

DIVORCE

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Before you are able to file for divorce, you must have entered into a legally recognised marriage in the United Kingdom and have been married for at least 12 months. Divorce petitions are now issued using the online portal

The legislation relating to divorce is due to change on 6 April 2022 when a new no fault divorce procedure is due to be introduced. At present there is only one ground for divorce which is the irretrievable breakdown of the marriage. This is proved by using one of five facts: Unreasonable behaviour, Adultery, 2 year separation with consent, Desertion, 5 year separation.

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The Respondent is given 14 days to send their response to the petition.

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A hearing will be listed only if petition is defended or if any claim for costs is defended

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If the petition is not defended, and if the judge is satisfied that the correct procedure has been followed and the facts are sufficient to establish an irretrievable breakdown of marriage, the court will place the petition in the list for Decree Nisi and confirms the date and time for the pronouncement of the Decree Nisi to the parties. This is an interim hearing before the final decree is made.

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Decree Nisi Hearing: The Court will simply read the names and grant the Decree Nisi. Copies are sent to each party.

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Apply for Decree Absolute. The petitioner can apply for a Decree Absolute 6 weeks and a day after the date of the Decree Nisi. Once the Court receives the application from the Petitioner it will be placed before a Judge who will consider the application as a paper exercise without court attendance unless the application made for decree absolute is defended. The date of the Decree Absolute is the date your marriage comes to an end.

CREIGHTON
& PARTNERS

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