

“Love Hurts” Cohabitation & Trusts of Land

PROPERTY

DATE: Wednesday 8th July 2026

TIME: 11:00 – 12:00

LOCATION: Online via Zoom

John Campbell
SPEAKER



Overview

- How the existing law works
- Pitfalls in practice
- Consultation: “A Fairer End to Relationships”
- Cohabitation Rights Bill [HL]

How the Existing Law Works

- Matrimonial Causes Act 1973 v trusts of land
- Trusts of Land and Appointment of Trustees Act 1996 (“ToLATA”)
- Resulting Trust
- Common intention constructive trust
- Proprietary Estoppel



Common Pitfalls

- Divorce style fairness
- Contribution to the relationship or to the property?
- Express declarations of trust
- CPR Part 7 or Part 8?



Consultation: A Fairer End to Relationships

- <https://consult.justice.gov.uk/digital-communications/a-fairer-end-to-relationships-consultation/>
- Not full equalisation with marriage
- Three year cohabitation requirement
- Opt in/opt out
- Needs based

The Cohabitation Rights Bill

- Section 2 “cohabitant”
- Part 2 “Financial Settlement Orders”
 - “Retained benefit” or “economic disadvantage”
 - Needs/fairness based
 - Discretionary factors at s.9
 - 24 month application period save in “exceptional circumstances”

The Cohabitation Rights Bill

- Ability to opt out (s.12)
- Court can vary or revoke a pre-commencement cohabitation agreement or deed of trust! (s.15)
- Part 3 – Death, intestacy and insurance





Thank you for joining

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