

## Your Legal Questions

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Partner & Solicitor



**Q** I have 2 sons aged 25 and 27. My 27 year old son has just announced his engagement. He has only known his fiancée for 6 months and I am very wary about the quick decision to get married. I have helped both of my sons to buy their properties by giving them £20,000 each to use towards a deposit. If my son and his fiancée split up after their marriage will she be able to claim the money that I have given to my son?

**A** The best way for your son to protect his gift from you would be for him and his fiancée to enter a pre-nuptial agreement before their wedding. For such an agreement to be made your son and his fiancée would have to agree to enter into such an agreement and it would have to provide that if they separated then your son would still get the benefit of the gift that you have made to him before there is any other division of the family capital. The agreement could go even further to provide that his fiancée wouldn't be able to make any claim on the property that he currently owns as she has made no financial contribution to it.

Pre-nuptial agreements are now taken into account during financial proceedings in divorces. Although such agreements are not automatically binding they are treated as highly influential, subject to a single overriding safeguard to prevent significant injustice.

The cost of preparing a pre-nuptial agreement is minimal compared with the financial protections and benefits that your son will get from a properly drawn-up prenuptial agreement. I would suggest that your son enters into a Pre-Nuptial Agreement. Contact Sian Hopkin on 01934 623501 or [hopkin@powellslaw.com](mailto:hopkin@powellslaw.com)