



RELATIONSHIPS - GETTING STARTED

Prenuptial agreement

A prenuptial agreement is a formal agreement signed before you get married or enter into a civil partnership. The agreement details who owns which assets and how you think these should be divided should you divorce or separate.

The courts are increasingly inclined to consider the terms of such an agreement, although such an agreement is not legally binding and each case will depend upon its own individual facts.

To improve the likelihood of your prenuptial agreement being upheld, the following steps should be considered:

- Both parties should obtain independent legal advice from a solicitor specialising in prenuptial agreements.
- Both parties should exchange financial information detailing the exact extent of their assets.
- The terms of any agreement should reflect the facts and should not be significantly unfair to one party. In other words it should not, in the event of a separation, leave one of you in a much better financial situation than the circumstances would require.
- The needs of any child should not be compromised.
- The agreement should be reasonable in the circumstances and not seek to cover all possible future contingencies that may be unforeseeable.

For more information and to read the most recent report to Parliament click [here](#).

Prenuptial agreements are considered by the court at the time the relationship/marriage breaks down and the applicable law relevant at that time. When making such an agreement it is important to consider reviewing it from time to time.

It is also possible to have a postnuptial agreement, similar to a separation agreement. Such an agreement is made after marriage but before any separation. As with prenuptial agreements, the purpose is to agree what may happen to assets in the event of a divorce.

Civil partnership

A civil partnership is a legal relationship which can be registered by a same sex or heterosexual couple. Registering a civil partnership will give your relationship legal recognition much the same as where heterosexual couples have a civil, rather than religious, wedding ceremony. This will give you added legal rights, as well as responsibilities.

To register a civil partnership, you and your partner must sign a civil partnership document in front of two witnesses and a registrar. Each party needs must be 18 or over.

A civil partnership provides most, but not all, the rights of a civil marriage. Civil partners, amongst other things, will enjoy the same:

- property rights
- tenancy rights
- inheritance tax exemptions
- intestacy rights of inheritance

To register a civil partnership you will need to be:

- at least 18
- living in the same area in England or Wales for at least seven days
- unmarried or not in another civil partnership
- not close blood relatives

To proceed you will then need to register your civil partnership, which requires an application on notice and an appropriate and relevant ceremony at licensed premises. For more information click [here](#).

Since December 2014 it has been possible to convert a civil partnership, where both partners are the same sex, to a marriage at a registry office or other appropriately-licensed venue. It is not possible to convert a civil partnership of a heterosexual couple to a marriage. For more details see [here](#).

Marriage

Heterosexual and same-sex couples can be married in a civil or religious ceremony.

To get married you and your partner will need to be:

- at least 18
- free to marry i.e. not closely related or married to someone else
- of sound mind

If you have been married before, you will need to provide evidence of divorce or the death of your spouse. To be legal, the marriage must be conducted by someone authorised to do so or in the presence of a person authorised to register marriages in the district. Your marriage must be entered in the marriage register and the register must be signed by both of you, two witnesses, the person who conducted the ceremony and, where necessary, the person authorised to register the marriage.

A civil ceremony can include readings and music but must not include anything religious. Should you wish to marry at a venue other than a church or registry office you can contact your local authority for a list of approved and licensed venues.

There are additional rules if either you or your partner are from outside the EU and subject to immigration control. More details can be found [here](#).

Being married gives you certain legal rights including:

- the presumption that all property is equally shared, although this can be varied on divorce
- the presumption that all children born during the marriage are children of the marriage
- in the event of a spouse not leaving a will, there are certain legal rights of inheritance
- rights for certain pension payments to surviving spouses

NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England and Wales unless otherwise stated.