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**STUDY ON MATRIMONIAL PROPERTY REGIMES
AND THE PROPERTY OF UNMARRIED COUPLES
IN PRIVATE INTERNATIONAL LAW AND INTERNAL LAW**

**ADDENDUM
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1. Statistical data

The Office of National Statistics collects extensive numerical data on the number of marriages, divorces and adoption. The most recent full survey that has been published covers the year 2000.¹ A shorter report on divorces in England and Wales was published in 2002, in anticipation of the extensive survey that will be published in the summer of 2003.²

Furthermore, judicial statistics are collected and published by the Lord Chancellor's Department and have been published most recently for the year 2001.³

With respect to statistical data in respect of unmarried couples, reference can further be made to two articles published in 2001.⁴

a. statistical data on marriages and divorces

The data collected do not reflect the international element of the marriage, divorce or cohabitation. Enquiries have been made with Mr John Heskey of the Office of National Statistics (ONS) and author of some of the publications that were consulted. Mr Heskey explained that the registration system in England and Wales records every marriage solemnized in England and Wales (E&W) - but that there is no information on residents who marry abroad and subsequently return home – including residents who specifically go abroad to marry in a marriage-plus-honeymoon package - or non-residents who come to marry in England or Wales. Mr Heskey did remark that in this context a new question has been introduced in the International Passenger Survey which is run by the ONS and where passengers are asked whether the travel is for the purpose of getting married. The question has as yet not produced any data.

Mr Heskey further pointed to a discrepancy that may be explained by the international dimension of a marriage or of cohabitation. When estimating the numbers of married men and women, the Office of National Statistics always finds, besides a margin of uncertainty, that there are more of the latter than the former. It is presumed that the number of married men working, or living, abroad, exceeds the corresponding number of married women. Similar

¹ Office for National Statistics, London, Series FM2 no. 28

² Population Trends 110, Winter 2002, p. 74-77.

³ Available in hard copy and on the free website <http://www.lcd.gov.uk/judicial/jsar01/contents.htm>.

⁴ J. Haskey: "Cohabitation in Great Britain: past, present and future trends – and attitudes", in: Population Trends 103, Spring 2001, p. 4-25; Id.: "Cohabiting couples in Great Britain: accommodation sharing, tenure and property ownership". Population Trends 103, Spring 2001, p. 26-36.

issues arise with estimating the numbers of cohabiting men and women, although here there can be many other explanations for the discrepancy.

The main data provided are retaken here, for a full account the reports and surveys indicated above should be consulted. As indicated, the data available say little on the international dimension of the marriage or the divorce.

Marriages and Divorces, 1990-2000, England and Wales

Year	Marriages				Divorces					
	Total	First marriage of both parties	First marriage of one party only	Remarriage of both parties	New petitions filed ¹	Total	First marriage of both parties	One party previously divorced	Both parties previously divorced	Other combinations
1990	331.150	209.043	67.013	55.094	192.280	153.386	113.898	25.378	12.848	1.262
1991	306.756	192.238	63.159	51.359	179.722	158.745	117.232	26.806	13.487	1.220
1992	311.564	191.732	66.296	53.536	189.864	160.385	117.565	27.679	13.956	1.185
1993	299.197	181.956	64.551	52.690	185.105	165.018	119.911	29.173	14.773	1.161
1994	291.069	174.200	64.009	52.860	176.332	158.175	114.174	28.641	14.265	1.095
1995	283.012	166.418	63.975	52.619	174.847	155.499	111.485	28.708	14.211	1.095
1996	278.975	160.680	64.653	53.642	178.672	157.107	111.977	29.413	14.630	1.087
1997	272.536	156.907	62.911	52.718	164.254	146.689	104.205	27.653	13.794	1.037
1998	267.303	156.539	60.642	50.122	166.375	145.214	102.677	27.859	13.746	932
1999	263.515	155.027	59.540	48.948	162.686	144.556	101.548	27.915	14.138	955
2000	267.961	156.140	61.550	50.271	158.261	141.135	98.824	27.595	13.888	828

¹ Including petitions for annulments; there were 452 in 2000.

² Including decrees of divorce and nullity.

Source: *The Court Service*

b. statistical data on unmarried couples

An extensive article published in 2001 sets out many data pertaining to unmarried couples. It should be noted however that there are only data available for England and Wales for heterosexual couples, not for homosexual couples.

Reference is made here to a table that sets out (in percentages) the various forms of family composition.

Trends in family composition, 1986-98, Great Britain⁵

Type of family with head aged under 60 (in percentages)	1986	1990	1994	1998
Cohabiting couple families				
with no children	3	5	6	8
with dependent children	2	3	4	5
with non-dependent children only	0.3	0.4	0.2	0.3
All cohabiting couple families	5	8	11	14
Married couple families				
with no children	22	22	21	20
with dependent children	49	43	42	39
with non-dependent children only	11	11	8	7
All married couple families	83	76	71	66
Lone parent families				
With dependent children	9	12	15	16

⁵ National Statistics, 103, Spring 2001, p. 14.

With non-dependent children only	3	4	3	4
All lone parent families	12	16	18	20

One conclusion that has been drawn from this is that the number of families of cohabiting couples with dependent children increased considerably between 1986 and 1998. In 1986 one in 30 families with dependent children would be formed by an unmarried couple, in 1998 one in 12 families with dependent children would be formed by an unmarried couple. Although cohabiting couples with dependent children with dependent children only formed 5% of all families in 1998, their relative number compared to married couples with children has grown. The trend witnessed is consistent with the number of children born outside marriage from 1986 to 1998.⁶

c. Ownership of property in respect of unmarried couples

At least one study has been carried in Great Britain out with respect to the ownership of property by unmarried couples.⁷ A few conclusions of this exploratory study should be mentioned here. Few cohabiting couples live together for longer than about seven to eight years. Whilst many couples marry, many others separate. The separation of the unmarried couples would raise the question whether there would be a right to sharing of assets, such as the property they had cohabitated in.

For the majority of unmarried couples the division of property will not play a role, as they would still be living in rented accommodation.

In case the couple was not living in rented (or rent-free) accommodation, for about a third of all unmarried couples the property would be in both their names. For married couples the marital home would be in joint in name in almost one out of two couples.

⁶ National Statistics, 103, Spring 2001, p. 14.

⁷ J. Haskey, Cohabiting couples in Great Britain: accommodation sharing, tenure and property ownership". Population Trends 103, Spring 2001, p. 26-36. An amended version was published as: 'Demographic Aspects of cohabitation in Great Britain', International journal of law, policy and the family, 2001,p. 51-67.