



When Relationships Begin



Southampton's premier law firm - providing a full range of legal services to individuals and businesses across the Solent region for over 190 years.

Our aim is simple...

“To recognise and respond to our clients’ needs with prompt, clear and practical advice, based on a thorough knowledge of their situation.”

We can offer you the advice and assistance you need when you set out on your new lives together.

We have the necessary expertise to help you.

Paris Smith is an established firm of solicitors with an unrivalled reputation in the community.

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Looking at Your Future

Thinking of legal matters when your relationship is at its happiest may not be a priority but careful planning at the beginning of a relationship helps to avoid problems arising later. Contrary to popular belief there is almost no law to help resolve financial disputes between unmarried people who live together. People need protection against what may happen in the event of a relationship breaking down or the death of their partner. It is also possible to plan ahead for other changes such as marriage.

You should also know that courts treat unmarried parents in different ways.

What can we do for you?

Declarations of Trust

Where two people either purchase property together, or one person moves into a property already owned by another, it is vital that their interests in the property are set down in writing. Failure to do so at the outset may invariably lead to costly disagreements later. A simple declaration of trust setting out the position at the beginning can potentially save many thousands of pounds.

A declaration of trust can cover:

Contributions to repair costs etc.

Contingencies, e.g. if one person wishes to sell and the other does not

Failure by either person to comply with the trust terms

Living Together Agreements

There is no such thing as a 'common law' husband or wife. No matter how long two people live together, if the relationship ends it may be that neither person has any sort of claim against the other, whether in respect of the property they live in or otherwise. A living together agreement is a more comprehensive document than a declaration of trust and can define a couple's obligations towards each other and plan ahead for events such as the end of a relationship or the death of a partner. Such agreements can cover a whole range of matters including ownership of property, responsibility for mortgage payments, wills, pensions and other relevant issues. This is something you should be thinking about particularly if you are buying a property together.

Living together agreements may also enable you to opt out of possible new legislation, enabling you to retain control of your own financial affairs.

Wills

An unmarried person does not have an automatic right to inherit from his or her partner. As a result if one partner dies the surviving partner may be left with no financial provision whatsoever. It is vital that unmarried couples make wills setting out their intentions; clearly making such provision for each other as appropriate. We can refer you to in-house specialists not only in respect of wills but also taxation and estate planning.

Pensions and Insurance

Most company pension schemes make provision for a widow or widower upon death of the pension scheme member. No automatic provision will be made for an unmarried partner. Depending on the rules of any existing pension schemes it may be possible to make a nomination in respect of a partner to ensure that he or she is provided for in the event of death of a scheme member. It may also be appropriate to consider life insurance as a means of protection.

Pre-nuptial Agreements

These agreements set out how financial matters should be dealt with in the event of a marriage subsequently breaking down. They are becoming increasingly recognised by the courts and provide useful evidence of the intentions of a husband and wife. Whilst at present they do not absolutely bind the court, they are particularly useful in cases involving substantial assets or where there is an international element. Looking at your assets, objectively and fairly at the outset of your marriage could help avoid costly disputes later on.

Civil Partnerships

If you are planning a civil partnership it is essential that you take advice before committing to a ceremony. You should carefully consider the 'pros' and 'cons' of the steps you are about to take and should also consider whether you need asset protection. As with pre-nuptial agreements, 'same sex' partners can enter into a pre-registration agreement.

Children

The law does not treat all parents the same. If you are not married you may want to check whether the father has parental responsibility in respect of a child or children. Without it there can be problems. For example, schools or hospitals may refuse to deal with them directly. Parental responsibility can be obtained by unmarried parents entering into an agreement which is appropriate in most cases. For children born after 1 December 2003, the father will not automatically have parental responsibility unless his name is on the birth certificate.

Unmarried parents may also wish to make specific provision for their children and partner in their wills. If there is no will any children would receive the entire estate. If any of the children are under 18 this would cause many problems as two independent people would have to be found to administer the estate. Usually this would not include the surviving parent who would have a competing claim against the estate.

If one of you already has children from a previous relationship you may need to consider whether your new partner should have more responsibility for your child and you may want to look at the options of giving a step-parent parental responsibility, or applying for residence or adoption.

How We Operate

If any of these issues are of interest, please telephone or write to us. You will normally be offered an appointment, which will provide you with an opportunity to meet one of us and explain your particular circumstances.

This time will also provide us with an opportunity to explain to you the available options and the cost of proceeding.

If you wish to proceed we will:

Write to you setting out the terms and conditions under which we will provide you with our services

Agree with you and confirm the precise steps to be taken in relation to your particular matter

Keep you fully informed in writing of developments

Discuss progress and costs with you at regular intervals

If you would like more information, please contact either

Huw Miles (Head of Family)

t: 023 8048 2259

e: huw.miles@parissmith.co.uk

David Bird (Head of Tax & Estate Planning)

t: 023 8048 2103

e: david.bird@parissmith.co.uk

Rupert Morton-Curtis (Head of Residential)

t: 023 8048 2409

e: rupert.morton-curtis@parissmith.co.uk

The Family Law Department includes members of Resolution and The Law Society's Family Law Panel.

Fees

We understand that costs are a major concern, and we ensure that our charges are clear. We provide information on our charges before work begins, with our letters of engagement setting out the work involved and the fee basis, as well as dealing with other relevant or critical issues.

 Paris Smith

Paris Smith

Paris Smith LLP
Number 1 London Road
Southampton Hampshire SO15 2AE

t: 023 8048 2482

f: 023 8063 1835

DX 38534 SOUTHAMPTON 3

e: info@parissmith.co.uk

www.parissmith.co.uk

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