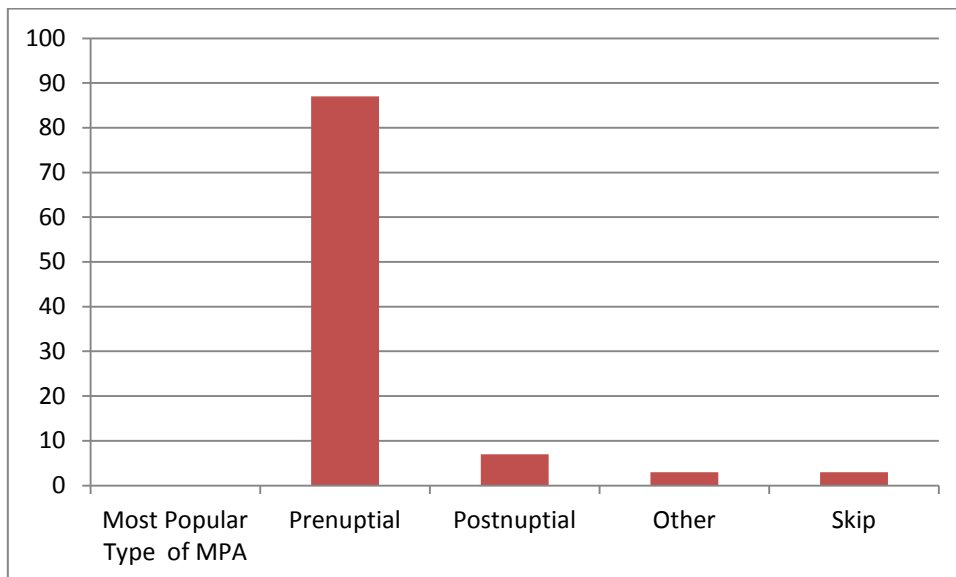


Marital Property Agreement (MPA) Survey Results

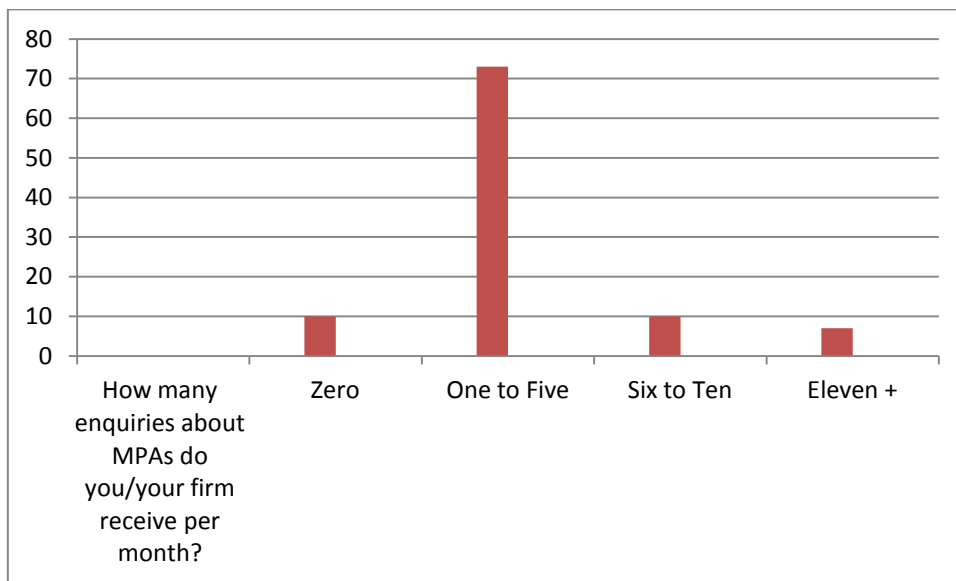
What are the most common type of MPA?

It is without doubt the prenuptial agreement that is by far and away the most popular marital property agreement with 87% of participants saying this was the most common. Participants said that post nuptial agreements only accounted for 3% of MPA that they dealt with.



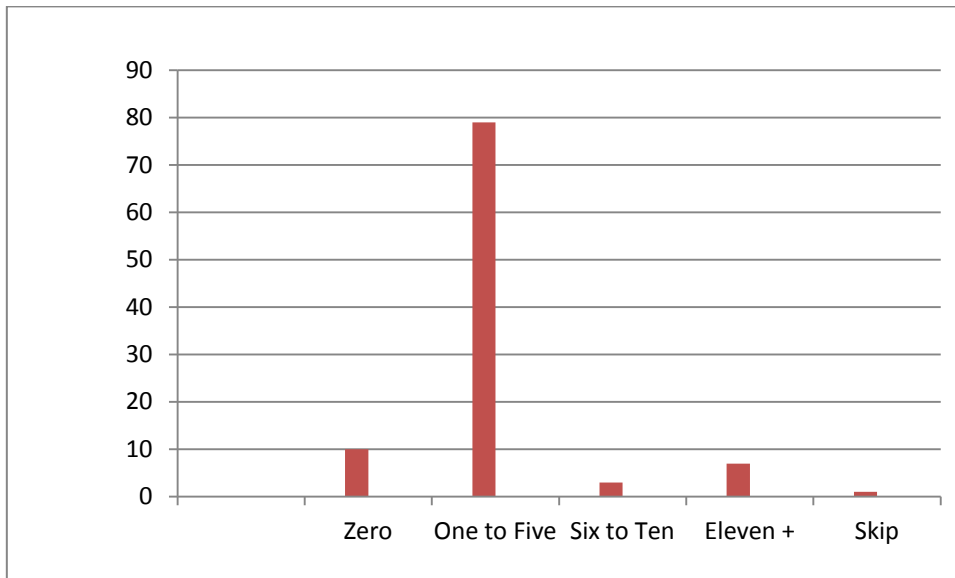
How many MPA enquiries per month?

