



Prenuptial agreements

We understand that you may not want to think about your relationship ending, particularly at a time when you are about to marry or enter into a civil partnership.

If your relationship is a long and happy one, you may never need to think about the financial implications of a relationship breakdown but if the unforeseen happens separating your assets is likely to be costly, stressful and time consuming. A pre nuptial agreement can alleviate potential complications in such an eventuality.

What is a pre nuptial agreement?

An agreement made between a couple in anticipation of their marriage or civil partnership, which deals with how their assets are to be treated in the event of divorce or dissolution.

Why should you have one?

Sadly marriages and civil partnerships do not always work out as anticipated. Relationship breakdown has potentially far reaching consequences, so planning for all eventualities can eliminate the uncertainties and difficulties that you might face if you did not have an agreement in place.

Why would I need one?

In the event of you having acquired assets prior to the marriage or civil partnership, assets acquired through inheritance or your own endeavours.

Prenuptial agreements can be particularly worthwhile on second marriages or civil partnerships where assets have been accumulated prior to the marriage or civil partnership and there is a wish to secure or protect them for the benefit children.

Will a prenuptial agreement be enforced by the courts?

Although not strictly enforceable pre nuptial agreements are attracting judicial attention. Recent case law decisions have shown that the courts are increasingly willing to recognise them and uphold them as evidence of the parties' intentions.

Every case is different but if certain guidelines are followed the likelihood of the court mirroring all or some of the terms of the agreement when making an order is increased.



Pre-nuptial agreements

Not only can we prepare an agreement for you, we can also advise you on how to ensure its continual suitability. We recommend periodical review to take into consideration any changes in your circumstances that might need incorporating into the agreement.

Points to consider before making a pre-nuptial agreement:

The courts have suggested that if certain guidelines are followed your pre-nuptial agreement is more likely to be taken into account.

The guidelines recommend that:

- The agreement should be signed at least twenty one days before the proposed date of the marriage or civil partnership ceremony, and preferably even earlier, say six weeks.
- Both parties should provide full financial disclosure.
- Each party should receive separate and independent legal advice and this is recorded in the agreement.
- Suitable financial provision should be made in respect of any children, either already born or in the event that any are born in future.
- The terms should be fair both at the time the agreement is entered into and should be reviewed regularly to ensure that they remain fair.
- The terms of the agreement must be such that it would be enforceable as under the general law of contract.
- Both parties must sign the agreement willingly and without pressure or undue influence from any other person

If you would like more advice on how a pre-nuptial agreement could work for you, please contact one of our specialist family lawyers. Lester Aldridge LLP has offices in Bournemouth, Southampton and London.