

Divorce and dissolution



This guidance applies if you wish to divorce or have applied to divorce on or after 6th April 2022. The law on divorce has changed drastically to introduce a ‘no-fault’ divorce system.

As with any new legislation and legal process, detail can take a while to become apparent. This factsheet will be updated frequently to reflect new information as it becomes available.

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.

Changes to Divorce Law

Previously, it was only possible to divorce your spouse in the two years after separating if they had behaved unreasonably or committed adultery.

Under the new rules, it is possible for you to get a divorce without blaming your spouse. 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.

The biggest change is that 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.

The changes to the divorce process, the ‘getting unmarried’, have not changed any of the laws or processes relating to the division of matrimonial assets and matters relating to children.

Most of the divorce process will now be electronic. It is not yet confirmed whether any other means of application will be available and full details will be available in due course.

Service is the legal term used to refer to the delivery of legal documents. Email will now be 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. You are also required to send a notice to your spouse confirming that you have sent documentation via email to your spouse’s postal address by first class post to arrive on the next business day. We recommend you get a proof of postage. The form of notice is not yet clear. This may simply be a letter or could be a legal form. As soon as this position becomes clear, this guidance will be updated.

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

The fee to apply for a divorce order is £593.

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 differences before committing to a divorce.

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 is dissolved.

This process makes no changes to the law and procedure relating to the division of financial assets or matters relating to childcare issues

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