

Prenuptial agreements; have you got yours?

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The benefits of having a prenuptial agreement: why every couple should consider one.

While a 'prenup' can be difficult to discuss with your partner, and one may seem unromantic to factor into your wedding plans, it's essential to understand their benefits and to discuss them openly and honestly with your partner.

This article will explore the advantages of having a prenuptial agreement, who should consider one, and how to get one.

What is a prenuptial agreement?

A prenuptial agreement, or 'prenup' for short, is an essential legal document that couples should consider when getting married. A prenup is an agreement between a couple that details how their assets and liabilities will be divided if they divorce. It can also outline the rights and responsibilities of each party during the marriage if they wish.

The advantages of having a prenuptial agreement

A prenup does several things for a couple considering marriage. First, it helps protect both parties' assets in case of a divorce. The prenup helps to ensure that the couple's assets are divided fairly.

Another benefit of having a prenup is that it can help to reduce the amount of stress and conflict that can arise during a divorce. Having a prenup in place lets both parties know exactly what to expect if their marriage does not work out. This can reduce the time and money the couple would spend in court and make a divorce smoother for all involved.

A prenup can help to protect a partner's assets, such as business interests, inheritances, and investments. This can be particularly beneficial if one partner has accumulated a significant amount of wealth before the marriage.

How to get a prenuptial agreement

In the UK, no procedures make a prenuptial agreement automatically legally binding. However, they are still relied on in court. They can be upheld in divorce proceedings if the below criteria are met:

- Both parties have received legal advice and have their needs met by the agreement.
- The prenuptial agreement must be fair, contractually valid, understood by both parties and made at least 28 days before the wedding.
- Children should not be prejudiced.

How to discuss a prenup with your partner

Discussing a prenup with your partner can be a difficult and sensitive subject. It's essential to approach the subject with an open mind and respect each other's opinions. Be honest with your partner about why you think a prenup is necessary. Explain that both parties have certain rights and responsibilities and that a prenup can help protect those in the event of a divorce.

Finally, it's important to be open to negotiation. Both parties should be willing to compromise to come to an agreement that is fair for both parties. The agreement being fair is a condition for it to become legally binding.

Contact Family Partner, [Vandana Chitroda](#) today to find out more.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

