

Can pre-nups help to save your marriage?

April 2018

Wedding season is just around the corner and has an extra buzz thanks to the brace of royal weddings planned for 2018.

If you're tying the knot this year, it's likely you've spent time carefully planning everything from bouquets to bunting. But have you given a second thought to a pre-nuptial agreement?

Some couples just don't want to think about what happens if there isn't the dreamed of fairy-tale ending. But what if a pre-nuptial agreement (a 'pre-nup') could help make your marriage stronger?

What can a pre-nup do?

A pre-nup is a legal agreement that is designed to make things easier to sort out if the marriage breaks down. It can:

- **protect any pre-existing fortune from being split**
- **protect a spouse from their partner's debt**
- **provide for children from a previous relationship**
- **keep family property within the family**
- **help prevent solicitor fees from mounting up**

A pre-nup is enforceable in the UK, although judges still have the discretion to ignore it, especially if it is unfair to any children of the marriage.

So how could a pre-nup help save your marriage?

There's a saying that goes 'money makes people funny.' Different people have different attitudes to money, and that can cause arguments even among close family and friends. Money is the leading cause of stress in relationships – and that stress can sometimes strain a relationship to breaking point.

That's where a pre-nuptial agreement could help a marriage to last longer. With a pre-nup you have both clearly outlined your approach to handling your finances in advance. It will mean you've already agreed on many financial issues, such as if school fees should be paid and how any inheritance should be handled. And deciding these financial arrangements in advance could help prevent future arguments that could lead to a divorce.

Is a pre-nup for you?

You might feel that you don't have enough money to warrant a pre-nup at the point of marrying, but who knows what the future may bring?

To decide if a pre-nup is for you, speak to one of our family lawyers. They are no longer just the preserve of celebrities and the super-rich. Anyone can benefit from the peace of mind that a pre-nuptial agreement can bring, but they may be especially relevant if:

- you've built up a business and don't want to have to sell it if you divorce;
- you want to ensure that any children from a previous relationship will not lose any inheritance rights;
- you have or are likely to inherit a family home that you would want to keep in the family.

A pre-nuptial agreement can also give you extra peace of mind if you have concerns over your partner's debt. That's because a 'debt clause' can be included to protect you from being liable for that debt.

Do I need legal help?

Yes. To comply with the law, a pre-nuptial agreement must be drawn up and signed by a qualified solicitor, like our James McMullan. There's no 'one-size fits all' so it's

a good idea to speak to a family lawyer like James. He has the expert knowledge and understanding of this niche area to effectively meet your needs.

In most cases a pre-nup will list all the assets of each partner and how they will be handled if a divorce was to happen. All assets and property must be fully disclosed and both parties need to confirm that they voluntarily agree to it. You and your partner will need to use separate solicitors, and it should be signed at least 21 days before the marriage.

What happens if you change your mind?

Your pre-nup can be changed at any time, as long as you both agree. If you're already married, you could also consider a post-nuptial agreement at any time.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.



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