Unmarried Couples & Blended Families

Where you stand, what can go wrong, and the simple steps you can take to protect the people you love



An unmarried partner has no automatic right to inherit. There were around 3.5 million cohabiting couple families in the UK in 2025, according to the Office for National Statistics.

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About Edge Legacy Planning

Edge Legacy Planning is a will-writing and estate-planning firm. We are not solicitors and we are not regulated by the Solicitors Regulation Authority. This guide is general information based on the law in England and Wales as at September 2026. It is not legal, tax or financial advice, and your circumstances may differ.

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THE STARTING POINT

The Myth of Common Law Marriage

There is no such thing as common law marriage in England and Wales. It doesn't matter how long you have lived together, whether you have children, or whether you share a mortgage. In the eyes of the law, an unmarried couple are considered two distinct individuals.

Despite this, just under half of people in England and Wales believe that living together creates a common law marriage, according to the British Social Attitudes Survey, and the figure has barely changed in over a decade.

For most of everyday life, the myth does little harm. Where it matters, however, is when someone dies. A married partner is protected by the intestacy rules and by the Inheritance Tax (IHT) spouse exemption. An unmarried partner is protected by neither, and the same gap appears, in a different form, when people remarry and families blend.

This guide is for you if you live with a partner you are not married to, if you have remarried, or if your family includes children from a previous relationship. It explains where the law leaves unmarried couples, the pitfalls that come with second marriages and blended families, and the practical steps required to put things right.

WHERE YOU STAND

What the law says for unmarried couples

A quick comparison

Many couples are surprised by how different the starting points are. Below is what the law gives each type of couple automatically:

If you're married or in a civil partnership	If you're living together
If there's no will, your partner inherits first, including at least the first £322,000	If there's no will, your partner has no automatic right to inherit anything
Anything you leave each other is normally free of Inheritance Tax	There is no exemption, and 40% can apply above the tax-free allowances
Your partner can ask the court for generous provision from the estate	A court claim usually requires 2 years of living together, within strict time limits
Pension schemes often provide for a husband, wife or civil partner automatically	Pension death benefits usually depend on your nomination form being up to date

What happens to our home?

If the couple own their home as joint tenants, the deceased's share passes automatically to the survivor, outside the will and outside intestacy. However, a home owned as tenants in common, or held in the deceased's sole name, passes under the intestacy rules to relatives, not to the surviving partner.

Savings, pensions and the court claim fallback

Joint accounts generally pass to the survivor, and an up-to-date pension nomination can direct death benefits to a partner, but sole-name assets follow the intestacy rules. The only fallback is a court claim under the Inheritance (Provision for Family and Dependants) Act 1975, which is slow, uncertain and limited to reasonable maintenance, so a valid will means it should never be needed.

SECOND MARRIAGES & BLENDED FAMILIES

When families blend, wills need care

Marriage and remarriage bring their own rules.

Marriage cancels an existing will

Under the Wills Act 1837, getting married normally revokes any will you already have, unless it was made in contemplation of that particular marriage, so a new will should follow a new marriage.

What is sideways disinheritance?

This is the name given to the classic blended family problem. Everything passes to the new spouse, and when they later die, their own will or intestacy decides where it all goes, which can leave the children of the first relationship with nothing.

Key Example: Margaret and David each had children from a first marriage. They made simple wills leaving everything to each other, and then to all four children. After Margaret died, everything passed to David, and years later he changed his will, so Margaret's children received nothing. A life interest trust in Margaret's will would have protected their share while still providing for David.

How a life interest trust can help

A life interest trust written into a will lets the surviving spouse or partner live in the home, or receive the income, for the rest of their life, while the underlying capital is preserved for the children. It doesn't avoid tax or care fees, and the assets still count as part of the survivor's estate for IHT, but it balances providing for a partner with protecting children from a previous relationship.

Step-children and divorce

Step-children are not treated as children under the intestacy rules unless they have been legally adopted, so providing for them requires a will. Divorce, meanwhile, does not cancel a will. The former spouse is simply treated as having died on the day the marriage ended, which can leave gaps that need reviewing.

PROTECTING YOUR CHILDREN

Guardians, and providing across two families

For unmarried and blended families, a will does two jobs that nothing else can do as well: it says who would raise your children, and how they are provided for.

Key Figures: More than half of births in England and Wales are now registered outside marriage or civil partnership, according to the Office for National Statistics.

Appointing a guardian

A will is the usual way to appoint a legal guardian for children under 18. If no guardian has been appointed and there is no surviving parent with parental responsibility, the family court decides who raises them. Naming guardians in your will keeps that decision where it belongs, with you.

Providing for children from a previous relationship

Intestacy and simple wills carry the same risk: children from a previous relationship can be left out altogether. Providing for them expressly in your will is the way to make sure both sides of the family are looked after as you intend.

PLANNING AHEAD

Putting the right protections in place

None of the problems in this guide are difficult to solve while both of you are here to solve them. The four checks below cover the majority of tasks to be executed.

Make or update your wills together

For unmarried couples, wills create the protection the law doesn't provide. For second marriages, a new will should follow the wedding, balancing your partner and any children from previous relationships.

Check how your home is owned

Joint tenants or tenants in common shapes both what happens to your home and what your will can control. HM Land Registry can confirm this position, and the arrangement can be changed if it no longer suits you.

Review your pension nominations and life policies

Unlike a will, a divorce does not automatically remove a former partner from a pension or death-in-service nomination, and schemes vary, so review these forms after any separation, divorce or remarriage.

Will the law change?

Possibly. In June 2026, the government consulted on proposals called A Fairer End to Relationships, that would give qualifying cohabitants inheritance rights for the first time. However, these are proposals only, and any change is likely to be years away, so planning today is imperative.

NEXT STEPS

How Edge can help

1. A relaxed conversation. At home or over the phone, in plain English. We talk through your family situation and what you would want to happen.
2. Fixed, transparent pricing. Our fee is agreed before you commit to anything, with no surprises later on.
3. Wills built around your family. We help couples make or update wills together, appoint guardians, and, where there are children from previous relationships, explain options such as a life interest trust in plain terms. Where financial or tax advice is needed, we'll point you to a regulated financial adviser.

The law will catch up with modern families eventually. Until then, a properly drafted will is what stands in its place, and it costs nothing to find out where you stand.

Get in touch: 01883 723310

Visit our website for more information: https://edgelp.co.uk

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