



**SPECIALIST IN FAMILY LAW
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PRE-NUPTIAL AGREEMENTS – LOSE IT OR PRE-NUP IT!

Many people believe that the suggestion of a Pre-Nuptial Agreement offends the sanctity of marriage and that entering into such an agreement is the last possible thing they would think of doing. They enter into marriage unconditionally, fully trusting their future wife/husband, giving no thought to the “what if” question in the event that the relationship were to break down.



There is nothing wrong with the idea of romance and the belief that love will last forever and that nothing will go wrong – but what if it does!

I once had a debate with the Bishop of Worcester on BBC Hereford and Worcester who felt offended by the suggestion of pre-nuptial agreements but when you look at them they are really no different to taking out an insurance policy – or are they?

We protect ourselves against road traffic claims by taking out insurance; we protect potential health problems by taking out health and life cover; we protect our homes and contents by taking out insurance cover in case something happens that may be unforeseen.

Pre-Nuptial Agreements are not suitable for everyone – but they can offer protection in certain circumstances. Examples where a Pre-Nuptial Agreement may be beneficial would be:-

- Where one or both parties have previously been divorced and have lost substantial assets within that divorce and wish to protect their assets for the future;
- Where one party brings into the new marriage substantial capital assets or property;
- Where one party has young children from a previous relationship and wishes, for example, to preserve the property which they have retained or built up prior to the new marriage;
- Where one party has an interest in, for example, a farming business where his or her partner would suffer financial hardship were that business ultimately to be sold if the marriage broke down in order to raise capital or where one party has inherited assets or about to inherit assets or capital.

Pre-Nuptial Agreements may not sound romantic but they have their place in today's society. It is preventative medicine and offers protection for those who seek it.



Parties who are secure in the knowledge of their love for the other are not offended by the suggestion of a Pre-Nuptial Agreement.

Pre-Nuptial Agreements have not traditionally been enforced in this country but it is only a matter of time before they will be.

However, the Courts can take account of the parties intentions at the time they entered into the Pre-Nuptial Agreement and this can be extremely persuasive to demonstrate exactly what the parties had in mind at the time they entered into the Agreement.

If a pre-nuptial agreement is for you, then we can help you ensure that those valuable assets are protected. For further information contact Tracy Lowe of Lowe's Solicitors.



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