



The Pre and Post-Nuptial Agreements :

Finding certainty in uncertain times

It is more or less common knowledge that a **Pre-Nuptial Agreement** is not enforceable in the UK, but is of evidential benefit to those of us who wish to establish a formal foundation as to how our assets might be divided upon separation or Divorce.

However, in these uncertain fiscal times, it is becoming more and more difficult to identify the value of an asset and to be able to set out an accurate inventory of what we own, and what it is worth. Obtaining the current value of an existing or future family home will not necessarily be an uplifting experience at this time, and there may be little prospect of being able to sell that asset quickly so as to free up the net equity therein.

Even where a couple has a Pre-Nuptial Agreement already, the terms of that Agreement may need to be revised due to the overriding economics, or indeed a change in circumstances.

So, what does a spouse do, if sadly, the marriage is over, but the depressed values of your assets make a separation now practically impossible and very much unpalatable?

This is where the Pre-Nuptial Agreement comes in. It is all about life planning and management. When used appropriately and drafted properly, it can ease the strains of a breakup and prepare each spouse for their respective future lives.

In some cases, a **Post-Nuptial Agreement**, drawn up after the wedding/Civil Partnership, may even save a marriage.

Recently, Senior Judges in the case of MacLeod declined to recognise the enforceability of Pre-Nuptials, but they did rule that the Post-Nuptial amendments to the Agreement were enforceable. Therefore, an Agreement made after marriage can give weight to an Agreement made in anticipation of marriage, and on its own, the Post-Nuptial Agreement is very compelling as evidence of the accord between the spouses.

The changes in the law may have an impact on you whether you know it or not. We can't change the economy, but we can help you access your options with regard to the drawing up of a Pre-Nuptial and/or Post-Nuptial Agreement, thus providing you with as much protection as possible in these uncertain times. The uncertainty which one or both of you may feel at the moment, in terms of what the future holds, will be addressed, agreed upon, and put to one side, allowing for your day to day life to continue.

Please do take advantage of our experience and expertise in these areas, and call for a review of your Pre-Nuptial Agreement or just to discuss your relevant options now.