It seems that prenups are more popular than they once were with more firms advertising and taking more enquiries than ever before. 73% of participants said that they received between 1 and 5 enquiries per month with 10% saying they received no enquiries and 10% between 6 and 10. Surprisingly there were participants that receive over 11 enquiries per month albeit a small 7%, but still that shows there is a healthy interest in prenups

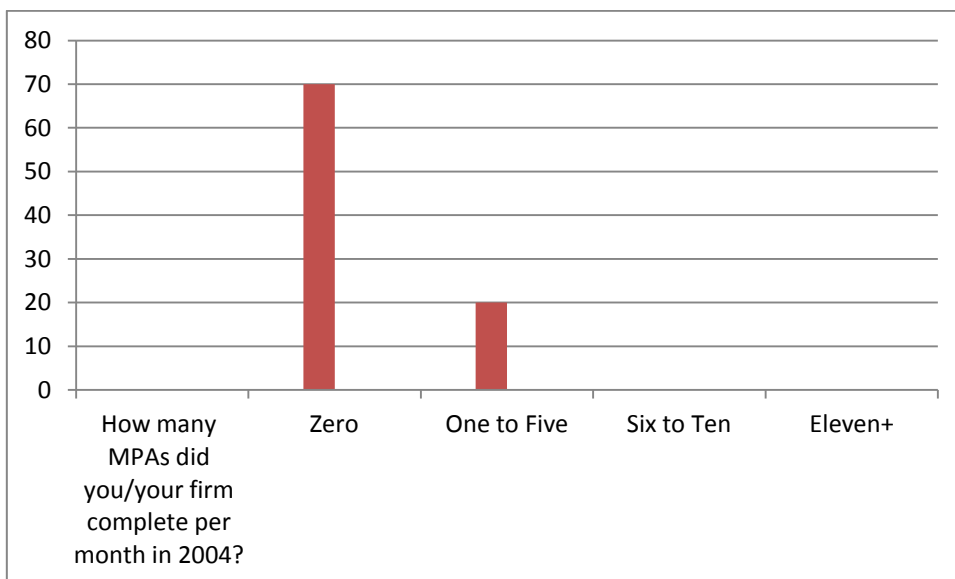


How many MPA completed per month?

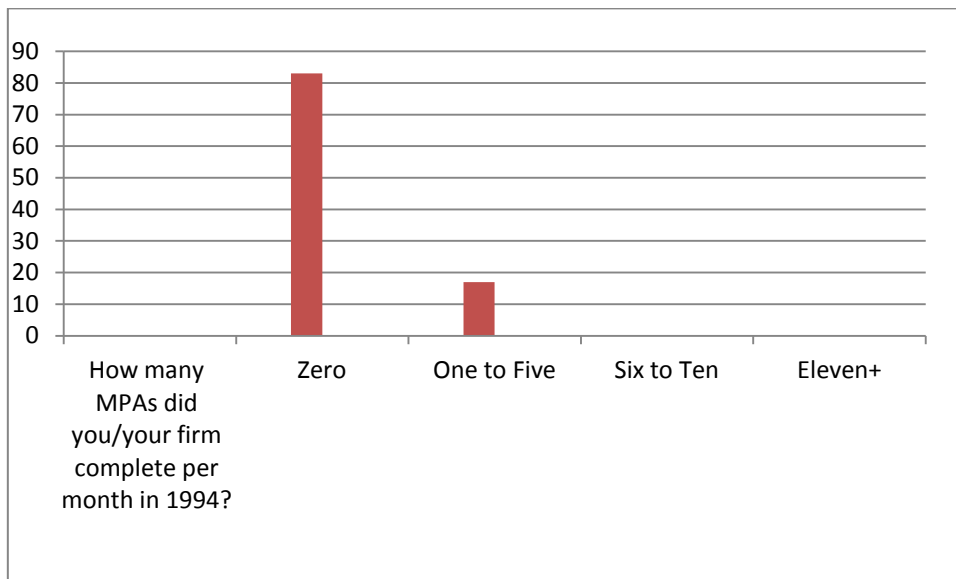
Turning enquiries into completed MPA seems to be at around the level of initial enquiries. 79% of participants said that they completed between 1 and 5 MPA per month, 3% completed between 6 and 10, 7% completed more than 11 and 10% did not complete any.



