

Your Legal Questions

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Q. My partner and I are planning to get married. We have been living together for some time, have both been married before and already have children. I own the house in which we live and I would like to ensure that my future husband doesn't make any claim against it should something go wrong in our relationship. Should I have a pre-nuptial agreement?

A. Yes. The recent high profile divorce case of Radmacher and Granatino has set a new legal precedent after judges decided that pre-nuptial agreements should be taken into account during financial proceedings in divorces.

Katrin Radmacher, at the time worth £100m, and Nicolas Granatino married in 1998, and the couple signed a pre-nuptial agreement in order to prove they were marrying "only for love".

The couple separated and in the Court proceedings Mr Granatino was awarded the sum of £5.8m ignoring the pre-nuptial agreement. Ms Radmacher then appealed and the court ordered that pre-nuptial agreements should be taken into account in ancillary relief proceedings. Mr Granatino then launched a counter-appeal to the Supreme Court but this was dismissed by the Supreme Court changing the status of pre-nuptial agreements in the UK.

There now appears to be a clear trend that significant weight is to be attached to pre-nuptial agreements. Although this decision does not go so far as to lead to such agreements being automatically binding they may well be treated as highly influential subject to a single overriding safeguard of significant injustice.

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 prenuptial agreement. The greater your wealth, the greater the importance of getting independent professional legal advice. To protect your home and assets for yourself and your children I would suggest that you enter into a Pre-Nuptial Agreement. Contact Roberta Ferrari on 01934 623501 or ferrari@powellslaw.com

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