

Your Legal Questions

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Q My partner and I have lived together for over 15 years. I've been told that if anything happens to him I will not be entitled to his assets - is that really true?

A With regard to any assets in the sole name of your partner this is absolutely true and therefore it is of fundamental importance that you both make Wills at the earliest opportunity.

Any assets that you jointly own will, by and large, pass automatically to the survivor. There are two ways in which property can be jointly held - in one instance they will automatically pass to a survivor, in the other instance they will not. If you are not certain which of the two applies legal advice will provide you with the answer.

Assets solely owned by your partner will upon his death form part of his estate. If he has not made a Will these will be governed by the Intestacy Rules which do not recognise relationships other than marriage and, since they became possible in December 2005, Civil Partnerships. Consequently your partner's solely owned assets could pass to relatives he would not have wished to favour over you.

Although you have no automatic right of inheritance without a Will it should be possible to lodge a claim under the Inheritance (Provision for Family and Dependents) Act 1975 if you were dependent upon your partner and no adequate provision has been made. However it is preferable to avoid reliance upon such a remedy as Court actions can be stressful, lengthy and costly.

It is for all of these reasons that I strongly advocate the importance of making Wills. For a relatively low cost both you and your partner can ensure that if the worst were to happen to one of you the other would be fully provided for.

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