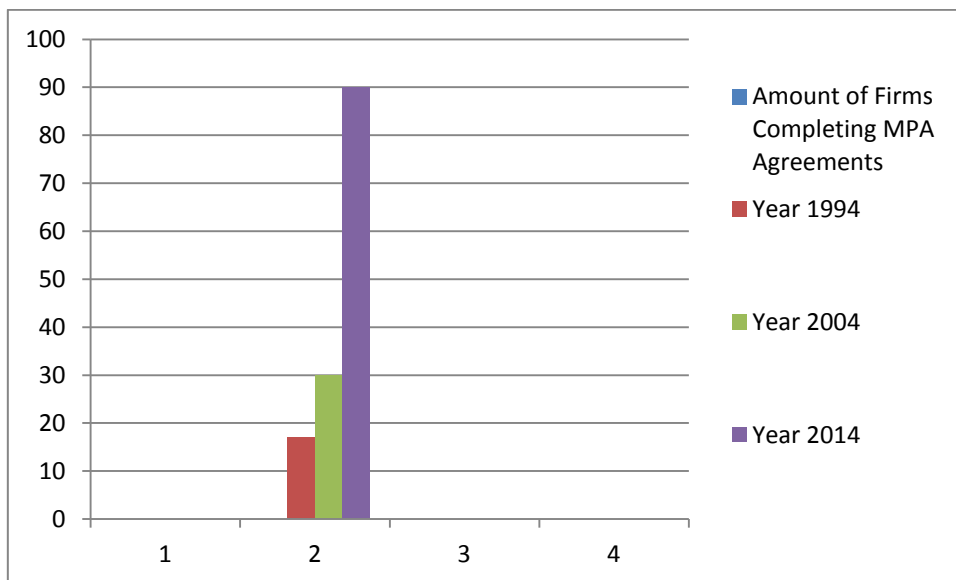
To see how if MPA have become more popular participants were asked how many MPA they completed in 2004 and 1994. In 2004 70% completed no prenups per month, 20% completed between 1 and 5, 3% completed between 6 and 10 and 7% completed 11 plus.



In 1994 prenups were barely on the radar with 83% not completing any and 17% completing between 1 and 5.

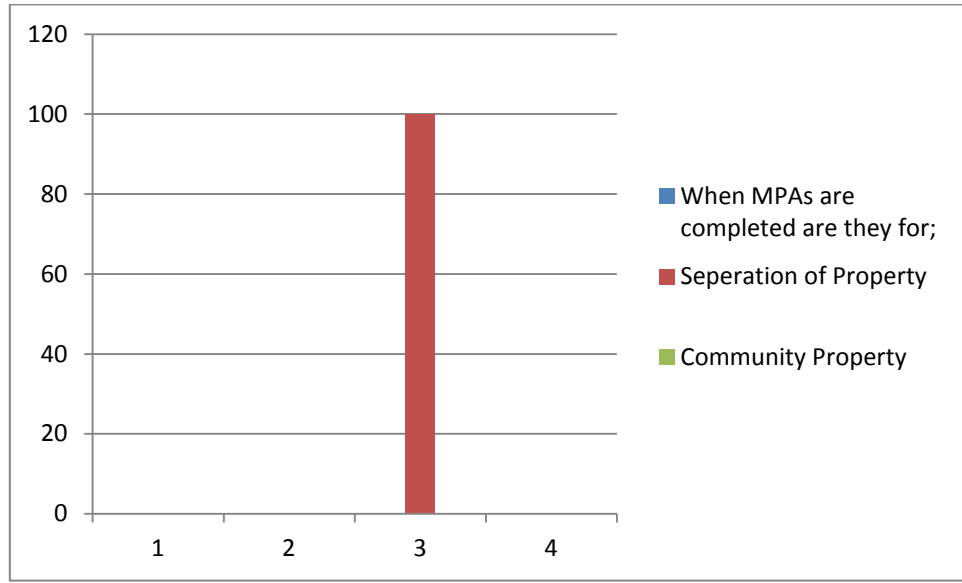


In twenty years there has therefore been a 73% rise in the use of MPA, this is a significant amount. The majority of the rise has come in the last 10 years with a rise of 60% between 2004 and 2014.



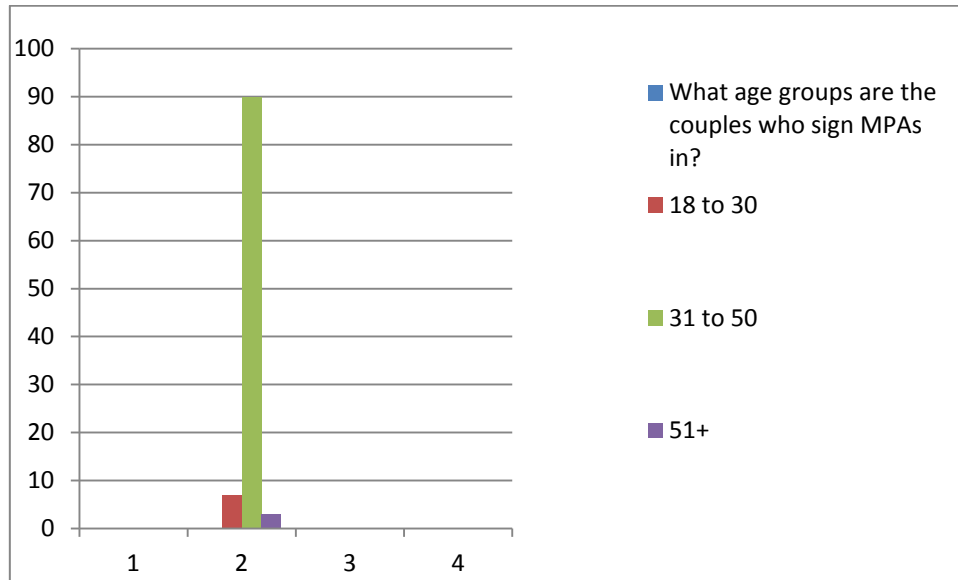
MPA for Separation of Property or Community Property?

