



Fact Sheet

Guide to Ancillary Relief

What is ancillary relief?

When any relationship comes to an end whether that should be within a divorce or not, the most important consequence to many people is how their finances are to be resolved. People want to know what support they can expect to receive from their husband or partner; how much will they have to pay towards their children or whether the family home will have to be sold.

Any claim for financial settlement within a divorce is referred to as ancillary relief. If you are not married then there still may be finances to be resolved between you and your partner. If you are not divorcing at this stage then a separation agreement may be appropriate. We can give you guidance on these matters.

Initially a financial settlement will be sought by negotiation or by mediation but in some particular cases this may prove unsuccessful and then an application should be made to the Court to allow a judge to decide on what is a fair settlement.

What orders can be made?

The Court has the power to make several different orders and these are referred to as:-

Maintenance payments.

Maintenance payments for children.

Lump sum orders.

An order transferring the ownership or tenancy of a property or an asset.

A pension sharing order.

What does the court consider?

The Court looks to see what are the "reasonable" needs of each party and will then try and meet those "reasonable" needs from the available assets and income.

Every single case will be different and every case will be decided upon its own facts.

However, the court have a list of particular matters which under statute they must give consideration to. The first is that the court must consider all the circumstances of the case and give first consideration to the welfare of any children of the family under the age of 18 years. Thereafter the court considers:

- ◆ The income, earning capacity, property and other financial resources of each party
- ◆ The financial needs obligations and responsibilities of each party
- ◆ The standard of living enjoyed before the breakdown of the marriage
- ◆ The age of the parties and length of the marriage
- ◆ Any physical or mental disability of either party

- ◆ The contributions which each party has made or is likely to make to the welfare of the family, including any contribution by looking after the home or caring for the family.

What happens if we issue court proceedings?

If it does prove necessary to issue Court proceedings then the Court will fix a date for a very first appointment. Prior to that appointment the Court will Order that both parties exchange a document called a Form E. This documents sets out each parties assets, liabilities and income and is supported by documents such as pay slips and valuations. Following that initial appointment there is a further appointment called a Financial Dispute Resolution Appointment when the parties will be encouraged by the Judge to try and reach an agreement. If agreement is not possible then a further appointment is made when the Judge will hear all the evidence and make his judgment.

What information will I need to provide ?

It is important to establish accurate valuations on all the assets whether they be joint or individual and you will be requested to provide items such as a valuation of the home, a redemption figure for your mortgage, bank statements, credit card statements, transfer values of pension schemes, values of stocks, shares or any bonds.

Finally, although the Court will start at the position that there should be an equal split of the assets, this may not always be appropriate, particularly if it is necessary to provide a home for the children or if one person has a far greater earning capacity than the other. In these circumstances the Courts will look to make an adjustment to one party in an attempt to reach a fairer settlement.

Who to contact for assistance

If you require any further information then please do not hesitate to contact a member of our staff for an appointment to discuss financial matters.

The members of our Family Team are:

Margaret Porter	-	Director and Collaborative Lawyer
Dee Finnegan	-	Legal Executive

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