



myerson

Myerson **Family**

Our guide to separation agreements

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Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



Separation Agreements

What is a separation agreement?

A separation agreement is a nuptial agreement made between individuals contemplating separation or who have already separated.

The agreement sets out financial arrangements during the period of separation and how finances should be divided when divorce or dissolution follows.

Do I need a separation agreement?

A separation is not a prerequisite to divorce. However, if you want to issue divorce proceedings based on the fact of two years' separation with consent, or five years' separation, this can be a practical way to regulate finances.

Alternatively, a separation agreement can be used to regulate your finances if you are unable to divorce because you have not been married for a year or there will be some delay before the Court can approve a financial order within divorce proceedings.

If you do not wish to divorce for religious or personal reasons, a separation agreement can help regulate finances whilst separated. Alternatively, you may wish to consider Judicial Separation proceedings.

To view more information on divorce view our Divorce Guide [here](#).



How much does it cost?

This depends on the complexity of the agreement. To obtain an estimate of our charges, please call a member of our Family Team on 0161 941 4000.

What are the benefits of a separation agreement?

A separation agreement can be a helpful first step towards divorce if you are still unsure whether you wish to proceed or do not feel that you are in the right position emotionally to start proceedings. It means you have the potential to reconcile if the separation does not work out.

A separation agreement may assist the couple in working out their solutions to their financial arrangements. However, if the terms of the separation agreement are to be embodied in a financial order in subsequent divorce proceedings, it is important that the terms of the agreement are capable of being approved by a court and are compliant with section 25 of the Matrimonial Causes Act 1975.

A separation agreement is a legal contract. You must intend to enter into a legally binding relationship with your spouse. You must both be separately legally represented, and the terms of the separation agreement must be fair and reasonable. Both parties must disclose their financial position to each other in a comprehensive and transparent way ahead of negotiating terms.



Are there any drawbacks of a separation agreement?

The Family Court retains jurisdiction to divide assets at the time of the divorce, not at the time of separation.

A court is not bound to abide by the terms of a previously negotiated separation agreement, especially if one of the parties was not legally represented, if financial disclosure did not take place or was piecemeal, or the terms of the agreement are in some way unreasonable. For those reasons, it is preferable to divorce rather than to regulate your financial arrangements in a separation agreement.

You also remain legally married, and this could cause issues between parties if one of you begins a new relationship.



You're in safe hands!

If you would like further information about how we can help you with your **Separation Agreement**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

Call: 0161 941 4000

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