



Under the current law, in order to obtain a divorce you must prove that your marriage has irretrievably broken down based on one of five factors:-

- Adultery
- Unreasonable behaviour
- Two years separation with consent
- Five years separation without consent
- Desertion for a period exceeding 2 years

Most divorces are based on either adultery or unreasonable behaviour. At present, these are the only two facts that allow the applicant to begin divorce proceedings immediately without waiting for a period of at least two years.

However as of April 2022 and the implementation of the Divorce, Dissolution and Separation Act 2020, spouses will be able to issue divorce proceedings based on the new 'No-Fault' legislation. This will allow a spouse to dissolve their marriage without having to assign blame on the other party.

Here's everything you need to know about the new legislation

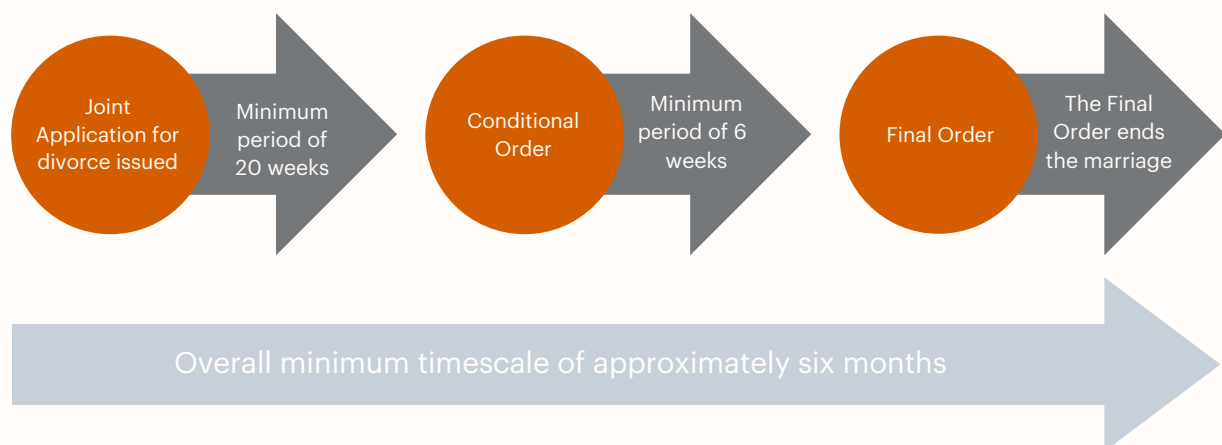
- Applications for divorce based on no fault will come into effect from 6 April 2022.
- The five facts for divorce as outlined above will be removed and there will be only one 'ground' for divorce with the provision of a statement of irretrievable breakdown of the marriage. The statement will be taken as conclusive evidence that the marriage has broken down irretrievably and the Court will make the divorce order.
- Either or both parties to a marriage may apply to the court for an order (a 'divorce order') which dissolves the marriage.
- There will be a minimum period of 20 weeks from the start of proceedings to obtaining the conditional order (previously referred to as 'decree nisi').
- The court will not make a conditional order unless, in the case of an application by one party to the marriage only, that party has confirmed to the court that they wish the application to continue, or in the case of an application by both parties to the marriage, those parties have confirmed to the court that they wish the application to continue.
- There will still be a six week period between the conditional order being made final (previously referred to as 'decree absolute').
- It will no longer be possible for the respondent to contest the decision to divorce.
- It will still not be possible to apply for divorce within the first 12 months of marriage.
- All applications for divorce must be made online.

- If an application is made by one spouse, or it is made by both spouses but one spouse withdraws from the application, the non-applicant spouse can apply to the Court for consideration of their financial position after the divorce. The Court must not make the final divorce order unless it is satisfied that the applicant should not be required to make any financial provision for the respondent or that the financial provision already made is fair and reasonable in the circumstances. The court must consider all the circumstances including the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties to the marriage, and the financial position of the respondent as, having regard to the divorce, it is likely to be after the death of the applicant should that person die first.

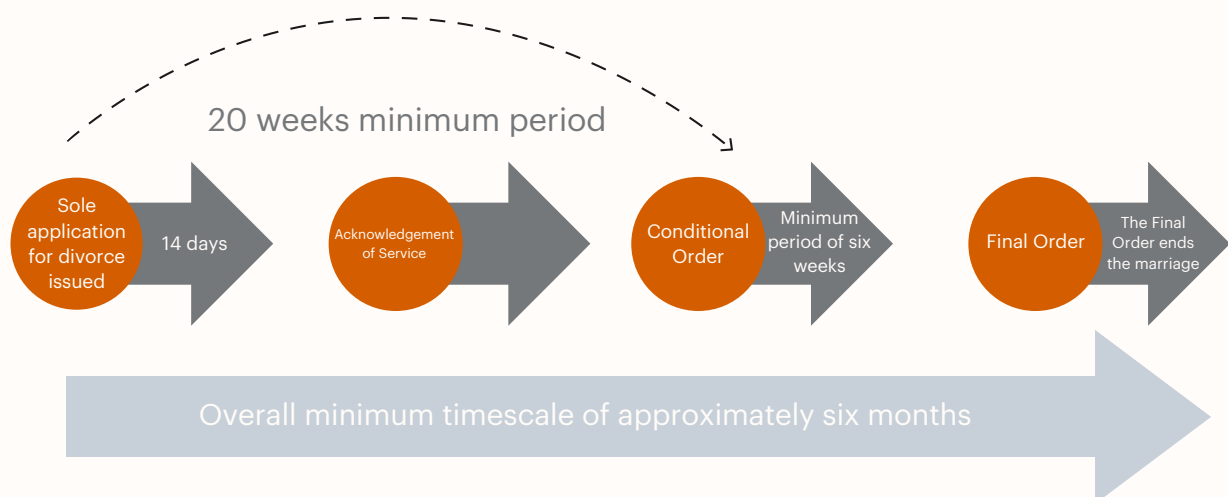
The same provisions will apply for parties seeking a judicial separation or to dissolve a civil partnership.

It is hoped the new legislation will help reduce the emotion and conflict between spouses entering the divorce process, and allow parties to move forward in a more amicable manner.

Joint Application for Divorce



Sole Application for Divorce



For more information on No-Fault Divorce or any other aspects of family law, please contact 01442 872311 or visit www.machins.co.uk