



Understanding your divorce proceedings'

At Wards Solicitors, our family lawyers are experienced in providing practical and supportive advice and can help you identify and prioritise the issues. This factsheet is designed to give you information on divorce procedure. We have further factsheets on finances, children and injunctions. If you have any questions, please do not hesitate to contact us.

Obtaining the divorce itself is usually quite straightforward, particularly if the couple agrees that the marriage is over. Difficulties tend to arise in resolving practical issues such as how to separate, where to live, arrangements for the children and property and money matters.

Outlined below is a broad framework of the divorce process which highlights key points and sets out a typical timetable.

Who can start divorce proceedings?

Anyone who has been married for over a year provided one of the couple either lives in or has lived in England or Wales during the previous year. It does not matter where the couple married.

On what grounds can a divorce or judicial separation be started?

There is now just one ground: the marriage must have irretrievably broken down.

The difference between divorce and judicial separation proceedings is that the latter leaves you still legally married to your husband or wife and are therefore unable to get remarried.

If the marriage has irretrievably broken down, what happens next?

We will draft the paperwork to start the proceedings. Your marriage certificate has to be sent to us and a copy submitted to the court at the start of your case. It will be returned to you at the end.

When are financial issues dealt with?

It is not necessary for financial arrangements to be completed by the time the divorce is final. Frequently they will still be in the early stages. However, it should at least be possible to resolve immediate problems and make any interim maintenance arrangements.

We may advise you to delay application for the the Final Order ending the marriage until a financial settlement is finalised, to protect your rights.

Are the proceedings public?

Court proceedings in family law are usually private. This means that the public and press are not allowed access to the court papers.

Timetable for divorce

1. After one year of marriage.

Either spouse, if they have grounds, may start the divorce. He or she is called the Applicant. The Application is sent to the court. As of April 2022, you can also make joint Applications for a divorce within which the Application is made by Applicant 1 and Applicant 2. A court fee is payable, unless the Applicant is exempt (or in a joint Application, both Applicants).

2. Within a few days of sending the Application to the court.

The court sends a copy of the Application to the other party, (called the Respondent) or to his or her solicitor if there is one. In joint Applications, this is not required.

3. From the date the documents are received, the Respondent has time limits.

- Within 7 days

The Respondent should send the court a Acknowledgement of Service form, which accompanied the application. This asks whether they intend to defend the case.

4. On receiving the Acknowledgement of service from the Respondent.

The court sends the Applicant's solicitor a copy of the acknowledgement of service.

5. The Applicant can apply for the Conditional Order to be pronounced.

The Applicant's solicitor can apply for the Conditional Order 20 weeks after the Application is issued at the Court.

6. If the Acknowledgement of service is not returned to the court.

Proof that the Respondent has received the application will have to be obtained before the Applicant can take the next step.

7. On receipt by the court of the application for a date for the Conditional Order.

A District Judge reviews the papers and usually pronounces the Conditional Order. This cannot be done before 20 weeks have passed from the date the Application is issued. The couple do not have to attend court.

8. At least six weeks after the Conditional Order.

a) The Applicant may apply for the final Order. This Order may be available as quickly as the same day.

(b) The Respondent can apply for the Final Order if the Applicant has not already done so. However, such an application is not automatically granted. If you are in this position as a Respondent we will provide you with full advice.

For more information on divorce and relationship breakdown please follow the link wards.uk.com/divorce-and-family.