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COUPLES LIVING TOGETHER

South African law does not recognise the so called "common law marriage". The period that a couple lives together does not translate into marriage by default. As such, the laws that protect married individuals will not apply to couples who only live together. In the case of a break-up, the law provides that all assets will simply be divided according to who owns each asset and no maintenance claim exists. Furthermore, if one of the parties passes away, the other party to the relationship does not inherit anything from the deceased in terms of the intestate succession, if such party passed away without a will.

If one partner bought immovable property during the subsistence of the relationship and it is registered only in his name, the partner who does not have official ownership will not be entitled to any part of the profit or the value of the property upon breaking-up.

It is always advisable for couples who live together to formally regulate their relationship with a co-habitation agreement. This agreement will secure each partner's assets and provide ease of mind when the relationship comes to an end