



Prenuptial and Cohabitation Agreements

What is a Prenuptial Agreement?

Prenuptial agreements have been referred to as "an insurance policy against falling out of love".

A prenuptial agreement is entered into by a couple who are intending to marry, in which they set out their rights regarding any property, debts, income and other assets purchased together or that they have brought into a relationship.

The agreement will set out how the parties will divide their assets and deal with their finances upon Divorce or Judicial Separation. In addition to property and assets, an agreement can deal with issues such as succession rights, children, custody access, maintenance, and pension.

Why do a Prenuptial Agreement?

Many parties enter into a Prenuptial Agreement is to try and avoid a dispute upon separation. Irish legislation allows the Family Law Courts to regard all assets of a married couple as being matrimonial assets and unless otherwise protected they may be thrown into a single financial pot. A prenuptial agreement is made with the intention of contracting out of this scenario.

Who enters into Prenuptial Agreements?

Prenuptial agreements are not only entered into by the rich and famous. We regularly draft agreements for people from a variety of financial backgrounds. Couples of a modest means are increasingly turning to prenuptial agreements in order to protect their assets.

Are Prenuptial Agreements enforceable?

Contrary to the prevailing public view, prenuptial agreements are not illegal or unenforceable in Ireland. An Irish couple is not prevented from signing a prenuptial agreement in Ireland, however the Irish courts are not obliged to enforce such agreements if the couple's relationship later breaks down.

Therefore, it is crucial that you speak to us to allow us prepare a prenuptial agreement that contains all the essential factors so that it best protects your interests.

Will Prenuptial Agreements be recognised in the future?

Public opinion is moving towards the acceptance that such agreements provide peace of mind and are of benefit to the parties when getting married. It is anticipated that the Courts may take prenuptial agreements into account as one of the factors to be considered when determining financial relief on separation or divorce.

What is a Cohabitation Agreement?

A Cohabitation agreement is an agreement between cohabitants to provide for financial and other matters during their relationship or at the end of the relationship (whether on death or otherwise).

What is the main difference between a Prenuptial Agreement and a Cohabitation Agreement?

A prenuptial agreement is entered into pre-marriage and a cohabitation agreement is entered into by parties who are not married, don't intend to marry, but are living together. It is now critical for cohabiting couples to give consideration to a cohabitation agreement and to the effects of the Civil Partnership Act 2010.

Can all cohabitating couples draw up a Cohabitation Agreement or are there conditions?

Anyone can enter into a cohabitation agreement. Independent legal advice should be sought to ensure one party is not acting under duress. Lynch Solicitors are one of Ireland's leading family law practices. We provide a full range of family law services and have been doing so for over two decades

For More Information

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