

# Do I need a pre-nuptial agreement?

Marriage comes not only with emotional attachment but also financial implications, and it is important to consider these before tying the knot. A pre-nuptial agreement is one way of making sure that the finances and assets of both you and your partner are accounted for before you enter into a marriage.

By entering into a pre-nuptial agreement, both you and your partner can take comfort that, in the unfortunate event of a separation following marriage, the pre-nuptial agreement will act to prevent costly, time-consuming and emotionally draining disputes over the division of both yours and your partner's finances and assets.

## What is a Pre-Nuptial Agreement?

A Contract entered into before marriage which seeks to:

- Define the parties' respective property rights during the course of the marriage
- Set out the assets of the parties and predetermine how they would be divided in the unfortunate event of a divorce
- The Contract may cover assets acquired both before and during the marriage.

## Is a Pre-Nuptial Agreement enforceable on the dissolution of a marriage?

Pre-nuptial agreements, although not strictly enforceable in England and Wales, do act as a very persuasive factor when the Court is deciding on the division of assets upon divorce.

## Why enter into a Pre-Nuptial Agreement?

- To protect and preserve assets if your marriage subsequently breaks down and to avoid costly litigation
- Couples marrying for a second time may want to preserve their assets, possibly for their children from an earlier marriage
- Couples marrying for the first time, seeking to limit the impact of divorce on "family" assets arising from inheritance or gift or possibly various family trusts
- Wherever there is a disparity of assets between a couple intending to marry.

## What does a Pre-Nuptial Agreement seek to do?

A Pre-Nuptial Agreement typically defines the separate and joint assets of spouses and sets out how those respective assets will be divided in the event of divorce.

A Pre-nuptial agreement is a way of achieving fairness in the distribution of a couple's individual and joint assets in the event of a divorce following marriage.

## What should be considered when thinking about a Pre-Nuptial Agreement?

- The agreement must be entered into by both parties of their own free will and without undue pressure or influence
- The parties must be aware of the implications of entering into a Pre-Nuptial Agreement
- Full disclosure of each party's finances must be provided
- Each party should obtain independent legal advice as to the effects and implications of the Agreement
- The Agreement must not be deemed to be unfair
- The terms of the Agreement cannot be allowed adversely to affect the circumstances of a child
- The Agreement should not be entered into less than 28 days prior to the wedding.

## Should all people marrying have a Pre-Nuptial Agreement?

Although it is not a legal requirement to enter into a Pre-Nuptial agreement before marriage, increasing numbers of couples are turning to such agreements to financially safeguard their respective and joint assets. We always encourage couples to at least consider entering into a Pre-Nuptial agreement before they enter into marriage.

**Blaser Mills' Family & Divorce team are highly experienced solicitors who can advise you on your respective rights and obligations. Should you require further information on this matter, or any other advice concerning family or divorce matters, we are happy to discuss your options with you over the telephone at no charge.**

Please call 020 3814 2020 or alternatively, email us on: [family@blasermills.co.uk](mailto:family@blasermills.co.uk) to arrange an initial conversation.

General legal information can be found at our website [www.blasermills.co.uk](http://www.blasermills.co.uk)