

Crew! Is A Pre-Nup Worth The Bother?

Pre-nuptial agreements are not only for those with extreme wealth! A lot of the case law relied on comes from agreements that have been drafted in other countries, with the parties seeking to enforce their agreement after relocating to the UK. Nevertheless, this does not mean that pre-nuptial agreements are not recognised in this country.

Here, one of [CrewFO](#)'s partners provides valuable insight on if a pre-nup is worth the bother, and where you could benefit.



Case Study

Back in 2010, the case of Radmacher v Granatino involved a German wife and a French husband who had a pre-nuptial agreement before their marriage. The UK Supreme Court concluded that Mr Granatino should be bound by the terms of the pre-nuptial agreement he and his wife entered.

The court held the view that the parties freely entered into the agreement with a full appreciation of its implications. This was a landmark case for England and Wales and set precedent for how pre-nuptial agreements would be viewed going forwards; as a result, many lawyers now strongly recommend pre-nuptial agreements to their clients.

Considering Financial Protection & Making An Agreement

Many people marry for a second time, and do not consider protection of their pre-marital wealth, whether that be pre-acquired property or pensions. One huge consideration should always be the parties' children. Where a party has children from their first marriage, then they go on to marry their second husband or wife, they may wish to consider protecting their family wealth for their children in the event of a divorce.

Should a pre-nuptial agreement not be fairly drafted, leaving one party unable to meet their needs and another party continuing with a high standard of living, no Court would enforce it. This is why it is very important to consider the needs of all parties and that each of their needs are met should any agreement be enforced. Needs are always the first consideration when considering a division of assets.

Pre-Nup. Yes Or No?

Overall, so long as careful consideration is given to the drafting of the agreement, the cost and benefits of preparing a pre-nuptial agreement will not only significantly outweigh the costs of financial remedy proceedings, but also will save the parties from distressing and protracted court proceedings should the marriage break down.

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