

The image features a warm, golden sunset background with a bright sun on the right. In the center, there are dark silhouettes of a family consisting of two adults and two children, all holding hands. On the left side, there are some thin, light-colored lines representing grass or reeds. A pink arrow-shaped box on the left contains the text 'A quick guide to:'. At the bottom, a dark green banner contains the title 'Divorce & Separation' in white serif font. A solid pink rectangle is located in the bottom right corner.

A quick guide to:

Divorce & Separation

Marriage

You must have entered into a legally recognised marriage in the UK.

If you were married abroad, the marriage must be legally recognised in that country.

To apply for a divorce you must be married for at least 12 months.

You can apply for a divorce in the UK if you can show that at least one of you is habitually resident in the UK.

Ground for Divorce

There is only one ground for divorce which is the *irretrievable breakdown of the marriage*. This is proved by using one of five facts:

1. Unreasonable behaviour
2. Adultery
3. 2 year separation with consent
4. Desertion
5. 5 year separation

Only one of the above facts is used to show that the marriage has broken down irretrievably. The Court process for all 5 facts is the same.

For further details on the above five facts please contact a member of the private law team.

Court Process

One party to the marriage (the Petitioner) files a petition at court with the original marriage certificate and the issue fee/fee exemption form.

If undefended the Petitioner will apply for the Decree Nisi as a paper exercise (no Court hearing is needed), if defended the Petitioner will apply for Directions for Trial and a Court hearing date.

The Judge looks at the petition and certifies that the Court is satisfied the marriage has come to an end. The court places the petition in the list for the Decree Nisi and confirms the date and time of the pronouncement of the Decree Nisi to the parties. Neither party needs to attend Court. The Court will simply read the names and grant the Decree Nisi. Copies are sent to each party.

6 weeks and 1 day after the date of the Decree Nisi the Petitioner may apply for the Decree Absolute to end the marriage. You continue to be married until the Decree Absolute is made.

Decree Nisi

This is an intermediate stage in the divorce. You submit an application which the Court considers without either of you appearing in Court. If the court finds that you have successfully proved the ground "irretrievable breakdown" you will receive a document called the Certificate of Entitlement. This will confirm that the Court is satisfied your marriage has ended and your case will be listed for the pronouncement of the Decree Nisi.

You will receive details of the date and time when the Decree Nisi is to be pronounced but you are not required to attend Court.

The Decree Nisi does not end your marriage. To end the marriage you must apply for the Decree Nisi to be made Absolute. If you do not apply for the Decree Absolute then the other party may apply to rescind your Decree Nisi and file a new petition against you.

Decree Absolute

To end the marriage the Petitioner may apply for the Decree Absolute but this application can not be filed until 6 weeks and a day after the date of the Decree Nisi. The 6 weeks and 1 day is called the statutory cooling off period. 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. The date of the Decree Absolute is the date your marriage comes to an end.

If the Petitioner does not apply for the Decree Absolute then the Respondent may apply but not for 4 months after the date of the Decree Nisi. The Respondent's application will be listed for a hearing so as to convince the Judge why the marriage should come to an end.

Meet the Team



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