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Article

Title: Plan before you partner up

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by Rob Parker, solicitor specialising in family law

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“The introduction of civil partnerships may have divided opinion, but the recent high-profile split of comedian Matt Lucas and his partner has brought to light some of the pitfalls that many are not aware of when a civil partnership or marriage goes wrong” says Rob Parker, family solicitor at Phillips Solicitors.

With the courts more frequently splitting assets 50/50 on divorce, Rob Parker says it's advisable to consider a pre-partnership agreement, as the law on dissolution of a civil partnership is identical to the law on divorce. Reports in the press suggest that Lucas stands to lose a sizeable chunk of his £15 million fortune in a pay-off.

A pre-partnership agreement is a private agreement entered into by a couple prior to the registration of their civil partnership, and it is designed to record how the couple wish to resolve financial issues arising in the event of separation. A pre-partnership agreement is a sensible way in which to limit the uncertainty, costs and bad feeling which can often accompany the breakdown of a relationship. It is similar to the pre-nuptial agreement often taken out by a couple before marriage. Should the relationship break down, a pre-partnership agreement can be taken into consideration by the court, as will the length of years partners have been living together.

Another important consideration is that entering into a civil partnership invalidates an existing Will, just as it does with marriage, so both partners must remember to make a new Will. If a

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civil partner dies without a Will (called 'intestate') then the state decides how the estate will be divided, which may not necessarily be in accordance with the wishes of the deceased.

A recent Law Society survey revealed that 42 per cent of those divorced, separated or widowed did not have an up-to-date Will and a worryingly high percentage of those who did have one, were unsure whether it was up to date.

Finally Rob says: 'No one wants to think of themselves or their partner dying, nor do they like to think that the partnership may not work out. But some careful planning before a civil partnership is entered into could prevent a lot of heartache and stress later.'

For help with making a Will or a pre-partnership (or pre-nuptial) agreement, call our team at Phillips on 01256 460830. www.phillips-law.co.uk

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Note to editor: Phillips is a leading law firm in Basingstoke, with around 50 members of staff. We offer a comprehensive range of services to business and private clients, locally and nationwide. We specialise in helping clients achieve what they want.

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