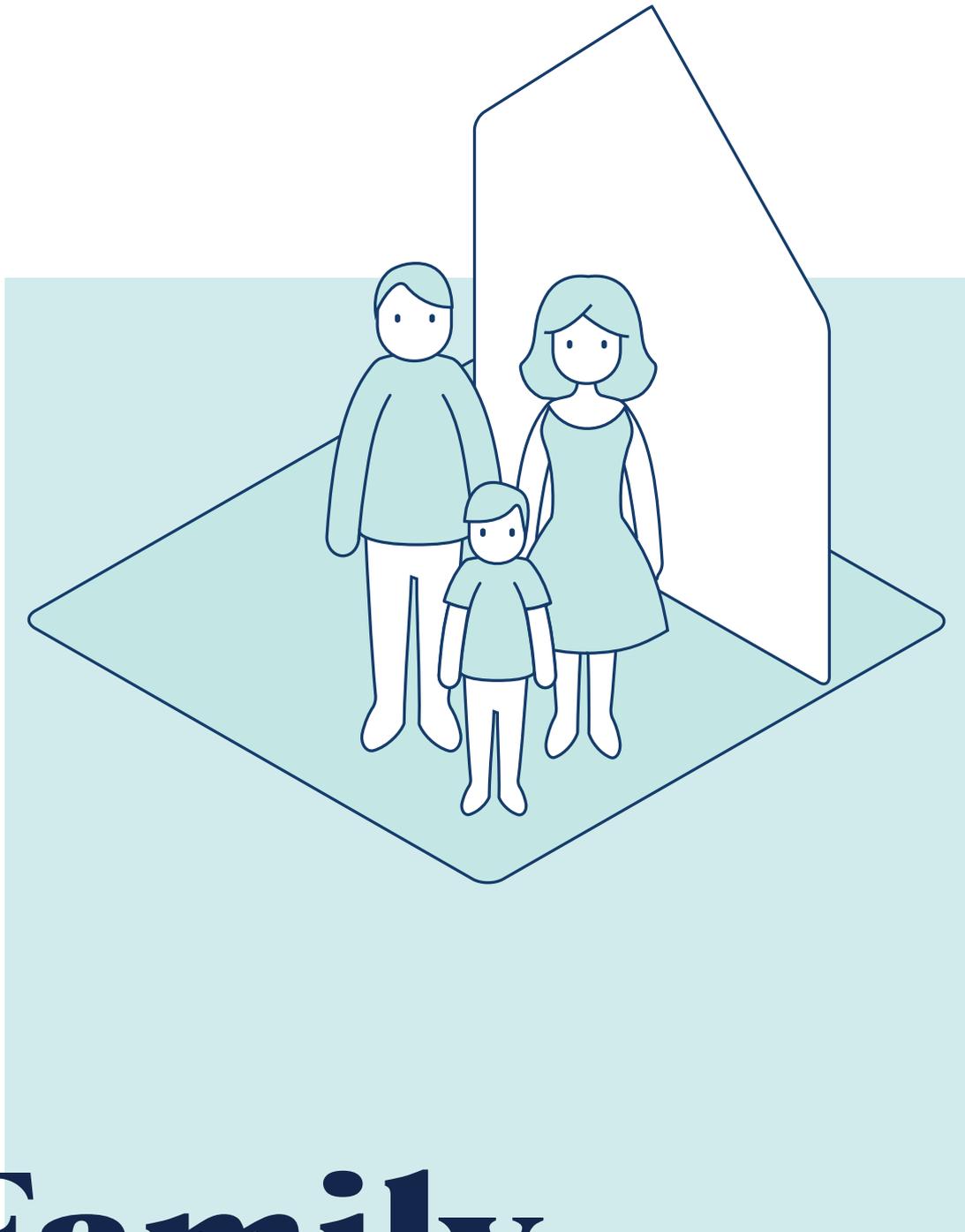


SEDDONS



— On your side

# Family

Conscious Coupling –

A nationwide survey of over 2,000 adults\* looking at pre-nuptial and cohabitation agreements

\* Undertaken by Populus

# Survey

We commissioned a nationwide survey of over 2,000 adults, undertaken by Populus, to gauge the use and understanding of contracts to protect individuals in a relationship in the event of a separation. We focussed on pre-nuptial agreements (“prenups”) and cohabitation agreements. These are contracts for couples living together, but not married or in a civil partnership, that set-out how any shared assets should be divided in the event of a break-up.

We undertook this research because we believe it is important that couples, whether married or not, know what their rights are and the methods available to protect each person in the event of a break-up.

## The use of prenups amongst married people

95%

did not get a prenup and did not even discuss it



2%

entered into a prenup before getting married



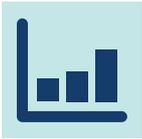
2%

researched and discussed the possibility of entering into a prenup, but decided against it



“ Despite the increasing public references to prenuptial agreements – particularly amongst high-net worth individuals – our research has found that for the vast majority of people prenups are not a part of their relationship planning. ”

Deborah Jeff  
Partner and Head of Family at Seddons



## Why married couples shunned a prenup?



were "happy to keep to the traditional marriage system"



**38%** said entering into a prenup had never crossed their minds



did not like the idea of a prenup or were uncomfortable to raise the subject with their partner

### What is a prenup and can it be enforced?

A pre-nuptial agreement is a contract entered into prior to marriage or civil partnership which sets out how assets will be divided in the event of a divorce.

