

Your Legal Questions

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Q I have lived with my partner for over five years. We are now considering entering into a Civil Partnership. We're not sure of the consequences of entering a Civil Partnership and what would happen if we did split up. Neither of us have any children but we are both close to our families and wonder if there is any action that we need to take to protect ourselves?

A Civil Partners will be treated for Tax purposes in the same way as a married couple. The main advantage of this is that upon death, any property or money passing between Civil Partners is free from inheritance tax. Be aware that the forming of a Civil Partnership automatically voids any Will you may have made previously. Even if your present Will leaves all property to each other, this will not be valid if a new Will is not made. Civil Partners who have not made Wills are treated in accordance with the rules on intestacy.

An agreement drawn between Partners which attempts to deal with the division of finances if the relationship breaks down – called a pre-nuptial agreement – is on the face of it void. However, the Courts have recently started to give more consideration to such agreements. It is worthwhile taking advice on entering into an agreement as it may be taken into account in the future, even though there is no guarantee of this. The Courts may be more likely to consider the basis of such an agreement if the Civil Partnership was relatively short.

The cost of preparing a pre-nuptial agreement is minimal compared with the financial protections and benefits that you will get from a properly drawn-up Pre-Civil Partnership agreement.

I would suggest that you both make new wills in contemplation of entering a Civil Partnership and enter into a Pre-Civil Partnership Agreement.

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