

# EVERYTHING YOU NEED TO KNOW ABOUT NO FAULT DIVORCE

## WHAT IS NO FAULT DIVORCE?

As of 6 April 2022, UK divorce law changed under the terms of the Divorce, Dissolution and Separation Act 2020. What this means is that key parts of the divorce rules that were set out under The Matrimonial Cause Act 1973 no longer apply when divorcing.

Previously, separating couples had to prove the irretrievable breakdown of their marriage by using one of the five facts in order to be granted a divorce. These five facts were:

1. Adultery
2. Unreasonable behaviour
3. Desertion
4. Separation for at least 2 years (if both spouses agreed to the divorce)
5. Separation for at least 5 years (if one spouse opposed the divorce)

The first three of these five facts required the person making the divorce petition to place blame or fault on their spouse for the failure of the marriage, even where the divorce was an amicable decision between both parties.

The final two facts required the couple to wait up to five years for a divorce, meaning they might still be married even if they were living entirely separate lives.

The new divorce law removes the need to assign blame or fault, as well as allowing separating couples to jointly apply for a divorce if desired.

# NO FAULT DIVORCE

## WHAT ARE THE NO FAULT DIVORCE RULES?

The previous divorce rules had not been amended for 49 years, meaning many were completely overwritten. The new divorce rules set out in the Divorce, Dissolution and Separation Act 2020 are as follows:

- The sole ground of divorce, irretrievable breakdown of the marriage, stays the same
- The sole ground of divorce does not now need to be proved through the five facts above
- Separating spouses can make joint divorce petitions if they wish to
- Amendment of divorce language, such as:
  - 'Decree Nisi' is now 'Conditional Order'
  - 'Decree Absolute' is now 'Final Order'
  - 'Petitioner' is now 'Applicant'
- There is now a 20 week minimum time frame between the start of proceedings to the 'Conditional Order' being granted
- The six week period between the Conditional Order and Final Order being granted remains the same

## WHY DID THE PREVIOUS DIVORCE RULES CHANGE?

The introduction of no fault divorce was due to many critics over the years expressing how the previous divorce rules were outdated and needed reform, especially since they hadn't been updated for almost fifty.

For this reason, the government introduced the new divorce guidelines under the Divorce, Dissolution and Separation Act 2020.

Where in the past, blame and fault were seen as the only acceptable means for a divorce, times have changed considerably, and there are many divorces across England and Wales that are not fault based. For example, many separating couples come to the realisation that they have simply drifted apart and wish to separate amicably.

# NO FAULT DIVORCE

## HOW LONG DOES NO FAULT DIVORCE TAKE?

A common concern for many when pursuing divorce proceedings is the length of time that it will take to finalise.

Unfortunately, it is not possible to guarantee an exact time frame for each divorce as circumstances within the divorce, such as child arrangements and financial settlements, can take a significant amount of time, especially where spouses do not agree on certain issues.

The new rules also require specific time between each stage of the process, such as the twenty week time period between the beginning of proceedings to the Conditional Order and from the Conditional Order to the Final Order there is the further six weeks wait.

From taking these circumstances and time periods into consideration, we can advise that the average period of time a straightforward divorce is expected to take is around six months in total, but it could potentially be longer.

## GET DIVORCED IN 5 STEPS

[Start your divorce online](#) with us and get the advice and expertise that's right for you including:

- a follow up call from a divorce solicitor
- expert divorce advice without travelling to our office (unless you want to)
- professionally prepared divorce papers, tailored to your circumstances
- support and [legal advice](#) from an experienced divorce solicitor
- Stephen Rimmer LLP is authorised by the [Solicitors Regulation Authority](#)

## PREPARE YOUR DIVORCE ONLINE

We'll guide you through some of the things we need to know to begin your divorce – answer what you know and leave anything you're not sure of.



# NO FAULT DIVORCE

## **A DIVORCE SOLICITOR CALLS YOU**

You'll speak to a divorce lawyer at a time you choose. You can discuss anything you're not sure of and fill in any blanks. The call will be between 9am – 5.30pm Monday – Friday.

## **YOU GET YOUR DIVORCE PAPERS TO CHECK**

You'll get a copy of your divorce papers to check that everything is OK before submission.

## **WE'LL START YOUR DIVORCE PROCESS**

We'll send your divorce papers to the court. They will send a service of the application to your spouse if you have submitted a sole divorce application.

## **FINALISING YOUR DIVORCE**

Once your spouse has confirmed to the court that they agree to the divorce, we'll complete your divorce on your behalf.

When a legal matter involves your family, you need to balance the rights and wrongs of the situation against what is best for you and your loved ones. Sympathetic, practical advice from seasoned legal experts can make dealing with family law matters much simpler and less stressful, while giving you the best chance of a positive outcome for everyone involved.

At Stephen Rimmer our team are specialist family law solicitors so you can be assured that we will always have you and your family's best interests in mind. [Start your divorce online](#) with us or follow this link for a [free initial 30-minute consultation](#) or call us on 01323 434415 to see how we can help you.