



**PRENUPTIAL AGREEMENTS – MORE RELEVANT
THAN EVER?**

A Saudi Arabian recently divorced his wife by text message, which a Saudi court ruled to be legitimate as under Saudi law a man can divorce his wife by stating I divorce you 3 times. Of course English law does not allow parties to get out of a marriage so easily but the use of prenuptial agreements can assist, as some famous people have found out. Paul McCartney certainly wishes he had had one. Katie Price has just instructed Paul McCartney's lawyer to conduct her divorce from Peter Andre. She had no prenuptial agreement. Mel Gibson is reputedly facing the prospect of giving his wife one half of the assets as he too failed to enter into a prenuptial agreement prior to the marriage. John Cleese's marital settlement is reputed to have left him with less assets than his former spouse.

A recent case has come before the court in which an American couple had entered into a prenuptial agreement and thereafter had settled in the Isle of Man. When they separated everyone accepted that under the terms of the prenuptial agreement the wife would not have a property sufficient to reside in and bring up the children. The husband wanted to adhere to the terms of the agreement, but in addition offered a substantial property for the wife and children to live in until the children reached 18, with that property then to revert back to him. Initially, the court awarded a more substantial property to the wife but with the wife to retain it outright. On appeal

however, it was determined that prenuptial agreements should be treated like contracts. If they were properly entered into and valid, the parties should not be allowed to renege on them. In this particular case, the court had to award a more substantial property to the wife to bring up the children than was provided for in the prenuptial agreement because the needs of the children had to be met, but that the property would and should revert to the husband when the children reached 18. This is one of the biggest indications in recent years that courts will not interfere with properly drafted prenuptial agreements on which both parties have had legal advice.

For further information about pre-nuptial agreements, or for help on any matter relating to family or matrimonial issues, call Michelle Cooper at Watson Esam on 0114 275 3350 or email michelle.cooper@watson-esam.co.uk

Further information: Watson Esam is one of the oldest established legal firms in Sheffield practising from its offices in Paradise Square. A medium sized firm with approximately 40 staff, it is well known for delivering first class services to clients in South Yorkshire.

Michelle Cooper head of the firm's family department. She specialises in high value divorce and ancillary relief cases. She is an accredited specialist panel member in advanced financial provision and domestic abuse with Resolution (formerly the Solicitors Family Law Association) and is Chair of South Yorkshire and District Resolution. She also sits on national Resolution sub-committees.

The firm's family department won the Yorkshire Lawyer Private Client Award in 2007 and is listed as recommended in The Legal 500.

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