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CLIENT GUIDE

DIVORCE



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HOW DO I APPLY FOR A DIVORCE??

This document provides guidance regarding the new no-fault divorce procedure which was introduced in England and Wales in April 2022.

How do I apply for a divorce?

On 6th April 2022, a new no-fault divorce process was introduced in England and Wales. This came as part of several key changes to UK divorce law brought in by the Divorce, Dissolution and Separation Act 2020. In fact, this was the first major radical divorce law reform since the 1970's!

No-fault divorce allows couples to end their marriage or civil partnership without having to apportion blame on each other for the breakdown of the marriage. All that must be proven is that the marriage has irretrievably broken down. It also removes the possibility of one spouse contesting the divorce, which can potentially leave the other spouse waiting years to be able to have an uncontested divorce.

These changes to divorce law simplify the process of obtaining a divorce in England and Wales, while also applying to Civil Partnership dissolution.

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WHAT IS NO FAULT DIVORCE?

What is no-fault divorce?

The new divorce law retains the irretrievable breakdown of a marriage but simplifies the divorce process by removing the need to apportion blame on one party. The main changes are as follows:

- The parties need only produce a statement that ‘the marriage has irretrievably broken down’. No blame will be apportioned.
- A divorce application can be made jointly or by a sole applicant.
- The option of contesting the divorce has been removed except in extremely limited circumstances which the court feels compelled to investigate further.
- The terminology has been changed and modernised: The Divorce Petition is now known as the Divorce Application. The Petitioner is now known as the Applicant. Decree Nisi is now known as a Conditional Order and Decree Absolute is known as a Final Order.
- There is now a mandatory period of reflection which is a minimum of 20 weeks from the date of issue of the divorce application to when a Conditional Order can be made. This is basically a consolidation period for the parties to consider their decision.

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HOW DOES IT WORK?

How does a no-fault divorce work?

To apply for a divorce under the new no-fault divorce law, one simply makes an application for divorce including a statement of irretrievable breakdown.

In essence, this is a statement saying that your relationship has broken down to the point the marriage cannot continue.

The application can be made by yourself (the applicant) or together with your spouse (joint application).

The application is normally made online.

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How to get a no-fault divorce in England and Wales.

The basic process is as follows:

- File an application for divorce (either solely or jointly).
- The court will issue the divorce.
- Service of the application – for sole applications only, the court service will send a copy of the divorce application to the other spouse. They will be referred to as the ‘Respondent’. Service can be done through email or postal address.
- Acknowledgment of Service – for sole applications only, the Respondent will need to complete an Acknowledgment of Service Form to confirm they have received a copy of the application within days of receipt.
- Conditional Order – a minimum of 20 weeks after the divorce was issued by the court, you can apply for the Conditional Order. This confirms that the court sees no reason the divorce cannot go ahead.
- Final Order – 6 weeks after the Conditional Order is granted, you can apply for the Final Order. This legally ends your marriage.

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BENEFITS

What are the benefits of no-fault divorce?

Several benefits to a no-fault divorce are as follows:

- It better reflects modern relationships and situations that arise on relationship breakdown.
- The terminology has been updated and the process simplified, as well as introducing a period of reflection. It negates the need to apportion blame.
- It removes the opportunity to contest the divorce.
- It removes the element of blame, which may make divorce settlements and discussions about children more amicable.

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How much does a no-fault divorce cost in England and Wales?

There is a court fee of £612.00 for submitting a divorce application. Additionally, you will need to consider solicitor's fees. This would cover advice on issues including drafting and completing your application, negotiating division of your finances and matrimonial home, and agreeing a financial consent order and arrangements for children of the marriage.

Timeline for a no-fault divorce

In total, a no-fault divorce will usually take around 7 – 10 months. This is however an estimation and will depend on individual circumstances.

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Implications in relation to your Will

It's important to note that divorce may mean that certain provisions in your Will do not work as you might have intended them to. You will need to make a new Will quickly after the divorce (or in contemplation of divorce) to ensure your wishes are carried out in the event of your death.

How MLS Can Support You

Navigating a divorce can be challenging, but you don't have to go through it alone!

At MLS, we are here to provide you with expert legal advice, support and representation throughout the process.

Whether you need assistance with negotiations, paperwork, or court proceedings, our dedicated team is committed to ensuring your interests are protected and achieving the best possible outcome for you.

Please feel free to contact us with any questions or to schedule a free consultation.

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We hope you found this guide useful, should you require further support or have any questions, please reach out to us.

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