

What is a Consent Order?

When the Court makes decisions or directions relating to a matter, they record the outcomes in a Court Order.

The terms of the order are sometimes imposed by the Court. However, it is also possible to ask the Court to make orders in terms that are agreed between the parties. These orders are known as Consent Orders, as the Court makes them with the agreement or consent of those involved.

Consent Orders relating to financial remedy

Consent Orders can be made in a variety of family cases but are most commonly seen as part of financial remedy following Divorce or Dissolution. This is because, in most cases, separating spouses or Civil Partners reach an agreement as to how to resolve the joint finances, whether by way of discussion between the parties, mediation or with the help of Solicitors.

Once agreement has been reached, the parties wish to avoid costly court proceedings but will benefit from the agreement being formally drawn up and approved by the Court. The document is the Consent Order.

The Consent Order enables financial claims that each party has against the other to be left open or formally dismissed. It can include terms for division of capital assets, transfer or sale of property, pension sharing and maintenance, and numerous other specific orders.

Such an Order can only be sent to the Court for the Judge's approval once divorce proceedings have been started and the Decree Nisi (conditional divorce Order) has been granted. This is done by postal application and it is rare that any actual attendance at Court is required.

The Consent Order must be accompanied by a financial disclosure form known as the Statement of Information for Consent Order. This form summarises the parties financial positions.

A Consent Order becomes binding only once it has been approved and sealed (rubber stamped) by the Court and once the Decree Absolute (final divorce Order) has been granted.

To find out more regarding Financial Remedy, please refer to the information sheets which can be found on our website under Financial Remedy Resources. For example:

-  What is a clean break?
-  What is financial disclosure?
-  Procedure for Financial Remedy Applications
-  Financial Rights and Remedies