*What is a Separation Agreement?*

*A Separation Agreement is a partial or a full and final settlement which lays out the arrangements made between husband and wife on separation.*

*NB: legal advice should be taken before using this document. The contents contained are not exhaustive and may not reflect your situation. It may however provide a useful starting point for drafting before approaching a Solicitor.*

**SEPARATION AGREEMENT**

# Between

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being the FIRST PARTY**

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, residing at, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**and**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being the SECOND PARTY**

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, residing at, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Date of marriage: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Date of separation: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

WHEREAS the parties have separated (or are due to separate) and wish to regulate matters in a full and final settlement, they have agreed as follows:

1. Residency and contact arrangements relating to children (state full name and date of birth of each child);

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_will reside with the first party. The second party will have exclusive contact with the child on every \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ weekend commencing 6.00pm Friday to 8.00pm Sunday. In addition, he will have contact with her for one weeks holiday period at Easter, two weeks in the Summer, one week in October, two hours on her Birthday and alternate Christmas/New Year.

1. Child Support payments;

The second party will pay £\_\_\_\_\_\_\_\_\_\_\_ per month to the first party for child maintenance commencing the date of signing of this agreement by the second party. This will be suspended if one party applies to the CSA. Interest at 4% above base rate will apply to late payments. Every year the sum will be increased by the amount of the retail price index to be applied from the anniversary of first payment date.

1. Maintenance payments by one spouse to the other;

For 12 months from date of signing by the second party he will pay the first party £\_\_\_\_\_\_\_\_\_\_\_ per month to meet adjustment costs for living apart.

1. House/flat at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

The jointly owned house at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will immediately be marketed via \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. After repayment of the mortgage and all legal costs involved in the sale the proceeds will be divided equally between the parties.

1. Other houses/flats at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

The holiday flat in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will be retained by the first party (as the second party is keeping other items see clause 7). The second party will co-operate in signing all relevant documents. The first party will meet the maintenance costs and all other running costs after the date of signing this agreement.

1. House/flat contents;

The parties will evenly divide the contents. In the event of any dispute the disputed items will be sold and the proceeds divided equally.

1. Savings, endowment policies etc;

The second party will retain the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ endowment policy (as the first party is keeping the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_).

1. Pension policies;

The second party has a pension with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The current cash equivalent transfer value is £\_\_\_\_\_\_\_\_\_\_. The parties agree to allow a pension sharing order to be granted for the transfer of one half of this value to the second party.

(NB a court order will normally be required to complete a pension sharing order and legal advice must be sought. Specialist legal help is required to pick the date for valuation of a pension and other critical related matters).

1. Loans, credit cards and other debts;

There is a visa credit card in joint name with a debt of £\_\_\_\_\_\_\_\_\_\_. This will be cleared from the house sale proceeds.

1. Method of divorce;

After 2 years separation either party can raise a court action for divorce. The other party will co-operate to provide consent to the divorce on this ground.

1. Any other matters;

The second party will pay £\_\_\_\_\_\_\_\_\_\_ to the first party to allow her to seek legal advice before signing this document.

1. Full and final settlement

This agreement represents a full and final settlement of all foregoing matters relating to the parties. Each party warrants that he/she has made a full disclosure of all information relating to individual or joint assets and liabilities of the parties accrued during the marriage. The parties will co-operate in signing all documents required to implement the terms of this agreement.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of witness) (Signature of first party)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Occupation)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of witness) (Signature of second party)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Occupation)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)