



Dissolving a marriage

The formal dissolution of a marriage, otherwise known as a divorce, is the legal process in which a marriage is formally ended under the Matrimonial Causes Act 1973.

- In order to be eligible for a divorce in England and Wales, the parties must have been married for a period of at least one year.
- The document that has to be completed and filed with the court to begin the process is a Divorce Petition. Either party to the marriage may petition for divorce on the ground that the marriage has irretrievably broken down.

In order to establish that the marriage has broken down irretrievably, the Divorce Petition will need to rely on one of the following facts:

- Adultery;
- Unreasonable behaviour;
- Desertion for a period of two years or more;
- Two years' separation, with both parties consent;
- Five years' separation, without consent.

“Breaking up can
turn your world
upside down”



- The party initiating divorce proceedings is referred to as the Petitioner, whereas the party responding to a Petition is called the Respondent.
- The current court fee to issue a Divorce Petition is £550, which is included within our **Fixed Fee Divorce Package of £1,395** to act as the Petitioner. If you are the Respondent in the main suit, we offer a **Fixed Fee Service of £600** including VAT. Both fixed fee packages are offered on the basis that the divorce is straight forward and proceeds undefended.
- Once the divorce petition has been submitted to the court, it is assigned a case number and a copy is sent to the Respondent with an Acknowledgement of Service Form which is to be completed and returned to the court.
- Upon receiving the Respondent's Acknowledgement of Service confirming that she/he consents to the divorce, a copy of the acknowledgement form is then sent to the Petitioner with confirmation that the first Decree of Divorce, namely Decree Nisi, can be applied for.
- An application for Decree Nisi together with a Statement in Support is then lodged with the court and the matter is referred to a district judge for consideration without any hearing or attendance by the parties. Provided that the judge is satisfied with that the marriage has, in accordance with the Petition, irretrievably broken down, a Certificate of Entitlement to a Decree Nisi is then granted.
- A date for the pronouncement of Decree Nisi is subsequently listed and will be granted on the date as directed, without any need to attend court, unless the matter is defended or an issue concerning costs has arisen.
- Six weeks and one day after the pronouncement of Decree Nisi, the final decree, namely Decree Absolute, can be applied for by the Petitioner. The Decree Absolute is the final stage of the divorce process and formally brings the marriage to an end. It is only at this point the parties are free to remarry.

The timings of a divorce will, naturally, depend on the co-operation of the parties and the efficiency of the court. We usually estimate, however, that a divorce can take between six and nine months from beginning to end, although it is common practice to delay applying for Decree Absolute until a financial settlement has been reached between the parties.

Although helpful, the brief information included in this document is intended as a guide only and does not constitute legal advice. For more detailed information regarding any of the matters raised in this guide, tailored to suit your specific circumstances, please contact a member of Mander Hadley's family team.