

The Royal Wedding, The Dress, the Cake, the Church.....the Pre-Nuptial Agreement?

As the April approaches, preparations for the public aspect of the royal wedding will become ever more pored and pawed over by the press, from how the bride will look to details of their hymn choices to details of the seating plan at the reception.

One aspect of their marriage will probably not garner much attention – the likelihood that behind closed doors, a Pre-Nuptial Agreement will be in place (in addition to family trusts – a common arrangement in wealthy or noble families, where wealth is passed from generation to generation).

Pre-nups are often considered “unromantic” because they deal with the nitty-gritty of the financial plans the couple would adopt if the marriage does not work out. They are seen as negative planning – almost setting the course for the marriage to fail. Not so helpful when a “fairytale” wedding is in preparation.

But seen in another light, Pre-nuptial Agreements are a testament to the honesty and care for each other that a couple has when the relationship is at its strongest. Instead of disputing financial arrangements at one of the worst times in your life (a divorce), when goodwill may be stretched to breaking point or entirely lacking, negotiating them when you still have each other’s best interests at heart makes sense. Fairness and a wish to “do right” by the other person is more likely to prevail.

A Pre-Nuptial Agreement is often sought by those who have inherited wealth to protect for future generations, but are equally as likely to be sought by those who are marrying more than once and who want to preserve what they bring in to the relationship or those marrying for the first time who just want certainty about the future if things don’t work out. Such agreements have regular reviews built into them so that the financial structure can be updated when significant changes happen – the birth of children, the acquisition of substantial windfalls or the development of lucrative business interests.

Since a case called *Radmacher v Granatino* was decided by the Supreme Court in recent months, Pre-Nuptial Agreements now carry much more weight than previously; the courts still retain ultimate power to rearrange finances if needs be but where a couple, with (or sometimes without!) legal advice and who have mental capacity decide to regulate their own finances, the courts will now have to have a compelling reason to intervene.

It is to be hoped that Prince William has a smoother marital experience than his father and that any Pre-Nuptial Agreement put in place gathers dust very nicely in a law firm in Mayfair ; but given the statistics on marriage and relationship breakdown, knowing that a plan is already in place can be of real reassurance.