

Our Court Department is headed up by Mrs Mary Nimmo, (Partner), who has extensive experience of Prenuptial Agreements.

Siobhan Darlington she is also experienced in drafting Prenuptial Agreements.

Mrs Angela Knapp is one of our Court paralegals, she too has significant experience having worked with Munro and Noble for more than 35 years.



For more information on any of the points raised in this leaflet or to discuss our flexible and clear feeing structure please contact Mary, Karen or Angela on 01463 221727.



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SOLICITORS & ESTATE AGENTS

PRE-NUPTIAL AGREEMENTS



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for you - with you

The Family Law Team at Munro & Noble is housed within the Court Department and was established in 1984. Since then the team has gone from strength to strength, and now provide a wide range of advice and assistance within the field of Family Law.

PRENUPTIAL AGREEMENTS

A prenuptial or ante-nuptial agreement is a document agreed by a couple prior to their marriage which affords couples the security and comfort of planning ahead. It will also help regulate matters in the worst case scenario of separation and or divorce / dissolution.



The whole idea of a “pre-nup” or “post-nup” can be a delicate issue which requires careful handling. We can give you advice as to how best to deal with matters.

“Prenuptial agreements are becoming more and more common in Scotland. For those who wish to either:

1. Ring-fence certain assets, or to exclude them from being available for division; or
2. Make specific provision for the division of assets in the unfortunate event of separation or divorce.”

SENSIBLE FINANCIAL PLANNING

Q. Why would you consider entering into such an agreement?

A. The main advantage of entering into an agreement such as this is that it affords you peace of mind. It also makes it clear at the outset how you have agreed arrangements and further, what would happen if things do not work out between you.

Prenuptial Agreements are particularly popular for clients with considerable assets and/or those wishing to protect assets established before the marriage or civil partnership. Others may wish to protect assets for their children of a previous marriage.

Q. What could I put into a prenuptial agreement?

A. The content depends upon your wishes and usually includes details on any aliment to be paid during or after the breakdown of the marriage, together with provisions for the subdivision of property. Furthermore, it is becoming common for people to attempt to ring-fence certain property, or protect business assets, or assets which have been passed from generation to generation, or to make a specific provision for what one party should receive, or

identify a particular asset and provide for it's transfer to one person. It is understandable that people desire certain assets to be protected for their children of any previous marriage. You may also wish to include your wishes in terms of the rights of succession in the unfortunate event of your death.

Q. Are prenuptial agreements legally enforceable?

A. There is some conflicting law regarding prenuptial agreements. However, they are generally thought to be enforceable within Scotland, if they are carefully and accurately drafted. There are a number of high profile English cases which suggest that prenuptial agreements are unenforceable and contrary to public policy. However, the Scottish Courts have always been reluctant to interfere with an Agreement entered into between two adults of sound mind and it should be anticipated that whatever is contracted for, will be binding and enforceable.

Here at Munro & Noble, we have an experienced team who are available to guide you and your family through the unexpected as well as the expected. We are here to help with all family matters and also to assist you in planning for the future.

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