

DIVORCE AND DISSOLUTION



In April 2022, the law on divorce and dissolution of civil partnership has changed to introduce a ‘no-fault’ divorce system. This guidance applies if you wish to divorce or dissolve a civil partnership or have applied to divorce/dissolve a civil partnership on or after 6th April 2022.

Please note that any reference to ‘divorce’ in this factsheet is also a reference to dissolution of a civil partnership.

Ending a Marriage

If you are reading this, you may be thinking about, or have already decided to leave your spouse.

You may have discussed the idea together and agree to separate. Alternatively, you may not have spoken to your spouse yet, or he or she might disagree with ending the marriage.

To get a divorce in England and Wales you must have been married for at least a year and your marriage must have broken down irretrievably. This procedure is available if you are a UK citizen – even if you were married abroad – or if you are not a UK citizen and were married abroad but have been habitually resident in England and Wales for at least a year.

Divorce Law

Under the current divorce law, all that is required is that your marriage has broken down.

The only evidence you will be required to submit to the court is a statement alongside your divorce

application confirming that you believe the marriage has broken down irretrievably.

You can choose to make a joint application for a divorce with your spouse if you wish.

In addition to this, at any stage of the process, you will be able to apply jointly, or you or your spouse could apply as sole applicants. Most of the divorce process is electronic including sending to the court a copy of your marriage certificate and making payment of the applicable fee.

Service is the legal term used to refer to the delivery of legal documents.

Email is the default method of sending (serving) legal documents throughout the divorce process. The email address you use should be your spouse’s usual email address or an address that they provide to be used for service of any application or notice relating to the divorce. If you do not give an email address the papers will be sent to your spouse by post.

The Stages Of The Divorce Process

Please remember that you can choose to make a joint application with your spouse if you wish. In addition to this, at any stage of the process, you will be able to apply jointly, or you or your spouse could apply as sole applicants.

Apply For A Divorce Order

You can apply online or download the application form [here](#).

The fee to apply for a divorce order is £593. If you think you may be eligible for a reduced fee, please see [here](#) for more information.

Important details to note are:

- You must pay by debit or credit card if you apply for the divorce online. This is part of the overall process and you will be guided to the payment page.
- If you apply by submitting the paper application form to the court, the following payment options are available:
 - o Pay by debit or credit card. You will be notified how to do this after submitting the application.
 - o Pay over the phone. You must call the payment line 10 days after the application has been submitted to court.
 - o You can pay by cheque made payable to 'HM Courts and Tribunals Service'.
- Your original marriage certificate or certified copy will need to be provided when you apply for a divorce order.
 - o If you apply online you can take a photograph of your original marriage certificate or certified copy and upload it to your online application.
 - o If you apply by post you will need to attach your original marriage certificate or a certified copy to the application form when you send it.

In section 8 of the application, you will be asked if you wish to apply for a financial order. To preserve your rights, it is recommended you answer 'yes'. Failure to do so may mean your financial rights, which are yet to be decided, are compromised or lost.

Within 28 days of your application for divorce, the court will send your spouse notice of the application and ask them to complete an acknowledgement of service within 14 days.

Your spouse may wish to file an 'answer' to the divorce application. This means they wish to challenge the divorce. They will only be able to do this on limited grounds, such as believing the court does not have the authority to grant a divorce or that the marriage is not legally valid. They must file an answer within 35 days of receiving the acknowledgment.

Applying For A Conditional Order

You can apply for a conditional order 20 weeks after applying for divorce. The 20 week waiting period is referred to as a 'period of reflection' and gives couples an opportunity to reflect and contemplate their decision, seek legal advice or perhaps work through their finances.

Applying For A Final Order

You can apply for a final order 6 weeks after the court has granted a conditional order.

If the application for a conditional order was a joint application but only you wish to apply for the final order, you must send notification of your intent to do so to your spouse.

If more than 12 months have passed after the making of the conditional order, you must send an accompanying notice informing the court about why the application for a final order was not made sooner. Once the final order is made by the court the divorce is complete and the marriage or civil partnership is dissolved.

NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England and Wales unless otherwise stated.

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