Not unsurprisingly 100% of MPA completed were for separation of property and 0% were for a community property regime.



Age groups

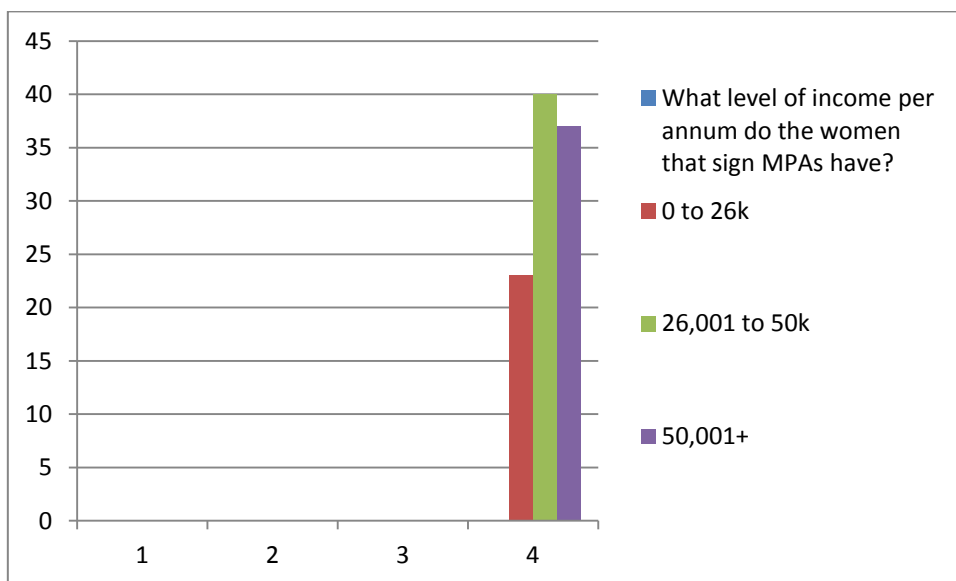
The age range of the couples who complete MPA is 90% in the 31 to 50 bracket. Just 7% were between 18 and 30 and 3% over 51.



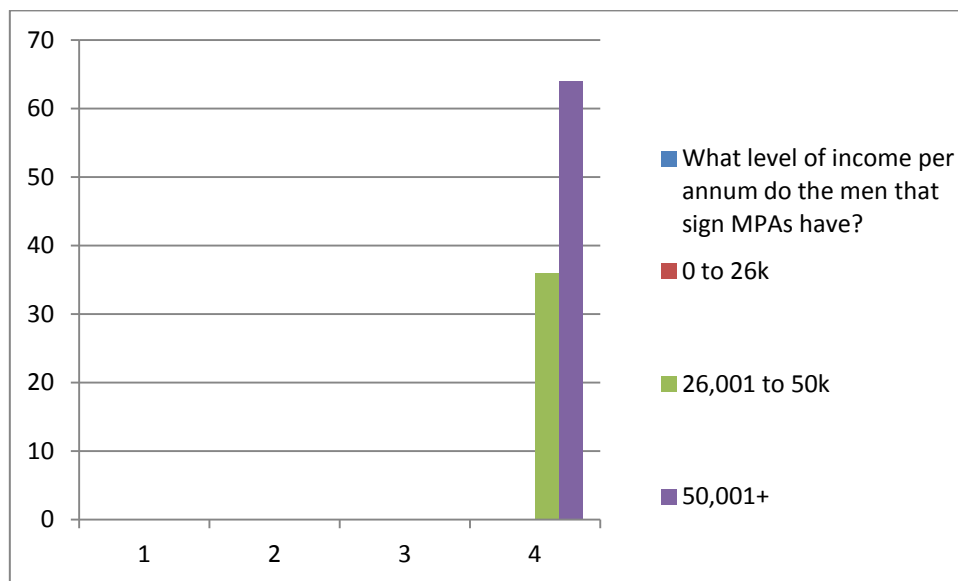
Levels of Income and Capital

Income

There is a clear divide in the amount of money men and women who enter MPA have. In terms of income it is usually the man that has the higher income. 64% of men entering in to MPA earn over £50,000 per annum, for women only 37% are in the same wage bracket. Women most commonly earn between £26,000 and £50,000 with results showing 40% but nearly a quarter (23%) earned between 0 and £26,000.

