Before You Use This Template

This is the most comprehensive estate planning kit produced by WillSafe UK. It has been specifically designed for cohabiting couples, unmarried partners who live together, and addresses the unique legal vulnerabilities that arise when partners are not married or in a civil partnership.

Under the law of England & Wales, there is no such thing as a 'common law spouse'. No matter how long you have lived together, and regardless of whether you have children together, an unmarried partner has NO automatic right to inherit from their partner's estate if the partner dies without a will (intestate).

The intestacy rules (Administration of Estates Act 1925, as amended) distribute the estate to: (1) a spouse or civil partner; (2) children; (3) parents; (4) siblings; and so on. An unmarried partner does not appear anywhere in this hierarchy. Without a will, your partner could be left with nothing, and could even lose their home.

This kit contains everything you need to protect each other and your family. It includes mirror wills, property ownership guidance, trust templates, pension nomination forms, a cohabitation agreement, guardianship provisions, and letters of wishes.

This template is designed for use in England & Wales only.

What Is Included in This Kit

Document	Purpose
Mirror Will, Partner A	Will leaving estate to Partner B
Mirror Will, Partner B	Will leaving estate to Partner A
Property Ownership Guidance	Joint tenants vs tenants in common
Declaration of Trust	Record property shares if tenants in common
Life Interest Trust Template	Right to reside in shared property
Pension Nomination Forms	Nominate partner for pension benefits
Cohabitation Agreement	Protect finances during the relationship
Guardianship Provisions	Appoint guardians for children
Letter of Wishes, Partner A	Guidance for executors
Letter of Wishes, Partner B	Guidance for executors
Complete Checklist	Ensure nothing is missed

Part 1: Why Cohabiting Couples MUST Have Wills

1.1 The Intestacy Trap

If you die without a will (intestate), the law dictates who inherits your estate. For married couples and civil partners, the surviving spouse or civil partner is the first in line. But for unmarried couples, the position is stark: your partner inherits nothing.

Consider this scenario: You have lived with your partner for 20 years. You have two children together. You own a house together. You die without a will. Under the intestacy rules:

- Your partner receives NOTHING from your estate
- Your children inherit everything (held in trust if they are under 18)
- Your partner may need to sell the family home to release the children's inheritance
- Your partner has no right to remain in the property

This is not a theoretical risk. It happens regularly, and the consequences can be devastating.

1.2 The Inheritance (Provision for Family and Dependants) Act 1975

An unmarried partner who has lived with the deceased for at least two years immediately before the death can make a claim under this Act. However:

- The claim is not automatic, it requires a court application
- The standard of provision is only 'reasonable financial provision for maintenance' (lower than for a spouse)
- The process is expensive, stressful, and uncertain
- It can take months or years to resolve
- The outcome is at the court's discretion, there is no guarantee

Making a will removes this uncertainty entirely. With a valid will, you can leave your estate to whomever you choose, including your partner.

1.3 Property Ownership, The Critical Issue

For most cohabiting couples, the family home is their most valuable asset. How you own the property determines what happens to it when one of you dies.

Joint Tenants

If you own the property as joint tenants, the right of survivorship applies. This means that when one owner dies, their share passes automatically to the surviving owner, regardless of what any will says. The property does not form part of the deceased's estate for probate purposes.

Advantages: Simple, automatic, no need for probate in respect of the property.

Disadvantages: You cannot leave your share to anyone else in your will. The entire property passes to the survivor, which may not be desirable for Inheritance Tax planning or if either partner has children from a previous relationship.

Tenants in Common

If you own the property as tenants in common, each owner has a distinct share (which can be equal or unequal). When one owner dies, their share forms part of their estate and is distributed according to their will (or intestacy rules if there is no will).

Advantages: You can leave your share to whomever you choose. Essential for IHT planning and second families.

Disadvantages: The surviving partner does not automatically inherit. You need a will (and possibly a trust) to protect them.

For most cohabiting couples, we recommend tenants in common combined with a life interest trust in the will. This allows you to leave your share to your children (or other beneficiaries) while giving your partner the right to continue living in the property.