

# SEPARATION AGREEMENT (SCOTLAND)

Parties: \_\_\_\_\_

## **Background:**

A. The Parties were in a relationship akin to marriage but have separated and agree to end their relationship. B. The Parties now wish to regulate their financial affairs and arrangements arising from the separation in Scotland. C. This Agreement is intended to be legally binding and enforceable in accordance with the law of Scotland.

## **1. Definitions and Interpretation**

1.1 In this Agreement, unless the context otherwise requires, the following expressions shall have the following meanings: "Agreement" means this Separation Agreement and any schedules attached. "Party" or "Parties" means the persons identified as the parties to this Agreement. "Property" means all assets, possessions, and financial interests owned or agreed to be dealt with under this Agreement. 1.2 Headings are for convenience and do not affect interpretation.

## **2. Separation**

2.1 The Parties agree that they have separated and ceased cohabiting as partners akin to marriage. 2.2 The Parties acknowledge that there is no intention to reconcile and intend the separation to be permanent.

## **3. Financial Provision**

3.1 The Parties have made arrangements regarding division of all assets and liabilities as follows: - The Party A shall retain sole ownership of the property located at \_\_\_\_\_. - The Party B shall retain sole ownership of the property located at \_\_\_\_\_. - Joint bank accounts shall be closed and balances divided as agreed. 3.2 Each Party shall be responsible for liabilities incurred solely in their name prior to separation.

## **4. Debts and Liabilities**

4.1 The Parties agree to be responsible for their respective debts and liabilities incurred before or after separation unless otherwise agreed. 4.2 Any joint liabilities shall be settled by mutual arrangement or as ordered by a court of competent jurisdiction.

## **5. Maintenance and Financial Support**

5.1 Neither Party shall be obliged to pay maintenance or financial support to the other unless expressly set out in this Agreement or ordered by a court. 5.2 Any prior agreements or court orders regarding maintenance are hereby revoked unless explicitly stated otherwise.

## **6. Children**

6.1 The Parties acknowledge that this Agreement does not affect arrangements for the care and financial support of any

children of the relationship. 6.2 Any matters concerning children shall be dealt with in accordance with applicable Scottish family law and any relevant court orders.

## **7. Legal Advice**

7.1 Each Party confirms that they have had the opportunity to seek independent legal advice regarding the terms and effect of this Agreement. 7.2 The Parties enter this Agreement freely and without undue influence.

## **8. Entire Agreement**

8.1 This Agreement contains the entire understanding between the Parties relating to the matters dealt with herein and supersedes all prior arrangements. 8.2 No variation shall be effective unless agreed in writing and signed by both Parties.

## **9. Governing Law and Jurisdiction**

9.1 This Agreement shall be governed by and construed in accordance with the law of Scotland. 9.2 The Parties submit to the exclusive jurisdiction of the Scottish courts in relation to any dispute arising out of or in connection with this Agreement.

## **10. Confidentiality**

10.1 The Parties agree to keep the terms and existence of this Agreement confidential except where disclosure is required by law or for enforcement purposes.

## **11. Severability**

11.1 If any provision of this Agreement is held to be invalid, illegal or unenforceable, the remaining provisions shall continue in full force and effect.

## **12. Execution**

12.1 This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. 12.2 Execution by electronic signature or PDF copy shall have the same effect as original signatures.

**PARTY A SIGNATURE**

**PARTY B SIGNATURE**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

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