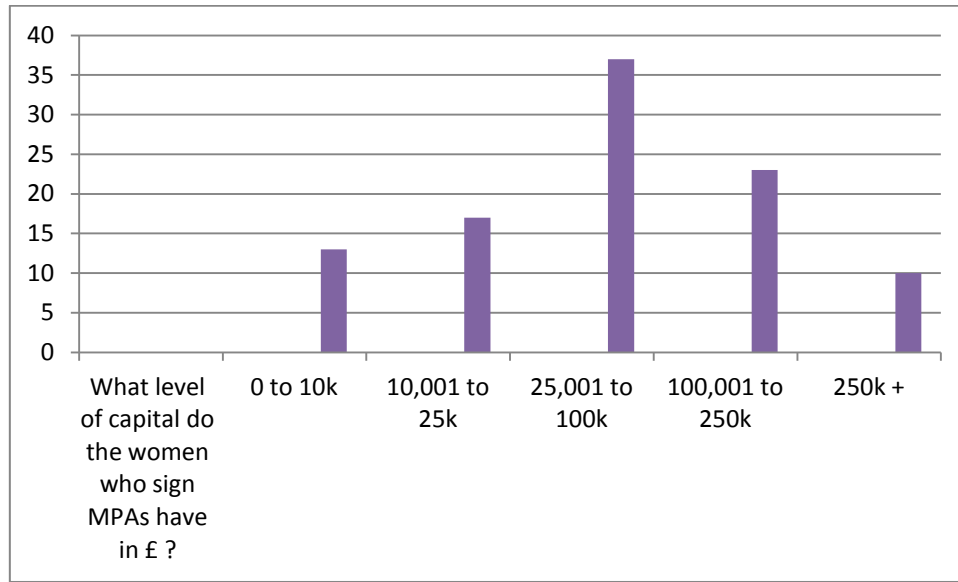


For men £26,000 to £50,000 was the second most common earnings bracket at 36% and interestingly 0% for men in the £0 to £26,000. This earnings difference can probably be put down to the fact that men often marry for a second time and want to protect their assets for their first family despite often then having more children.



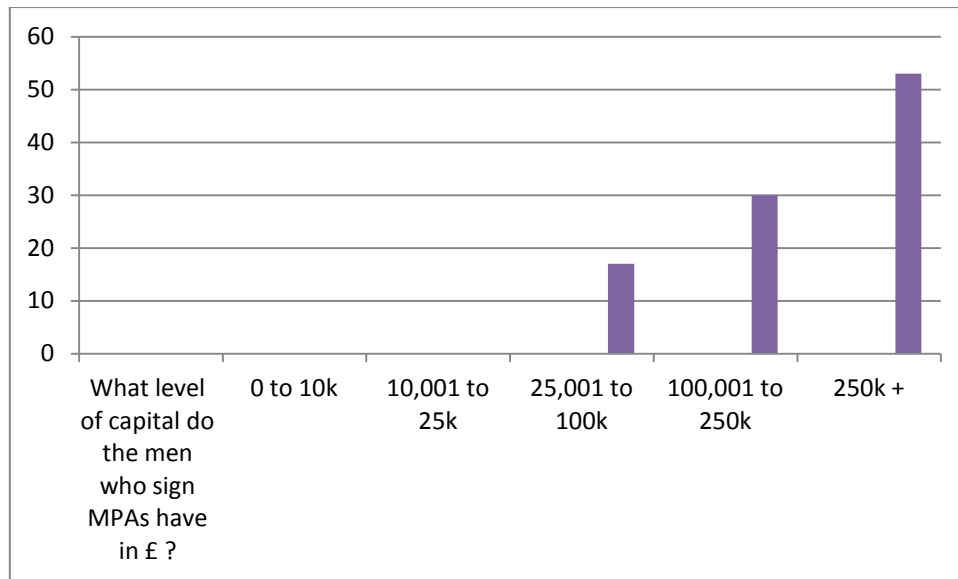
Capital

Both men and Women completing MPA were more likely to have reasonably high amount of capital. For women 13% had between £0 and £10k, 17% had between £10k and £25k 37% had between £25,001 and £100k, 23% had between £100k and £250k and 10% had over £250k.



Men completing MPA had a normally had a substantial amount of capital. None of the men had between £0 and £25k, 17% had between £25k and £100k, 30% had between £100k and £250k and 53% had over £250k.

This means that 33% of women had over £100k in capital but 83% of men had over £100k. These figures go to prove that so far it is mostly only those with substantial capital that complete MPA.

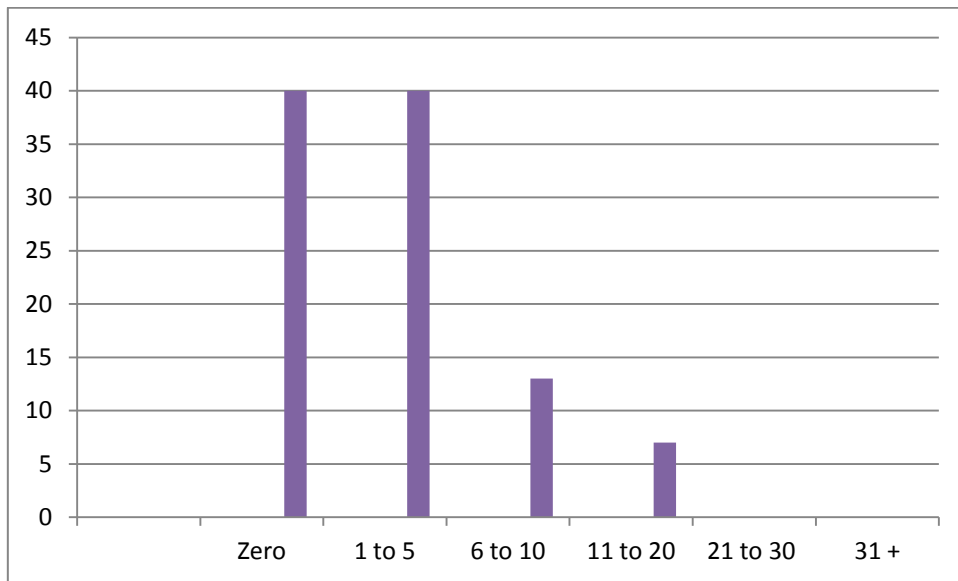


It is not entirely clear why anyone who was on a normal salary without property they own outright or large investments and savings would want a prenup as there is nothing much to protect. This particularly true as the LC report says that couples would only be able to protect property that was in excess of their needs. One unlikely reason which was highlighted in Telegraph article was that people may sign a MPA for future custody rights over their pets. This seems on the face of it fairly comical but actually is something a canny law firm could create a lucrative source of income from and something that lots of people would consider doing. It is simple matters like this that could create more of a culture of MPAs than the big money cases which from the survey results are the current norm.

