

## **Ending a marriage or civil partnership** **Divorce & Dissolution – Fact Sheet**

### **What is a divorce / dissolution?**

A divorce is what is applied for when you want to end a marriage. A dissolution is what is applied for when you want to end a civil partnership.

### **When can you apply for a divorce or dissolution?**

It is not possible to apply for a divorce or dissolution until you have been married or in the civil partnership for at least 1 year.

### **What is the court fee for an application for divorce or dissolution?**

The court fee is £593.

### **Who can apply for a divorce or dissolution?**

You can apply for a divorce or dissolution together. This is often known as a 'joint application'. Both of you would be named as joint applicants on the application (formerly known as petition) and it will be noted that you both agree to the divorce. If this is the route in which you apply, the court will simply send an issued version of the application to you both once it has been processed.

Alternatively, a divorce or dissolution can be applied for by just one of you. This is often known as a 'single application'. The person applying is known as the Applicant (formerly Petitioner). The Applicant would complete the application and send this to the Court. A copy of the application will then be sent to the non-applying spouse (often referred to as the Respondent) in order for them to complete and return an Acknowledgment of Service form to the Court. A Respondent will usually be given 14 days to respond to a divorce application. If they fail to do so, the Court may still proceed with the divorce if it can be shown the Respondent has received notice of the application.

### **What happens if a Respondent disputes a divorce or dissolution?**

Both parties do not need to agree to the no-fault divorce under the new law, since the ability to contest a divorce has now been removed for applications made after 6 April 2022. For applications made after this date, a divorce or dissolution can only be disputed in exceptional circumstances, for example, if there is a legal reason such as whether the marriage is valid, or where the Court may not have jurisdiction to hear the divorce/dissolution.

### **On what grounds can a divorce or dissolution be applied on?**

There is no longer a requirement to set out the reasons for the breakdown of a marriage or civil partnership. The only ground is that the marriage or civil partnership



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has irretrievably broken down. This is a sufficient reason to apply for a divorce or dissolution.

### **What is the process once a divorce or dissolution application is made?**

Once the divorce/dissolution application is processed by the Court, there is a period of 20 weeks you must wait before you can apply for the first stage of a divorce/dissolution. This is an application for a Conditional Order (formerly known as a Decree Nisi).

Once a Conditional Order is granted by the Court, you must wait 6 weeks and 1 day before you can apply to finalise the divorce/dissolution. This application is for a Final Order (formerly known as a Decree Absolute).

### **What can you do if you are the Respondent and the 6 weeks and 1 day period has elapsed, but the Petitioner has not applied for a Final Order?**

If your spouse/civil partner has applied for the divorce/dissolution, but has not applied for the Final Order, you can apply. However, you can only do this if it has been at least 3 months, 6 weeks and 1 day from when the Conditional Order was granted.

There is a court fee of £167 that you must pay and there is likely to be a hearing that you and your spouse/civil partner will be expected to attend.

You should be mindful that if there are ongoing financial proceedings/discussions, the parties and the Court are unlikely to agree for a Final Order to be granted until a financial settlement is reached.

### **What should you do if there are financial matters of your marriage/civil partnership to be determined?**

Fairly often, a financial settlement has not been agreed by the stage at which a divorce is ready to be finalised by way of a Final Order. In those circumstances, it would be wise to seek legal advice to discuss the financial aspects before finalising the divorce. In most circumstances, the parties will agree not to apply for the Final Order until a financial settlement has been reached. This is because a Final Order affects pension rights which would be lost upon the Final Order being granted.

*Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Information up to date as at 04/06/2024*