



UK Couples to Copy Catherine Zeta Jones' Pre Nup Fidelity Deal with Husband Michael Douglas

With the story in the media of more than one million British adulterers fearing the hacking of the married person's infidelity website, Ashley Madison, it's likely that the UK divorce courts might soon see a sudden surge in petitions from aggrieved spouses.

Let's hope they were as smart as actress Catherine Zeta Jones, who famously inserted a clause in her pre nup agreement with legendary lothario and so called sex addict husband Michael Douglas, ensuring that if her husband were to cheat on her, as he had with his first wife, she would receive an extra \$1.5million for every year of their marriage.

A growing number of brides and grooms in the UK are apparently drawing up similar 'infidelity clauses' in their pre nup agreements, which could mean that straying partners could see significant financial consequences to their actions and may even lose everything in the case of a divorce.

Danielle Messenger, a **Family Law** specialist at award winning leading regional law firm Pictons says "The onset of an infidelity clause in any pre nuptial agreement means that the concept of a partner being 'at fault' may play a part in the way financial matters are dealt with in British divorce cases. For years the legal profession has aimed to combat the idea that one party is at fault and deserves to be punished because it's almost impossible to identify who or what is really responsible for the breakdown of a relationship. In a landmark case in 2010 the Supreme Court ruled that a pre-nup agreement should be taken into account when assessing a wife's divorce settlement.

"Whilst we are seeing a movement to courts upholding prenuptial agreements after the landmark ruling of the Supreme Court in 2010, the Courts are clear that a party will never be left destitute, especially where children are involved. The terms of a pre-nup may therefore need to be altered by the court, if it leaves the economically weaker party in a position of real need. However, the court will consider their needs less generously than if no agreement had been entered into.

"Clearly it's no longer just celebrities and the super rich who want the courts to regard infidelity in a pre nup agreement as a case for bigger payouts. Pre nup clauses such as this will become a way that ordinary families who own homes and have pension pots can protect themselves. At present, judges don't take adultery into account but soon unfaithful partners might be made to pay for their illicit

behaviour. It's very early days and adultery penalties have yet to be upheld in British courts, but that may change in the future. The very act of drawing up a pre nup agreement might not seem very romantic prior to a wedding but a marriage is, amongst many other things, a legal bargain and for all parties it's worth protecting their rights, assets and future security."

For further information on pre nup and co habitation agreements contact Danielle on 0845 263 7505 or email us info@pictons.co.uk