



CB CLARITY

NUPTIAL AGREEMENT SERVICES FOR PRIVATE CLIENTS

NUPTIAL AGREEMENTS HELP TO PROVIDE SECURITY AND CERTAINTY IN THE FUTURE, FOR BOTH PARTIES.

WHAT IS A NUPTIAL AGREEMENT?

A nuptial agreement can be a pre-nuptial (before the marriage) or a post-nuptial agreement (after the marriage). Civil partnership agreements (pre-civil partnership and post-civil partnership agreements) are treated in the same way and all information in this document is applicable to civil partnership agreements too.

The purpose of a nuptial agreement is to agree a fair financial settlement between a couple in the event they get divorced/the civil partnership is dissolved, and **it seeks to protect any pre-acquired assets** such as inheritance, businesses or property and also seeks to deal with any future inheritance. In England, the jurisdiction of the court cannot be ousted. This means that one party cannot stop the other party trying to ask the court to intervene. The documents however, if drafted correctly and if procedurally sound, are likely to be given significant weight by the court and, accordingly, should be treated by the parties as being likely to bind them.

Put simply, pre and post-nuptial agreements help to provide security, clarity and certainty in the future, for both parties.

It is often lack of information that makes couples apprehensive of nuptial agreements. We can advise you and you can then decide together if signing a nuptial

BENEFITS OF A NUPTIAL AGREEMENT:

- Certainty and clarity for the future and financial transparency between you and your partner
- More control to the parties to decide a settlement in the future instead of the court
- Less acrimony and expensive legal fees if the marriage breaks down
- The ability to preserve family wealth for future generations and protect inheritance, or future inheritance
- The ability to protect a pre-acquired business
- The ability to protect assets for the benefit of existing children
- An invaluable tool for wealth planning
- A fair provision for the economically weaker party in the event of marital breakdown
- Reassurance for both of you and certainty about the financial consequences of divorce

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"ENSURING YOUR PRE-NUP IS DONE AND DUSTED WELL AHEAD OF THE WEDDING MEANS YOU CAN FOCUS ON YOUR HAPPY DAY AND YOUR FUTURE TOGETHER."

Toby Yerburgh, Head of Family law

ARE NUPTIAL AGREEMENTS RECOGNISED/LEGALLY BINDING IN THE UK?

Whilst nuptial agreements are not binding on the courts, **they are likely to be upheld if certain requirements have been met.** Requirements include the terms of the agreement being fair and that the agreement must have been entered into without duress. It is also essential that the agreement is signed in reasonable time before the marriage and that before entering into the agreement, both of you should have obtained independent legal advice and that there must be full and frank disclosure.

Providing these requirements are met, you can be reasonably certain that the agreement will be upheld by the English court. **Our expert legal team will ensure your nuptial agreement meets these requirements.**

WHEN SHOULD I START THINKING ABOUT A NUPTIAL AGREEMENT?

In the case of a pre-nuptial agreement, we would advise you to have an introductory meeting with us as soon as you can with the idea of us drafting the agreement 3-4 months (or preferably earlier) before your wedding date. This gives time for any negotiations. If the agreement is not signed at least 28 days before the wedding, it may be given less weight. In this event we might then advise you also to sign a post-nuptial agreement.

THE CB CLARITY PROCESS

(1) DISCUSSION

Discuss the idea of a nuptial agreement with your solicitor and partner. Some prefer to get advice and information from their solicitor before discussing the idea with their partner, others prefer to see how their partner reacts before seeking legal advice.

(2) ADVICE

Both of you must obtain independent legal advice. At your first meeting your solicitor will clearly explain the law on nuptial agreements and how to structure an agreement to suit your needs, for example separating certain assets, how jointly owned property will be divided or/and providing specific financial provision on divorce.

(3) DISCLOSURE

Financial disclosure by both parties.

(4) FINALISING

The agreement is drafted and negotiated.

(5) AGREEMENT

The agreement is signed, witnessed and safely stored.

"THE CB TEAM GUIDED MY FIANCÉ AND I THROUGH THE PROCESS WITH REAL EMPATHY. THEIR EXPERTISE WAS OBVIOUS WHEN DEALING WITH WHAT IS, OF COURSE, QUITE A SENSITIVE AREA"

Client feedback

CB CLARITY

INTERNATIONAL CONSIDERATIONS

We are highly experienced in acting for clients with international interests and assets. We frequently encounter nuptial agreements which include foreign elements and are accustomed to working with experienced lawyers abroad to make sure these agreements are compliant in more than one jurisdiction. If you are considering moving abroad or have a connection to another country or several countries (for example assets held in another jurisdiction) then there could be international considerations that we will discuss with you. We are able to make sure that any nuptial agreement is personalised to meet your and your families' needs.

If you are moving to England and hold a foreign nuptial agreement we can also advise you. The English court is not bound by foreign nuptial agreements and will only apply English law. Whether your foreign nuptial agreement will be upheld (in full or in part) will very much depend on the circumstances of its creation and whether its terms are fair from an English law perspective.

OUR CB CLARITY NUPTIAL SERVICE INCLUDES :

- Initial consultation where we will take full instructions on your circumstances and what you wish to achieve, we will then advise you what would work best for you. We will also guide you through the pros and cons of having an agreement and the procedure.
- An experienced expert family lawyer to be your ongoing point of contact.
- Comprehensive first draft of your nuptial agreement.
- Recommendations for your partner's independent legal representation.
- Secure storage of your nuptial agreement.
- Access to a network of expert lawyers who can advise on different areas of law as needed.

HOW MUCH WILL IT COST?

Every nuptial agreement is bespoke and tailored to you and your partner's specific needs. We charge £500 plus VAT for the initial introductory meeting, and further legal costs will be discussed as part of this initial consultation.

GET IN TOUCH



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