

Legal News: February 2004

Are you thinking of getting married or moving in with your partner?

Getting married or living together is an important commitment. Do you have any nagging doubts as to your legal position? Would you like to know exactly where you stand?

We have an experienced team of family lawyers who can give you practical and impartial advice.

Getting married

It might be appropriate for you and your partner to enter into a pre-nuptial agreement. This is an agreement that allows you and your partner to agree in advance how for example you should divide the family home and other assets if your marriage breaks down.

While a pre-nuptial agreement is not valid in English law it is not disregarded by the English courts. These agreements will be looked at as one of the circumstances of the case where a marriage breaks down. For this reason they have become increasingly popular.

Living together

If you are intending to move in with your partner it is extremely important that you consider property issues in particular in advance. The court's approach to financial matters and property issues is quite different.

Many cohabiting couples discover to their surprise, and often to their cost, that living together does not mean an automatic entitlement to a shared home.

We can guide you on this complex area of law and offer you a cohabitation agreement. Such an agreement will provide evidence of what a couple intended if their relationship broke down.

Most disputes arise from a lack of evidence of a couple's intentions and it can be very expensive to seek a declaration from the court of how for example a couple intended to divide property.

What about the children?

If you are living together and you are the father you may want to enter into a parental responsibility agreement with your children's mother. Such agreement would give you the same rights and responsibilities as a married father.

A “One Stop Shop”

If you need to buy a family home our in-house property lawyers can deal with the transaction for you. We always recommend that you make a Will when you get married or live with someone. This is especially important if you have children, as you will need to think about appointing a guardian to look after them in the event of your death. We can deal with this for you.

Other advice and assistance

We can refer you to local experienced mediators who can help you resolve financial disputes and issues concerning the children without having to resort to the Courts.

We have an out of hours service for clients who cannot take time off work.

We have flexible payment plans for legal fees to accommodate your financial circumstances.

We will also be able to advise you of your eligibility for Public Funding (Legal Aid).

This article is not intended to be a definitive analysis of legislation and professional advice should be always taken before any course of action is pursued.