



**Bina Modi, Head of the Family  
Department of Smith Partnership  
Solicitors discusses financial planning prior  
to marriage.**



Pre-nuptial agreements are never going to score very high on a romantic level in the run up to a wedding, but as a form of insurance and sensible financial planning, they do have their benefits. This is the case especially if one considers that an average first marriage in the UK lasts just six years and remarriages later on in life, when parties have already amassed their wealth, are on the increase. Often parties are marrying for the second time and have children from previous marriages, or relationships that need to be protected financially.

There is a growing sense of unease amongst divorcing couples about the unpredictability of the Courts' approach to the financial aspects of divorce. People want certainty and the ability to decide themselves what a fair outcome would be if the relationship ended.

Although pre-nuptial agreements are not currently binding in England and Wales, they are a factor which the Courts are increasingly taking into account on divorce if drafted correctly and entered into in the right circumstances. In fact, recent case law indicates that the Judges are becoming more and more inclined to give weight to pre-nuptial agreements in reaching fair outcomes. A carefully crafted pre-nuptial agreement, accompanied by the requisite formalities, may be of significant influence on the court and, if its terms are reasonable, may have a good chance of being upheld.

It is important that the agreement is prepared professionally to ensure that both parties have:

- Provided a schedule of their finances
- Taken legal advice independently, as any agreement should be signed at least 21 days before the wedding.
- They understand it, as ignorance is not a defence.
- Ensure the agreement is comprehensive so it covers the prospect of children and also maintenance depending on the duration of the marriage.

For further information on Pre-Nuptial agreements, or any other family matter, contact Bina Modi via email at [bina.modi@smithpartnership.co.uk](mailto:bina.modi@smithpartnership.co.uk) or call 0116 247 2000.



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