

Chapter 17: Guidance on answering the self-test questions

Question 1: Advise your client Hari on the following terms in a separation agreement for Saira requested by your client:

(a) Maintenance is agreed at £750 per month and child maintenance is agreed at £250 per month for their three children;

There is nothing in the agreement to indicate how long the maintenance will be paid to Saira and when payments will cease (e.g. a time limit, payments ceasing on cohabitation or marriage). The child support maintenance can be agreed and the rates from the Child Maintenance and Enforcement Commission should be checked.

(b) The provisions of the MCA 1973 are to be ousted by the agreement;

It is not possible to oust the Matrimonial Causes Act 1973 (MCA 1973) under s34 MCA 1973.

(c) Hari will have contact with the children of the family from 10am Saturday until 4pm Sunday;

A separation agreement can contain arrangements with regard to children including with whom a children will spend time.

(d) Saira has made full and frank disclosure of all of her assets and has sought independent legal advice before signing the agreement.

This is a good clause to include in a separation agreement.