If you have assets that you want to protect from having to share with your spouse in the event of a divorce, a pre-nuptial agreement is the way to proceed. You do not need to have millions of pounds or be a beneficiary of a family trust. You may just want to protect your savings and equity in your property.

Pre-nuptial agreements are not completely binding under English Law because no legal agreement can exclude the jurisdiction of the court to deal with the assets on the breakdown of a marriage. However, a pre-nuptial agreement will be treated as one of the circumstances of the case that the court may take into account, or as conduct which it would be unfair for the court to ignore. This has been reinforced by both the Supreme Court in *Radmacher v Granatino* in 2010 and a Law Commission Report published in 2014.



### Looking to the future

Do unmarried people plan to enter into a prenup?



of people in a relationship, but not yet married or in a civil partnership, have discussed with their partner making a formal commitment through marriage or civil partnership with a prenup



of people in a relationship, but not yet married or in a civil partnership, have discussed with their partner making a formal commitment through marriage or civil partnership without a prenup





**Cohabiting** people who are living together, but not married or in a civil partnership



4%

have in place a legal cohabitation agreement

5%

have formally decided how they will split their belongings if they break-up



13%

have informally discussed how they would divide their possessions in the event of a break-up

72%

have never discussed the subject of a legal cohabitation agreement



## What is a common law marriage?

In England and Wales there is no such thing as a common law marriage, which is why it is often referred to as the common law myth. Cohabiting couples in this jurisdiction have no automatic rights and – unlike marriage or civil partnerships – there is no legislation in place to govern how assets should be divided in the event that they separate. This is easily overlooked or forgotten, but regularly causes heartbreak and animosity if a couple breaks-up. We always recommend couples put into place an agreement that sets-out exactly what each of their rights are to the property in which they live and any assets they share.

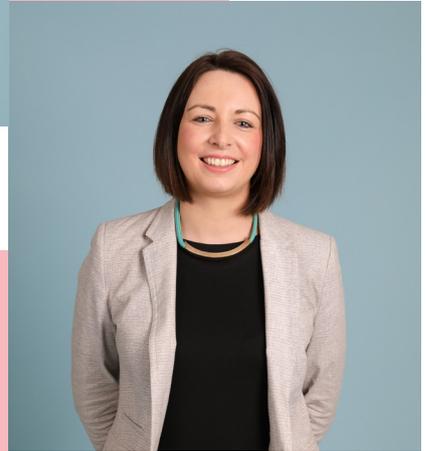
“ What is worrying from our research, is the number of cohabiting couples that have not put in place a legal cohabitation agreement. This reinforces concerns that many unmarried couples who live together are unaware of their rights if the relationship breaks down, with some mistakenly relying on the myth of the common law marriage. With increasing numbers of couples living together before or instead of entering into marriage or civil partnership, it is likely we will see more disputes over the division of assets following separation. ”

Neil Russell  
Family Partner at Seddons

**Neil Russell**, Partner



**Deborah Jeff**,  
Partner and Head of Team



**Victoria Sterritt**, Partner

# Our Team

Family disputes touch the very heart of our lives. At Seddons, we do what we do because we understand how complex these situations are. We are committed to ensuring that you are able to move on to the next stage of your life in the most effective and least painful way possible.

No matter the size or extent of the dispute, our approach begins with an understanding – of the legal framework and the personal circumstances that you face, and the sensitivity that is required. We never do more – or less – than is required to ensure the best possible outcome. We combine the professional and personal skills needed for sensitive family matters and regularly work with other professionals to protect our clients' interests, both financially and emotionally.

We have an outstanding reputation, recognised in both the Legal 500 and Chambers. We provide advice and representation in the full range of family issues and disputes for the married and unmarried family.

**To discuss** how we can help you

contact Deborah Jeff on **020 7725 8041** or **[Deborah.Jeff@seddons.co.uk](mailto:Deborah.Jeff@seddons.co.uk)**

SEDDONS

# About Seddon's

Seddon's is a leading law firm based in London's West End offering a breadth of commercial and private client expertise. The firm delivers practical, cost effective, legal advice across a range of specialisms with particular expertise in real estate, corporate, dispute resolution and family law.

The firm's clients encompass corporations, small and medium sized enterprises, entrepreneurs, and private individuals, with clients based across the UK and internationally and in a wide range of sectors.

Seddon's is highlighted as a leading firm by Legal 500, the leading guide to UK law firms and ranked in the Chambers UK Guide to law firms.

## The Research

The research, commissioned by Seddon's, was undertaken by Populus between 19<sup>th</sup> to 22<sup>nd</sup> January 2017. In total, there were 2,087 UK respondents.