some way elevate my answer...

Q What do you see as the most rewarding thing about your job?

A Hard work paying off. You are only as good as your instructions and so you and your client are a team. When that teamwork results in a consensual resolution with which the client is happy (allowing them to exit their marriage amicably and cost effectively) that feels like a massive win. However, when that is not possible such that a case proceeds to a trial, you spend months (and sometimes years!) carefully building and structuring the case, evaluating the importance of even the smallest details and needing to retain an almost encyclopaedic memory of all that has gone before. When that presentation finds favour with the judge such that you feel your client has achieved success and a positive

outcome down to your efforts, it is immensely rewarding.

Q How do you deal with stress in your work life?

A Anyone who pretends this job is not stressful is kidding themselves (and others)! I have made many good friends within the industry. Being able to sit down with your supposed competitors, swap horror stories, share tips and just be honest and realistic is enormously beneficial.

Q What is one important skill that you think everyone should have?

A The ability to parallel park (a skill I am yet to master myself)

Q What book do you think everyone should read, and why?

A I am not sure there is one! So, being biased, I am just going to say that everyone should read "Everyday Rococo: Madame de Pompadour and Sèvres Porcelain" which was written by my late mother, Rosalind Savill, of whom I am and will always be so very proud.

Q What's your go to relaxing activities to destress after a long day at work?

A Things are clichéd for a reason. Getting to pick my son up from nursery and see his beaming face is the perfect antidote to a stressful day. Then, when he is sound asleep and when work allows, my husband and I love to relax with a good TV series and a (preferably large) glass of red.

LIVING TOGETHER, BUT LEGALLY APART

WILL THAT CHANGE IN 2026?



KINGSLEY NAPLEY
WHEN IT MATTERS MOST

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Cohabitation continues to rise in the UK.

Recent statistics from the Office for National Statistics (ONS) show that the proportion of people aged 16 and over who are married or in a civil partnership decreased from 51.5% in 2014 to 49.5% in 2024¹.

There are various reasons behind this shift, but one of the key concerns among family lawyers, and a key talking point in the industry in 2025 remains is the lack of legal protection for cohabiting couples. Currently, couples who are neither married nor in a civil partnership have no automatic rights regarding property, finances, or inheritance upon separation or death.

Earlier this year, the Labour government pledged in its 2024 manifesto to strengthen the rights and protections of women in cohabiting relationships.

However, as the year comes to an end, the details of this proposed reform remain unclear. This delay is concerning, as countries like Australia and Canada, already offer legal protections to cohabiting couples.

Legal Protections: a Patchwork Approach

Until reform is introduced, unmarried couples must rely on a patchwork of legal mechanisms to protect themselves. These include:

- Cohabitation Agreements
- Wills
- Lasting Powers of Attorney (LPAs)
- Declarations of Trust (particularly when purchasing property)

However, this fragmented approach can be costly, time-consuming, and requires regular updates to remain effective.



Cohabitation Agreements:

The most common form of legal protection for cohabiting couples is a Cohabitation Agreement—a contract that outlines what should happen in the event of separation. These agreements are tailored to the couple's specific circumstances and must meet the following criteria to be legally binding:

- Entered into voluntarily
- Executed as a deed
- Signed by both parties

Unlike the continuous legal protections afforded by marriage, cohabitation agreements must be updated whenever

¹ Office of National Statistics, 'Population estimates by marital status and living arrangements, England and Wales: 2024' <<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationestimatesby maritalstatusandlivingarrangements/2024>> accessed 20 October 2025

circumstances change, or they risk becoming unenforceable.

Although likely to be enforceable in court if relevant conditions are met, family lawyers often highlight the limitations of cohabitation agreements. Unlike prenuptial agreements where more extensive safeguards apply to ensure that neither party is left in need, courts will assess the terms of cohabitation agreements without taking into account the fairness of the outcome resulting from them. The court's concerns are limited to matters that could serve to invalidate the agreement itself, such as claims of duress or undue influence. This can disproportionately disadvantage women, as broader contextual factors may be overlooked.

For married couples, particularly those who have not entered into a prenuptial agreement, the courts have even greater freedom to ensure that the parties' needs are met and to make a wide range of orders under the Matrimonial Causes Act 1973 (MCA 25) based on the judge's assessment of the appropriate outcome. This disparity emphasises the need for reform.



Inheritance and Financial Planning

Inheritance is another area where cohabiting couples face significant challenges. While a lasting power of attorney can be used during someone's lifetime to manage finances or health decisions if they lose capacity, they offer no protection upon death. If a cohabitee dies without a will, their partner has no automatic right to inherit any of their partner's assets—regardless of the length of the relationship—unless they are able to make a claim under the Inheritance (Provision for Family and Dependents) Act 1975. Even then, the outcome is uncertain and may take considerable time to resolve.



Property Ownership: A Common Pitfall

Property is often the area where cohabiting couples are most vulnerable. Living in a property and contributing to its running costs does not automatically confer legal rights. If the property is not held as joint tenants—which allows for one party's interest in the property to pass to the other by survivorship upon death—then ownership rights may be limited.

If the property is owned solely by one party or held as tenants in common, the non-owning partner typically is in real difficulties pursuing any legal claims unless they can prove:

- A financial contribution to the deposit or mortgage
- A significant financial commitment (e.g., funding major renovations) with the understanding of shared ownership

Without such evidence, the non-owning partner may have no right to remain in the property after separation or inherit it upon death. A Declaration of Trust setting out the parties' intentions as to the ownership of the property is therefore essential, as it records each party's financial interest and outlines what should happen in various scenarios.

The Myth of Common Law Marriage

A major concern when it comes to the public perception of cohabitant's rights is the widespread misconception of "common law marriage." Many cohabiting couples mistakenly believe they have legal rights similar to married couples, which simply isn't the case. This misunderstanding can lead to serious consequences, especially during separation or bereavement.

To protect themselves, cohabiting couples must proactively arrange cohabitation agreements, LPAs, wills and declarations of trust, which can be an expensive and emotionally draining process.

The Case for Reform

Cohabitation is now the fastest-growing family type in the UK, making legal reform increasingly necessary.

According to recent data, the proportion of people cohabiting without being married or in a civil partnership rose from 11.9% in 2014 to 12.9% in 2024².

[Enlarged] Despite this shift, cohabiting couples in England still lack the legal protections afforded to those who are married or in a civil partnership.

Some family lawyers argue that England should consider adopting a framework similar to Scotland, where cohabiting couples are granted certain legal rights upon separation—albeit not identical to those of married couples. What matters however, is that some level of protection exists, and individuals are not penalised for their decision not to marry.

It is widely accepted that reform is needed to close the current gaps in protection, particularly in relation to separation, death, and property ownership. A more cohesive and accessible legal framework would reflect the realities of modern relationships and provide security for cohabiting couples.

It will be interesting to see any changes which begin to emerge as we enter into 2026.

