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*providing a specialist service*  
**ASHBY FAMILY LAW PRACTICE SOLICITORS**

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## Financial Issues

The range of orders that the court has the power to make on the breakdown of your relationship depends upon whether or not you are married/civil partners.

**If you are married or civil partners** then the courts have very wide powers to determine issues of finance. They can make orders as to maintenance payments, and determine how the capital assets of the marriage are to be divided. In making any orders, the courts have to take into account numerous factors such as the contributions made by the parties and their future needs, and they will strive to achieve a result which is as fair as can be to both parties, taking into account the needs of any children involved.

In the great majority of cases, it is not necessary to ask courts to determine financial issues. It is our policy to help clients to negotiate a fair financial settlement. In appropriate cases we encourage clients to discuss financial issues with their separated spouse, and if a satisfactory agreement can be reached in this way, our involvement would be in implementing the agreement and having it embodied in a court order. It is however essential that you obtain expert legal advice at a very early stage if you are involved in marriage breakdown. We specialise in this area of the law. We offer an initial 30 minute consultation free of charge. Telephone us on: 01332 293293 or e-mail us at [solicitors@afp.co.uk](mailto:solicitors@afp.co.uk) to arrange a meeting with one of our solicitors.

The Civil Partnership Act 2004 provides very similar remedies to same-sex couples who have registered their partnership. For further information see our page on [Civil Partnerships](#).

**If you are not married or civil partners** but have been living together with another person then very different legal principles apply. Rather than claiming maintenance for yourself, you can only receive it for the purposes of providing for your children. The courts have limited powers to order payments of lump sums and transfers of property, by contrast with the position on a divorce. In most cases a share of a property can be claimed only if a substantial contribution has been made whether to the initial purchase price or in respect of subsequent improvements.

In some situations although you may not be able to claim a share in the ownership of the house in which you lived together, you may be able to apply for a right to occupy the property. For further information see our page on [Separation](#).

If you are living together in an on-going relationship, it may be wise for you to consider drawing up a cohabitation agreement (and/or trust deed) setting out the shares in which you agree that your property is to be held, and perhaps also stating what should happen in the event of your separating. For further details see our page on [Living Together](#).

**Whether or not you are married** you should consider making a new **Will** to ensure that in the event of your death your estate passes to who you want it to pass to. If you are in a pension scheme, you should also consider making a nomination of death in service benefits.

For expert assistance of any of these matters telephone us on 01332 293 293 or e-mail us at [solicitors@afp.co.uk](mailto:solicitors@afp.co.uk) and arrange an initial half-hour consultation with one of our solicitors free of charge.

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