

What are my rights as an unmarried partner? (decision tree)

England & Wales · Decision tree · Reviewed June 2026

Cohabiting partners have no automatic inheritance rights. This tree shows what you can rely on if your partner dies, and where you may need to make a claim.

Work through the tree

Step 1. Are you married or in a civil partnership?

- Yes → You have spousal rights. As a spouse or civil partner you inherit under the will or, if there's none, under the intestacy rules. This tree is for unmarried partners.
- No → go to step 2

Step 2. Did your partner leave a valid will naming you?

- Yes → You inherit as the will provides. A will is the most reliable protection — you receive whatever it leaves you.
- No → go to step 3

Step 3. Was your home owned together as joint tenants?

- Yes → The home passes to you by survivorship. A joint-tenancy home transfers automatically to you, outside the will and intestacy. Other sole-name assets still don't.
- No → go to step 4

Step 4. Did you live together as a couple for at least 2 years, or were you financially maintained by them?

- Yes → You may claim under the Inheritance Act 1975. You can apply to the court for reasonable financial provision — usually within six months of probate. Get advice quickly.
- No → No automatic entitlement. Without a will, joint ownership, or a qualifying claim, you have no automatic right to inherit. Seek legal advice on any options.

Possible outcomes at a glance

- Named in a will: you inherit as it provides — the safest route.
- Joint-tenancy home: passes to you automatically by survivorship.
- 2+ years cohabiting or maintained: you may claim under the Inheritance Act 1975 (within ~6 months of probate).
- None of these: no automatic entitlement — there is no common-law marriage in England and Wales.

Sources

- Inheritance (Provision for Family and Dependents) Act 1975, s1(1)(ba) — legislation.gov.uk
- Administration of Estates Act 1925 (intestacy) — legislation.gov.uk
- HM Land Registry — Joint property ownership ([GOV.UK](https://gov.uk))