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Myerson **Family**

Our guide to DIY divorce

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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](#).



DIY Divorces

Why DIY divorces are harmful financially to both spouses

A “DIY” divorce is one in which a separating couple agree the terms of their divorce between themselves and draft and file their divorce application without the help of a solicitor.

The Divorce, Dissolution and Separation Act 2022 changed the law relating to divorce and dissolution of civil partnerships from 6 April 2022. The introduction of no-fault divorce removed the requirement to provide evidence of adultery, unreasonable behaviour, desertion or separation, and it is now possible to apply for a divorce by providing a simple statement of irretrievable breakdown of the marriage or civil partnership. It also introduced the ability to apply for a divorce online. These changes make it much easier for separating couples to deal with their divorce themselves.

Whilst doing your own divorce may seem like a cost-effective option, many couples are missing out on the right to share valuable assets on divorce, mistakenly thinking that divorce itself terminates the ability to make financial claims. It does not. Divorced spouses retain their right to make financial claims against the other, notwithstanding that a divorce may have taken place many years previously, providing that the ex-spouse who wishes to make a claim has not remarried.

The rising trend of “DIY” divorces is causing many people to lose out financially by failing to understand the complex terrain surrounding finances on divorce, especially in relation to the below.



Financial Settlement

Many people are unaware that the divorce process does not resolve finances matters.

Whilst it is possible to finalise your divorce or civil partnership dissolution without sorting out financial arrangements, it's not usually recommended. Simply terminating the marriage or civil partnership does not prevent either party from claiming financial provision. If you want to ensure that neither party can make any further claim against the other, then you would need to enter a clean break consent order.

In the clean break consent order, a separating couple can agree how to separate the assets to ensure that no further financial claims may be made thereafter and each spouse or civil partner is able to move on separately and independently from the other from then on. This will offer protection by removing the risk that your ex-partner could make a financial claim in the future.

Many people believe that once a Final Order for divorce has been received, that your financial relationship to your ex-spouse comes to an end. This is incorrect and without a financial order, your ex-partner could apply in the future for payment of a lump sum or transfer of sale of a property and apply for provision from any pensions.

The case of Wyatt v Vince [2015] UKSCK 14 served as a stark reminder of the importance of having a financial order on divorce. Both parties to the divorce had very modest assets at the time of divorce, and financial arrangements were not settled at the point of divorce. After their divorce, the Husband made £57 million from his green energy company.

As no financial agreement was recorded, the Supreme Court allowed the Wife to make an application to pursue a financial remedy for £1.9 million 18 years after Decree Absolute was granted. The financial aspects of a divorce or civil partnership dissolution can be complicated. It is, therefore, prudent to consult a family law specialist before.



Pension sharing

The introduction of no-fault divorce and the online portal has led to many separating couples bypassing solicitors to save on legal fees and not dealing with pension sharing on divorce. There is a real risk that if separating couples divorce without taking legal advice, they either neglect pensions altogether or fail to see the true value of the pension wealth which each party has built up.

After the family home, pensions are likely to be the most significant asset, and not dealing with pensions can leave many people, particularly women, in a worse financial position after the divorce.

Pensions are initially valued on their cash equivalent value (CEV). Not all pensions are alike. Defined Benefit Schemes, such as public sector workplace pension has valuable benefits which need appropriate assessment and valuation by a single joint expert pension actuary to ensure that the pension is shared equally and fairly.

There are several options available when dealing with pensions. The pensions can be shared by way of:

- A pension attachment order.
- Pension sharing order.
- Offsetting - which means instead of securing a pension sharing order, the non-member spouse receives other assets in lieu.

There are many different types of pension schemes, pension benefits and ways of contributing to and funding pension schemes. Pensions are complex, and it is important that you seek specialist legal advice early on and that pensions are dealt with on divorce and not forgotten about.



The Remarriage Trap

It is important that you pursue any financial application against a former spouse before you remarry, as remarriage prevents you from making an application for orders such as:

- A lump sum
- Property adjustment order
- Periodical payments order/spousal maintenance
- Pension attachment order

Despite remarriage, you are still able to apply for a pension sharing order against your former spouse.



You're in safe hands!

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

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