

Wealth planning on marriage



Our client worked in their family company and held a significant number of shares across a number of different company structures, both acquired through their employment and gifted to them by family members as part of their own inheritance and tax planning. Our client was planning to marry and wished to put in place a prenuptial agreement which would preserve those company assets and retain them in the family in the event of divorce.

The challenge – effective and fair protection

For our client, the prenuptial agreement was not intended to curtail all claims in the event of divorce or leave their future spouse without any resource to assets necessary to meet their needs. The marriage was intended to be a joint endeavour and other assets would be shared; however, the family company assets were to be retained in the family and additional protection was desirable. The challenge was to achieve a fair balance between preservation of those assets and the risk that our client's future spouse perceived a lack of trust towards them.

Our approach – clear communication and creative thinking

Nuptial agreements should, by their nature, be bespoke documents which meet an individual's requirements. Each nuptial agreement presents its own challenge and balancing exercise. Our client required an approach which was very much tailored to their needs.

We discussed our advised approach with our client and they communicated this to their future spouse, so there were no surprises when the agreement was presented. This allowed open and transparent discussions, both as to the nature of assets and the protective measures to be put in place. We were in regular contact with our client and the solicitor instructed by their future spouse, to ensure that the channels of communication were open and the agreement negotiated well before the wedding.



Given the complexity of the assets and the highly bespoke approach to the drafting of the prenuptial agreement, we consulted with a barrister at an early stage. This was to ensure that, as far as we could predict based on the current position of the law, the agreement met the necessary thresholds and stood the best chance of being upheld by a court in the future, if the marriage were to break down.

The outcome – a fairly drafted agreement

Our client's intention was not to ring fence all of their assets and keep them away from their future spouse. Our client sought to protect the family assets only and to restore them to a similar financial position if the marriage were to break down. Our input and experience in drafting complex agreements ensured that we met our client's objective of protecting the assets in question, ensuring that the needs of all involved would be met, and all without any loss of trust between them and their future spouse or disagreements as to the terms of the prenuptial agreement itself.

How we made a difference

Our client was clear that they wanted to enter into a prenuptial agreement but the early discussions with their future spouse and in-laws had not been received well, risking a loss of trust during the engagement. Our involvement clarified the likely approach of the court and allowed our client to better articulate to their future spouse precisely what they sought to achieve. Retaining open communication, and avoiding surprises in the drafting of the agreement, ensured the negotiations proceeded smoothly.

We can tailor the process as much as you need – please contact us to [discuss how this can work for you.](#)