

## Separation Agreements

A separation agreement can help regulate the financial arrangements between you and your spouse or civil partner in the time between when you separate and when your divorce or dissolution becomes final.

It can also enable the two of you to make arrangements now which will be made formal in a court order when and if your marriage or civil partnership eventually ends.

A separation agreement can also be used to regulate the financial arrangements of separating cohabitants.

Points to consider are as follows:

Provided financial and other arrangements can be agreed, a separation agreement can provide interim arrangements where neither party is in a position to bring a Petition for divorce or dissolution.

The agreement can make provision as to when and how divorce/dissolution proceedings should start.

The agreement can include provisions for the sale and transfer of property; financial support (maintenance) child maintenance and arrangements for the children to have residence and/or contact with their parents.

If the couple subsequently applies for divorce, the Court is not necessarily bound absolutely by the financial arrangements contained in the separation agreement.

The terms of the separation agreement can weigh heavily with the Court in deciding financial arrangements.

For the agreement to carry maximum weight each party should have independent legal advice and they should be fully aware of the others financial situation.

If a couple starts to live together for any significant time after a separation agreement the provisions of the separation agreement can be deemed to be null and void.

It is not possible to agree upon a pension sharing order in an agreement. These can only be obtained through the Court.

Contact us for further information and advice