The other likely candidate for the average person is that of second marriages. Those who already have children from a previous relationship may want to ring fence some of their assets, even if they do not amount to much, from their new spouse in order to make sure the new spouse doesn't get all their previous assets. With more and more people having children with various spouses this is likely to be more common as time goes on. However if the financial needs outweigh the assets then surely a prenup would make no difference because the court will still have discretion over needs.

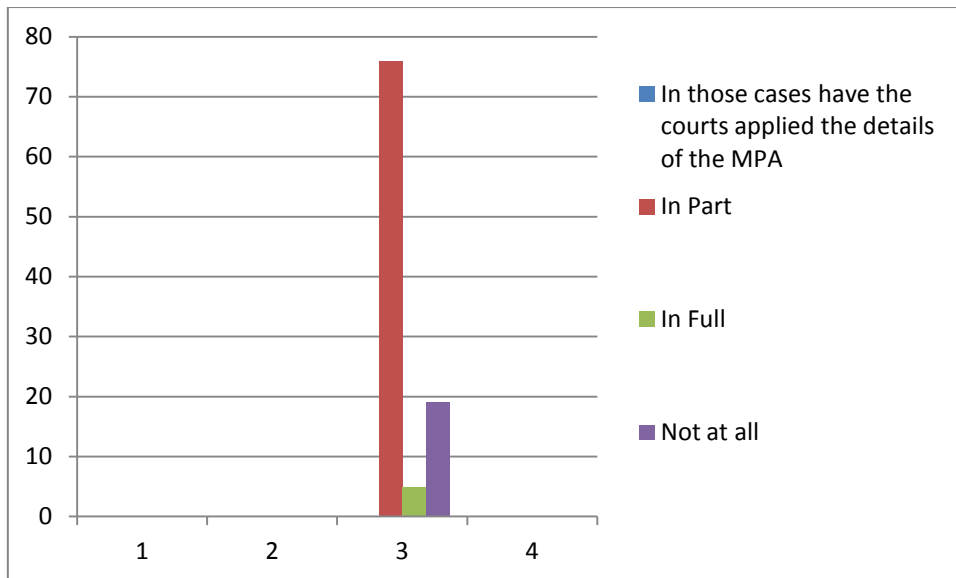
How Many Cases dealing with MPA do you/your firm represent in court per annum?

40% of participants said they did not represent any MPA cases in court per annum, 40% said between 1 and 5, 13% said between 6 and 10, 7% said between 11 and 20 and 0% said over 21



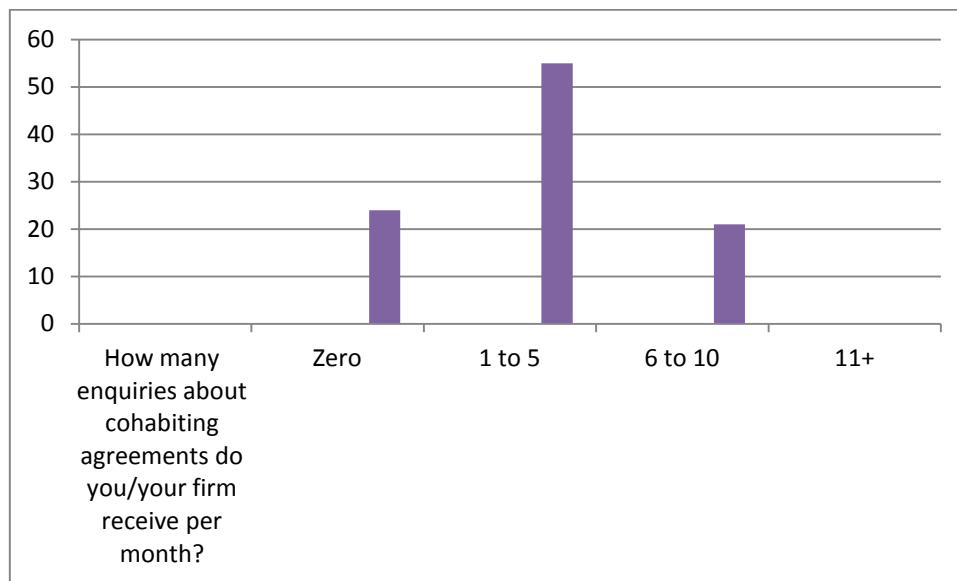
In those cases that did go to court the participants were asked how the court applied the details of the MPA.

76% said the courts applied the details of the MPA in part, 5% said they applied the MPA in full and 19% said they did not apply the details of the MPA at all.

