



/guide



Your  
questions  
answered

## **HOW TO:** **GET A CLEAN BREAK ORDER**

[Watch the supporting 'Get a Clean Break Order' video](#)

This Stowe talks: How to guide explains how to apply for and obtain a clean break order.

### **What is a clean break order?**

A clean break order is a type of financial order issued following a divorce or dissolution. As the name suggests, it provides a 'clean break' in terms of your finances between you and your ex-spouse.

### **What does a clean break order cover?**

A clean break is a type of financial settlement that dismisses any future financial claims parties may make against the other. It enables both parties to move forward and be financially independent.

### **Who can apply for a clean break order?**

In terms of who can apply for a clean break order, it is open for either spouse to apply for a clean break order.

### **How is a clean break order different from a financial consent order?**

A clean break order is issued by the court and severs all financial ties between you and your ex-spouse. They are useful for those who don't have many assets to divide.

A financial consent order is a document that formally records any financial agreement reached between both parties. This can include a clean break clause, meaning it functions in much the same way as a clean break order.

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A financial consent order will record all (if any) obligations between the parties, including ongoing maintenance, property and any pension sharing order.

## Do you both have to agree to the clean break?

The short answer is no, you do not necessarily need both parties' agreement to secure a clean break order. You can apply to the court for an order without your spouse's participation. However, obtaining a clean break without the consent of the other parties will require the court to make a decision.

## Why is a clean break order important?

A clean break order is important, because if you do not get a clean break order, your ex-spouse is within their right to make a financial claim against you at any point in the future.

This means they can request further financial assistance from you, regardless of whether you have been divorced for one year or twenty years.

For example, if you win the lottery or receive an inheritance, there is a risk your ex-spouse could claim against you, and vice versa.

## How do you apply for a clean break order?

You can get a clean break financial order at any point after your conditional order for divorce has been issued.

You will need to agree on how your matrimonial assets will be separated, and the court will need to approve the terms of your financial separation before issuing the clean break order.

## How much does a clean break order cost?

How much a clean break order costs depends on your situation. If an agreement can be reached between the parties before solicitors are approached to prepare the documentation, the costs will be lower.

However, if solicitors are involved in financial disclosure / negotiating the financial settlement, which results in an agreement that there should be a clean break order, or if the parties cannot reach an agreement and the court needs to make a decision, the costs will increase.

There is a standard court fee of £60 if reached by consent.

## How long does it take to get a clean break order?

Unfortunately, there is no set time frame, but it can take several months. If you can reach a clean break agreement amicably with your ex spouse, this will typically be much quicker than if you need to apply to a court to decide the matter.

Therefore, how long it takes to get a clean break order depends on how quickly you can agree on the terms of your financial settlement and/or how long it takes the court to process your application.

## How long does a clean break order last?

A clean break order is a permanent solution, with very limited circumstances when you can revisit.

The intention behind a clean break order is that it provides finality, completely severing all financial connections between you and your ex-partner.

## Can you revisit a clean break order?

There are limited circumstances in which a clean break order can be overturned, including where there is significant and unforeseeable change in circumstances soon after the order is made, or evidence of mistake or fraud, e.g. failure to properly disclose assets during the divorce settlement process.

If you wish to have a clean break order overturned, it is important to seek specialist advice to find out whether this may be possible.

## Do you have to get a clean break order?

No. There are circumstances where parties will have ongoing financial obligations, and it may not be possible to achieve a clean break order. For example, and usually after a long marriage, if there is a considerable discrepancy in incomes, the court will consider making a spousal maintenance order.

The court can also defer a clean break on capital and inheritance, and can do so if there is a maintenance order until the order has expired.

It is important to note that the court only needs to consider if a clean break is suitable in the circumstances, and is under no obligation to make one.

## The importance of legal advice

It is important to speak to a family lawyer, as your divorce or dissolution only deals with ending the marriage/civil partnership, not ending any financial obligations.

You do have the ability to sever all those financial obligations remaining after a divorce or dissolution with a court order. This could either be a consent order if the two parties can reach an agreement, or following court proceedings if you cannot.

Solicitors can assist with all aspects of resolving financial issues, from preparing the consent order, helping negotiate the terms of financial settlement, or representing a person within contested financial remedy proceedings.

## Useful links

Form A: Notice of an application for a financial order  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1188090/Form\\_A\\_0722.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1188090/Form_A_0722.pdf)

Form D81: Statement of information  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1138049/D81\\_0223\\_save.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138049/D81_0223_save.pdf)

Government website: Apply for a consent order  
<https://www.gov.uk/money-property-when-relationship-ends/apply-for-consent-order>

D190: I want to apply for a financial order  
<https://assets.publishing.service.gov.uk/media/5b2a4e37e5274a190c1b70c1/d190-eng.pdf>

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