A GUIDE TO FINANCIAL ARRANGEMENTS AFTER MARRIAGE BREAKDOWN



Dividing up your property and assets following the breakdown of your marriage can be very complicated. This legal guide sets out the law and procedure as it relates to separating your finances following divorce or judicial separation. We cannot look in detail at all the different things you may need to consider as the law is complex. Your individual and family circumstances will be unique to you and it is therefore important that you also seek independent legal advice.

If you were not married to your partner but have jointly owned property or assets that need to be divided this legal guide does not apply to you. See our Guide to Living Together and the Law, or seek legal advice from our advice line or a solicitor.

The law

Once you or your husband have started divorce (or judicial separation) proceedings (see our Guide to Divorce) either of you can apply to the court for orders to deal with your matrimonial property. This is known as applying for financial relief or ancillary relief. The law in relation to these applications is set out in the Matrimonial Causes Act 1973 (MCA 1973).

What is my matrimonial property?

Matrimonial property is any property or assets owned by either you or your husband in either your sole names or in your joint names. Matrimonial property can be:

- your matrimonial home (where you and your husband lived or still live)
- any other property owned by you and/or your husband
- the contents of your matrimonial home and your car
- any savings, life assurance policies, endowment policies, stocks, shares or bonds
- any pensions
- any family business

The court can also look at debts owed by either you or your husband during your marriage.

The Financial Consequences Of Marriage Breakdown A Practitioner

WJ Hussar

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