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Article

Title: All systems go for Pre-nuptial Agreements?

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by **Howard Gardener, partner specialising in family law**

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“Recent coverage of enormous divorce settlements have not only nominated the UK as the ‘divorce capital of the world’ but also raised the question of whether ‘pre-nuptial agreements’ are worth the paper they are printed on”, says Howard Gardener, senior partner and family lawyer at Phillips Solicitors, “but a recent ruling by the Court of Appeal has changed all that.”

Pre-nuptial agreements have been around for some time but have not been legally binding under English law. They have simply been one of the factors that the courts have taken into consideration when assessing the financial entitlement of each party when they divorce, especially appropriate to second or third marriages where there may be significant assets and children.

However, the recent case brought to the Court of Appeal has made a ruling that represents a giant step forward for the status of pre-nup agreements. Three Appeal Court judges ruled that the assets of Katrin Radmacher - a paper industry heiress said to be worth £100 million - should be protected from her French ex-husband because of the pre-nuptial contract they signed before they married. It provided that they should each go their separate ways on divorce. They had two children together and then separated after eight years. The initial judgement gave the ex-husband, Mr Granatino, around £5.5m but the Court of Appeal slashed this award to about £1m.

This decision is probably the most important endorsement of pre-nuptial agreements in recent years, and one which is likely to represent a seismic shift in how such agreements are treated. The three judges said that in future cases, judges deciding the division of marriage assets should give “due weight” to pre-nuptial contracts freely entered into by the parties.

“What’s coming over loud and clear” concludes Howard “is that these agreements will be treated as binding and the judgment won’t just affect the wealthy but will filter down to all intelligent adults where there is a significant disparity in the wealth you and your partner are bringing into a marriage. It is certainly better to have one than not.”



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If you would like more advice about pre-nuptial agreements, call Howard or any of Phillips' family lawyers on 01256 460830 or email legal@phillips-law.co.uk.

Visit our website at www.phillips-law.co.uk

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Notes for editors:

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Phillips is a leading law firm in Basingstoke, with 40+ 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.

Howard Gardener is senior partner, specialising in family law and litigation. Call Howard on 01256 854632, or email Howard at: hgardener@phillips-law.co.uk

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