Divorce and Separation

Family Law
Fact Sheet 1

No-Fault Divorce

In 2020, Royal Assent was given to a bill introducing no-fault divorce, meaning from the 6th April 2022 a new divorce process was introduced, bringing long awaited reforms to an area of law that has not changed since 1973.

Under new provisions, separating couples no longer have to rely upon one of the five facts to prove a ground for divorce. Instead, the new law encourages a more constructive approach to divorce proceedings.

How will no-fault divorce work?

The Divorce, Dissolution and Separation Bill which introduced no-fault divorce will:

- Keep the sole ground of irretrievable breakdown of the parties relationship;
- Remove the requirement to establish one or more facts to prove irretrievable breakdown;
- Update divorce language, for example, 'Decree Nisi' will become a 'Conditional Order', 'Decree Absolute' will become 'Final Order' and the 'Petitioner' (the person who submits the divorce application), will become the 'Applicant'.
- Introduce joint applications where the couple both agrees that the relationship has irretrievably broken down (applicants will still be able to submit a sole application if their partner does not agree).
- Remove the ability to contest a divorce, dissolution or separation.
- Introduce a new minimum period of 20 weeks from the start of the proceedings to when the conditional order can be made.
- To keep the 6 week period between the conditional order (currently known as decree nisi) and when the final order (currently known as decree absolute) can be made.
- All divorce petitions are lodged and managed via the court's online portal making the process more streamlined and efficient.

What this means for you as the client

- Effectively, the new divorce law will mean that there will be no more blame, unlike the current divorce process grounds such as unreasonable behavior.
- If both parties agree, the couple will be able to make a joint application for divorce or dissolution, allowing them to have a completely amicable separation.
- No one will need to worry about their partner contesting the divorce or dissolution, and forcing the application to court. This saves considerable costs, time and distress to one or both of the parties.
- With new time scales, most couples will have to wait around 6 months for the divorce or dissolution to finalise. This time was intended to be a period of reflection for both parties to consider whether they truly want to separate.
- During this time, couples will still need to:
  - make a separate arrangements to divide their finances.
  - Agree to maintenance payments (if necessary).
  - Sort out arrangements for the children, such as where the children are to live and who they are to spend time with.

CONTACT INFORMATION

Please feel free to contact your local Beeston Shenton office to discuss your own position and concerns.

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