

Rights of Cohabitants in Ireland

Cohabitant

You must live together as a couple in an “intimate relationship”

Includes couples:
1. Male and female
2. Male and Male
3. Female and Female

The couple must not be married or Civil Partnered to each other and they must not be related to each other

In order to fall within the remit of the Act and to avail of its provisions you must be categorised as a “Qualified Cohabitant”

Qualified Cohabitant

Living together for 2 years with Children before separation or death **and** must be financially dependent on the other co-habitant

or

Living together for 5 years before separation or death **and** have no children and must be financially dependent on the other co-habitant

Cohabitation Agreement

No

The Court can make the following Orders on separation within 2 years of separation

Property Adjustment Order
— and/or —
Compensatory Maintenance
— and/or —
Pension Adjustment Order
— and/or —
Lump Sum

The Court can make the following Orders on the death of a Qualified Cohabitant

If surviving Cohabitant is in receipt of maintenance, the court can make an Order for a lump sum payment to be made from the Estate of the Deceased Cohabitant

Yes

If both parties have signed a Cohabitation agreement after having obtained full Independent legal advice then there is a limited right to either party to apply in exceptional circumstances

Jargon Buster

Property Adjustment Order

A Property Adjustment Order outlines the change in ownership of property held during the relationship

Compensatory Maintenance

Compensatory Maintenance is financial support given by one party in support of the other dependent party

Pension Adjustment Order

A Pension Adjustment Order directs the trustees of a Pension scheme to make payments, as agreed, to a person who is not a member of the Pension scheme

Will

A Will is a formal legal document which outlines your wishes as to how your property, saving and personal possessions are to be distributed on your death

Cohabitation Agreement

A Cohabitation Agreement is a legal agreement made between a couple who have chosen to live together and provides for financial matters during the relationship and when it ends by separation or death

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