BECKY TAYLOR FAMILY MEDIATION

FREE GUIDE · CONSENT ORDERS

Turning Your Mediation Agreement Into a Court Order

How to make your mediated agreement legally binding and enforceable.

INSIDE THIS GUIDE

- What a Consent Order is and why you need one
- The difference between MoU and Consent Order
- How to apply for a Consent Order
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What is a Consent Order?

When you reach agreement in mediation, the mediator will write up your decisions in a document called a Memorandum of Understanding (MoU). This is a summary of what you agreed — but it is not legally binding.

To make your agreement enforceable and final, you need a **Consent Order** — a court-approved document that turns your mediated agreement into a legally binding order.

> "A Consent Order protects both parties. It means the agreement can be enforced if someone changes their mind or stops cooperating."

Why you need a Consent Order

- **Enforceability:** If one party breaches the agreement, the other can return to court for enforcement
- **Clean break:** Prevents either party making future financial claims against the other
- **Property transfer:** Required to legally transfer property or pensions
- **Peace of mind:** Both parties have legal certainty and protection
- **Protects inheritance:** Ensures assets pass to your children, not your ex-spouse

What if we do not get a Consent Order?

Without a Consent Order, your agreement is just a gentleman's agreement. Either party can change their mind, make future financial claims, or refuse to honour the agreement. It leaves both parties vulnerable.

Memorandum of Understanding vs Consent Order

People often confuse these two documents. Here is the difference:

Memorandum of Understanding (MoU)

- Written by the mediator at the end of mediation
- Summarises what you agreed
- NOT legally binding
- Cannot be enforced by a court
- Useful as a basis for drafting a Consent Order

Consent Order

- Drafted by a solicitor based on the MoU
- Submitted to court for approval
- Once approved, it is legally binding
- Can be enforced if breached
- Provides finality and protection

"Think of the MoU as the blueprint and the Consent Order as the finished building."

How to Apply for a Consent Order

1 Instruct a Solicitor

You will need a solicitor to draft your Consent Order. You can use the same solicitor (if both parties agree) or each use separate solicitors. Give your solicitor a copy of your Memorandum of Understanding from mediation.

2 Solicitor Drafts the Consent Order

Your solicitor will turn the MoU into legal language, ensuring all financial agreements are clearly set out: property division, pension sharing, spousal maintenance, lump sums, and a clean break clause.

3 Both Parties Review and Approve

Both you and your ex-partner (and your solicitors) review the draft. Any concerns or amendments are addressed. Once both parties are happy, you both sign the Consent Order.

4 Submit to Court

Your solicitor submits the signed Consent Order to court along with Form A (Notice of Intention to Proceed with a Financial Order) and a £50 court fee. You do not need to attend court.

5 Court Approves the Order

A judge reviews the Consent Order to ensure it is fair. If approved, the order is sealed and returned to you. It is now legally binding.

Timescales and costs

Item	Typical cost / time
Time	Usually 4–8 weeks from submission to approval (longer if amendments needed)
Solicitor fees	£500–£1,500 depending on complexity
Court fee	£50
Total cost	Typically £600–£1,600 (far cheaper than contested court proceedings)

What If Circumstances Change?

Life changes. Incomes go up or down, people lose jobs, children grow up. What happens if your circumstances change after the Consent Order is approved?

Financial settlements are usually final

Once a Consent Order for finances is approved, it is very difficult to change. Courts will only vary an order in exceptional circumstances (e.g., fraud, misrepresentation, significant hardship).

Child arrangements can be varied

If your Consent Order includes child arrangements, these can be changed if circumstances change significantly. You can agree new arrangements informally, return to mediation, or apply to court for a variation.

Spousal maintenance can be varied

If your Consent Order includes ongoing spousal maintenance, this can sometimes be varied if there is a significant change in circumstances (e.g., job loss, serious illness, remarriage). Application to court is required.

Clean break protects you

If your Consent Order includes a clean break clause (no ongoing maintenance, final division of assets), neither party can make future financial claims. This is the best protection against being dragged back to court years later.

"Get the Consent Order done properly the first time. It is your insurance policy for the future."

Ready to make your agreement binding?

We can help you navigate the process and connect you with trusted solicitors to draft your Consent Order. Book a free call to discuss next steps.

BOOK A FREE 30-MINUTE CALL

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