

Consultation about changes to cohabitants' rights when their partner dies and leaves no will

Easy Read version

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Easy Read



About this document



This is an Easy Read document.



It is a **consultation**.

A **consultation** is a set of questions that the Scottish Government asks everyone to see what they think about some new plans.



We want to know what you think about our plans for better **rights** when someone's partner dies but does not leave a **will**.

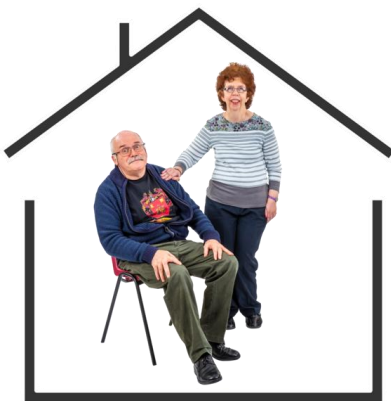


In this document **rights** means protections in the law for people in Scotland.



A **will** is a document that someone writes and signs to say:

- who will get the money they leave
- who will get any homes they leave
- who will get their belongings



This consultation is about **cohabitants**.

Cohabitants means people who are in a relationship and live together but are not married.



Please read the information in this document.

Then answer the 2 questions near the end.

What the law says at the moment



The law says that if 1 person dies, their partner can get some of their money and belongings if the will says so.

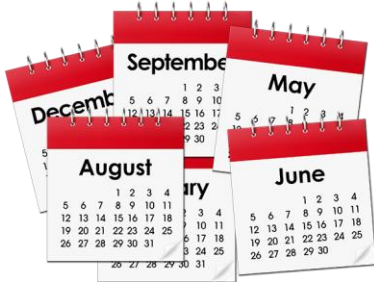


But if the person who dies had not written a will, their partner does not get any of their money or belongings.





If there was no will, the law decides how their money and belongings should be shared out.



If their partner wants to ask for some of the share, they need to **apply** to the court in the 6 months after the death.



Applying means filling in the right forms and this is normally done by the person's **solicitor**.

Solicitors are people who know about the law and can give advice or help with law problems.



There are problems with this law.



Courts are not told how the money will be used to help the partner left behind.



Courts are places where the law is used to sort out problems and decide what happens next.



There are too many details for courts to think about when they decide for each person applying.



There is not much guidance for courts about which issues are most important each time.



The words used to explain what cohabitants are, are not clear.

This makes it tricky for courts to decide what needs to happen next.



6 months is not long enough for a partner to apply to the court.

What we think should get changed



The words to say what ‘cohabitant’ means need to be clearer.

This will help courts decide if the person applying was a cohabitant of the person who died.



The **Scottish Law Commission** also wants the words made clearer.



The **Scottish Law Commission** is an **independent** organisation.

Independent means it does not take sides.



We think there should be better guidance for the courts to follow.



People should be allowed longer than 6 months to apply to the court.

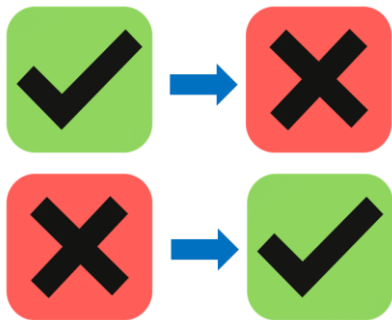
Our plan



We need to make a new **Bill** to make these changes happen.

A **Bill** is a plan for new laws.

Members of the Scottish Parliament discuss them to decide if they should become law.



The Bill will set out the changes we want to happen in law.

Our questions



We are asking everyone what they think about these planned changes to the law.

We want to know what you think about them.



Please answer the 2 questions below.



Please send us your answers by 21 April 2026.



If you are going to print out these pages to write on, please use the Enter button to grow the Question 2 answer space before you print.



To tick a box by typing, tap the box once and a tick will appear.

If you change your mind, tap the tick and it will change back to an empty box again.

Question 1



1. Should this part of the law use the Scottish Law Commission's wording to explain what 'cohabitant' means?

Tick 1 box.

Yes, this part of the law should use their wording to describe what cohabitant means.



No, this part of the law should not use their wording for cohabitants.



I am not sure.



Question 2

We know that the 6 month time limit can make it hard for someone to apply.



2. What other difficulties do people have when they are applying for their partner's money or belongings after they have died leaving no will?



Type or write your answer in the space below.

It will grow as you type.

How to send us your answers



Thank you for answering our questions.

You can send us your answers in these different ways.



You can save your answers and attach them to an email.

Email us at

familylawconsultation@gov.scot



You can print out the pages and send them to us at:

Family Law Policy Unit

Scottish Government

GW.15

St Andrew's House

Edinburgh

EH1 3DG



If you need help to send us your answers, you can phone **07787 198 774**.

Our other consultations



We have 4 more consultations about 4 more law changes.

The changes are about:



- cohabitants' money rights when they separate



- changing the youngest age for getting married from 16 to 18



- having more rules for organisations who do weddings



- making it easier for some couples to get divorced if they have children under 16



You can find an Easy Read set of questions for each one.

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Related publications

Other Easy Read Versions:

- [Family Law Consultation about changes to the law about money rights when 2 people separate- easy read](#)
- [Family Law Consultation about changes to the law about the youngest age for getting married- easy read](#)
- [Family Law Consultation about having more rules for organisations who lead marriages- easy read](#)
- [Family Law Consultation about an easier way for some couples to get divorced- easy read](#)



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