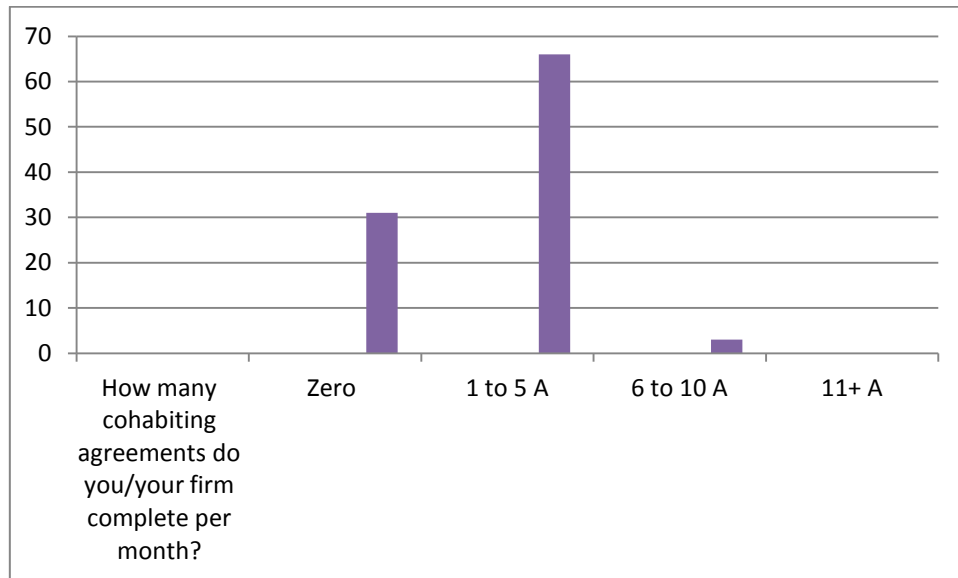


Cohabiting Agreements

CAs are becoming popular and unlike married couples cohabiters can make contracts between themselves that are binding. When asked how many enquiries they received 24% of participants said they received no enquiries per month, 55% received between 1 and 5, 21% between 6 and 10 and none received more than 11 per month.

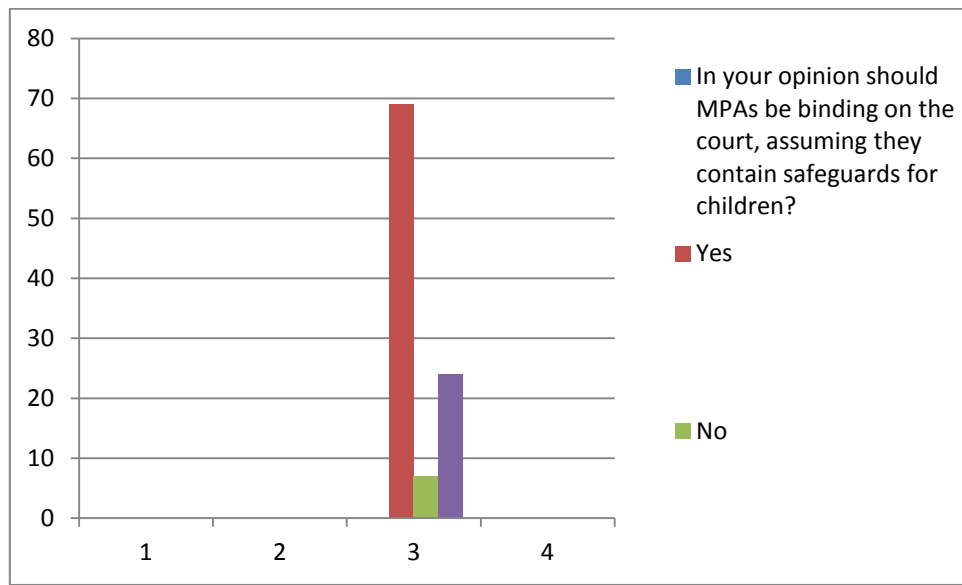


Turning those into completed agreements participants said 31% complete no CA a month 66% complete between 1 and 5 CAs, 3% complete between 6 and 10 and none complete more than 11.



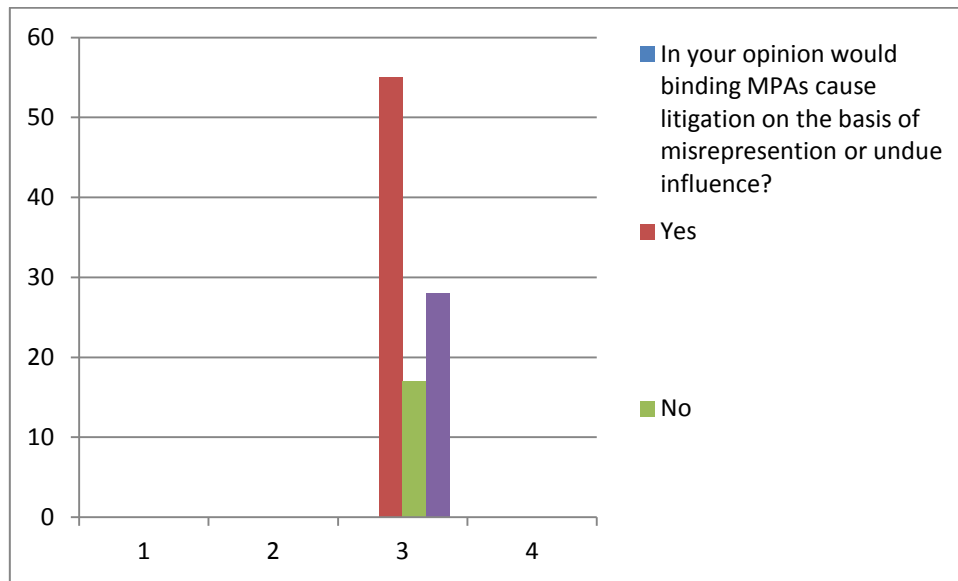
Should MPAs be binding on the Court?

