



## PRE-NUPTIAL AGREEMENTS



**The information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.**

A pre-nuptial agreement is a document prepared before marriage which seeks to set out the terms of a separation should a marriage break down.

Following some recent high-profile divorces, more people are seeking advice on whether they should sign a pre-nuptial agreement before they marry. This is particularly the case where one party may be bringing assets acquired from a previous relationship into the marriage, or where they have built up individual wealth before their current relationship began.

These agreements are not yet enforceable under English law but many people are campaigning for the law to be changed. Recent judgments have also seen the Courts give greater weight to such agreements, and although the Court will not be bound by them, they are considered. A pre-nuptial agreement could therefore be influential or persuasive within subsequent divorce proceedings.

A pre-nuptial agreement should be:

- Freely entered into
- Undertaken only after both parties have taken independent and competent legal advice
- Undertaken only after both parties have fully disclosed all financial matters and relevant circumstances to one another

The terms of a pre-nuptial agreement should be considered very carefully. Thought should be given as to whether provision should be made for changes in the relationship such as the birth of a child, disability or ill health, and the changing needs of marriage partners over the course of time. All these factors could have an impact on whether a pre-nuptial agreement would be upheld on divorce.

## THE FAMILY DEPARTMENT



### **Jonathan Brock**

Jonathan is head of the family department, and is a court advocacy specialist handling matrimonial, divorce, co-habitee and childcare matters.

### **David Bloomfield**

David is a childcare specialist and has been a Hatch Brenner partner since 1985. David is a member and former interviewer for the Law Society's Children's Panel and the Norfolk & Norwich Medico-Legal Society



### **Richard Dilks**

Richard has always specialised in family matters including financial settlements after divorce or separation, and child-related issues such as contact and residence disputes. Richard is a Family Law accredited specialist and trained Collaborative Lawyer.



### **Jo Mayes**

Jo joined the firm in 1985, and has had experience in civil litigation, personal injury and divorce matters. Jo is a member of the Norfolk & Norwich Medico-Legal Society.



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