

## BOOK REVIEWS

COHABITANTS AND THE LAW BY ANNE BARLOW (3RD EDITION) [London: Butterworths, 2001, xxxiv + 372 pp, Paperback: £47.00]

*Cohabitants and the Law* attempts to present a cohesive body of law on the various legal issues encountered by couples who cohabit outside marriage. The cohabitant relationship is defined to encompass both heterosexual and same-sex couples living together as a joint unit in one household. The book is divided into two main parts: the first examines the cohabitation relationship and the second focuses on issues arising on the breakdown of relationship.

The clear value of this book is that it draws together disparate issues which are not dealt with in traditional family law literature. In Singapore for example, the main statute governing family law, the Women's Charter (Cap 353), regulates the marital relationship between the husband and wife and children of the marriage. While the Charter provides that a parent is obliged to maintain his or her illegitimate child, there is little else said about relationships arising outside marriage. As marriage is the highly preferred mode of structuring family life in Singapore society, the law in Singapore does not attach special legal significance to the cohabitant relationship. Cohabitants are treated as strangers rather than as having a relationship analogous to that of married couples.

The first part deals with the cohabitation relationship, the status of children of the relationship, housing matters, tax, pensions, social security matters and succession issues. In the first chapter on the "Cohabitant Relationship", the possibility of a cohabitation contract governing the parties' rights and obligations during cohabitation and on breakdown is explored. An interesting Framework Cohabitation Agreement is provided in the Appendix. Parental rights and responsibilities are discussed in chapter 2 on the "Status of Children", with references to the UK Children Act 1989 and Family Law Reform Act 1987. In contrast to the position in Singapore, these statutes make some provision for the parental rights and responsibilities of unmarried parents. The chapter on "Housing" usefully points out the vulnerable position of the cohabitant in sharing accommodation, particularly if the parties are not joint tenants. Succession issues relating to housing as well as relevant provisions in the UK Housing Act 1996 are also discussed. Although much of the chapter on "Tax, Pensions and Social Security" is more relevant in England, it raises the

issue of how unmarried parents may be deprived of child relief benefits in Singapore. Chapter 5 on "Inheritance and Succession" examines recent English law which has accorded rights to cohabitants under the Inheritance (Provision for Family and Dependants) Act 1975 (equivalent to the Inheritance (Family Provision) Act (Cap 138) in Singapore) as well as to children of unmarried parents in cases of intestacy. It will be useful to consider whether these are possible reforms that Singapore could model after.

The second part deals with issues of violence in the home, the status of and financial provision for children as well as the status of the family home on breakdown of the cohabitant relationship. Chapter 7 examines the remedies for dealing with violence in the home. The new Part IV of the Family Law Act 1996 in England allows spouses as well as cohabitants to apply for non-molestation and occupation orders. In contrast, even the more recent expanded 1997 version of the violence provisions in the Women's Charter has not included cohabitants in the definition of "family". In the chapter on "Status of Children on Relationship Breakdown", a practical "summary of options for unmarried parents" is included; the welfare principle is also examined. Chapter 9 on "Financial Provision for Children" deals with child support legislation in operation in England. Housing is examined in two chapters: one deals with rented property where remedies for unmarried opposite-sex couples are available under relevant legislation and the other deals with owner-occupied property where resolution of disputes lie mainly in the area of property law.

It is interesting to note that while some developments have occurred in England giving more recognition and rights to cohabitants, many remedies remain within the general law applicable to the area of dispute. Thus such a book devoted to an area comprised of disparate issues is welcomed. It brings the reader quickly up to speed with the pockets of law in England which accord special rights to cohabitants and advises the reader on areas which must be resolved by reference to general law. The book aims to give practical assistance to those practising in the area and includes "checklists" of things to consider in appropriate issues as well as website addresses of practical value. It is especially useful for lawyers practising family and succession law. It highlights areas of vulnerability of cohabitant parties so that sufficient care can be devoted to providing for contingencies such as the event of one party's death or the breakdown of the relationship. In Singapore nearly all issues relating to cohabitants must be resolved by reference to general law on the respective issue. The book also serves to provide a summary of issues which Singapore law can examine in considering whether reform is necessary.

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