69% of participants thought that MPA should be binding on the courts so long as there were adequate safeguards for children. Only 7% thought they should not be binding and 24% were undecided.



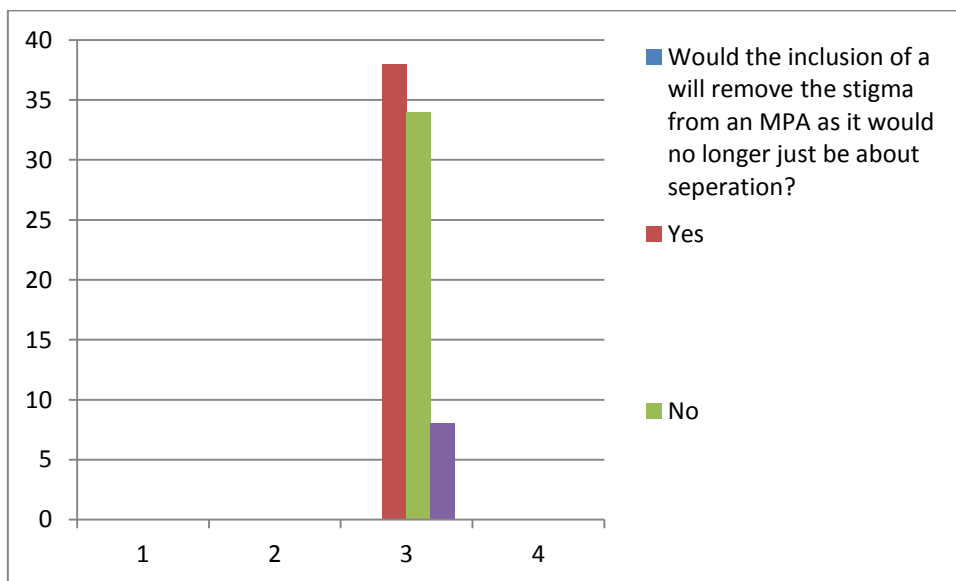
Would binding MPA cause litigation on the basis of misrepresentation or undue influence?

55% of participants said that they thought there would be litigation on the basis of misrepresentation or undue influence if MPAs were binding, 17% said there would not be more litigation and 28% were undecided



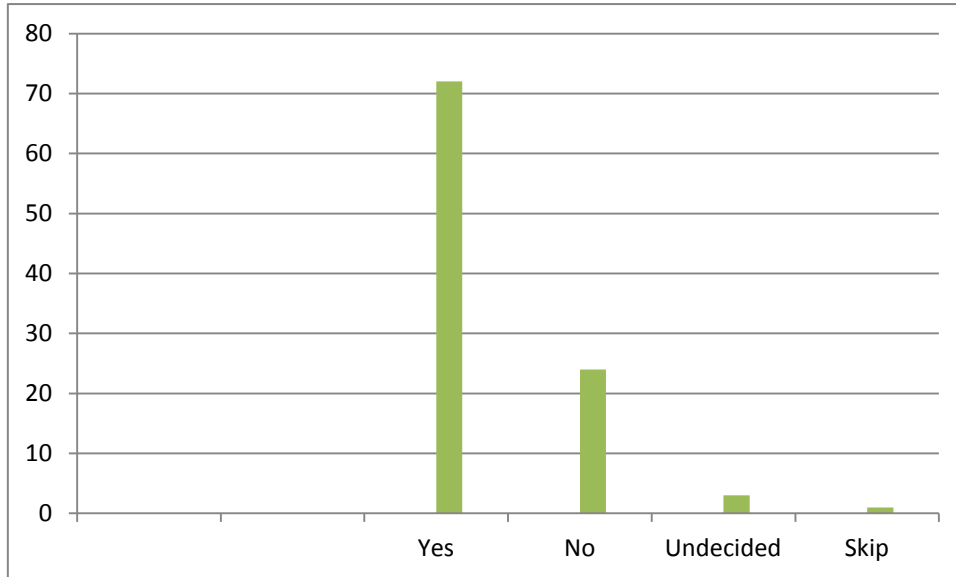
Would the Inclusion of a Will remove the Stigma of an MPA?

Participants were asked this question as if and MPA is considered a useful device in the event of a breakdown of a marriage then perhaps more people would consider completing them if making a will at the same time was part of the process. 38% of participants were in favour, 34% were against and 28% were undecided.



Do you/your firm now advertise MPA as they have become more popular?

72% of participants said yes to this only 24% said no, 3% did not know and one skipped the question.



The cost of a standard prenuptial agreement

To find out how much is being charged a general question of how much do you charge was asked. The results wildly varying with the lowest price being £350 but the highest being £20,000. The most common prices were however between £500 and £1,000.

