

AT A GLANCE GUIDE  
TO NO FAULT DIVORCE

## THE NEW LAW

On the 6th April 2022 the Divorce, Dissolution and Separation Act 2020 (also known as DDSA) came into force bringing about major changes to divorce law in England and Wales, not seen in half a century.

From the 6th April 2022 the party seeking divorce will no longer have to satisfy the court that there has been an irretrievable breakdown based on one of the five divorce facts (adultery, unreasonable behaviour, two years separation with consent, five years separation or two years desertion). This means that the requirement to provide evidence of conduct and separation has been removed and this old requirement is replaced with a new and more simplified requirement to provide a statement of irretrievable breakdown of the marriage or civil partnership. The need to blame one partner at the very outset of the divorce under the old regime often forced couples into confrontational stances which then played out as the process progressed. Increased antipathy, often resulted in increased costs.

Furthermore, the new law:-

- **Removes the ability to defend the decision to divorce or end the civil partnership and keep someone in a marriage against their will.**
- **Allows, for the first time, joint applications for divorce and dissolution (the ground that the civil partnership has irretrievably broken down) meaning that couples can now apply together for divorce and dissolution.**

Introduces a new minimum overall time frame of six months (26 weeks). This ensures that there is a period of reflection, and where divorce is inevitable, provides a greater opportunity for couples to agree the practical arrangements for the future.

- Updates the legal language used for divorce (please see below).



# DDSA 2020: TERMINOLOGY CHANGES

The DDSA will make terminology changes to outdated phrases in the divorce and dissolution. The language is being changed to make it simpler and more accessible to those outside of the legal profession and aligns with the language used in civil partnership proceedings. A breakdown of the terms, the previous term used and the meaning is provided below.

Updated Term	Historic Term	Meaning
Application	Petition	This is the physical document/digital form submitted to the court to apply for a divorce and to dissolve (end) a civil partnership
Applicant	Petitioner	The applicant is the party (which means person in) the marriage or civil partnership who submits the application to the court. They will be known as the applicant throughout the process and in a sole application, the other party will be known as the 'respondent'. In a joint application, the parties applying together will be known as 'applicant 1' and 'applicant 2'.
Conditional Order	Decree Nisi	A conditional order is a document that says that the court does not see any reason why the parties, cannot divorce or end the civil partnership.
Final Order	Decree Absolute	Once received, the parties will be able to re-marry or enter another civil partnership. This document should be kept safe as it will be relevant for a number of different things, for example applying for a new passport, applying for a driving licence, student finance applications and vehicle registrations.
Disputed	Defended	When the old law applied, a respondent to the divorce or dissolution proceedings could defend the application if they disagreed with the 'fact' the applicant has relied upon for the divorce, or on other grounds for example, jurisdiction. The new law has narrowed the grounds that a respondent can defend the application. This is now only possible on limited grounds including jurisdiction, validity or the subsistence of a marriage. Proceedings may also be challenged on the grounds of fraud or procedural non-compliance. This language has changed to dispute as it is no longer possible to defend the divorce/dissolution itself.

# FREQUENTLY ASKED QUESTIONS ABOUT DIVORCE

## **How long do I need to be married before I can get divorced?**

You need to have been married for one year.

## **Do I have to use to a solicitor to get divorced?**

No, but we would recommend that you do, particularly if there are issues relating to finances and/or children.

## **Can we use the same solicitor?**

The new law enables a solicitor to represent both applicants i.e. both husband and wife in relation to divorce only. When it comes to finances and children one party will have to seek their own independent legal advice. However, we would recommend that in divorce proceedings and dissolution proceedings as well as dealing with issues around finances and children, both parties instruct their own solicitors.

## **Do I have to go to Court?**

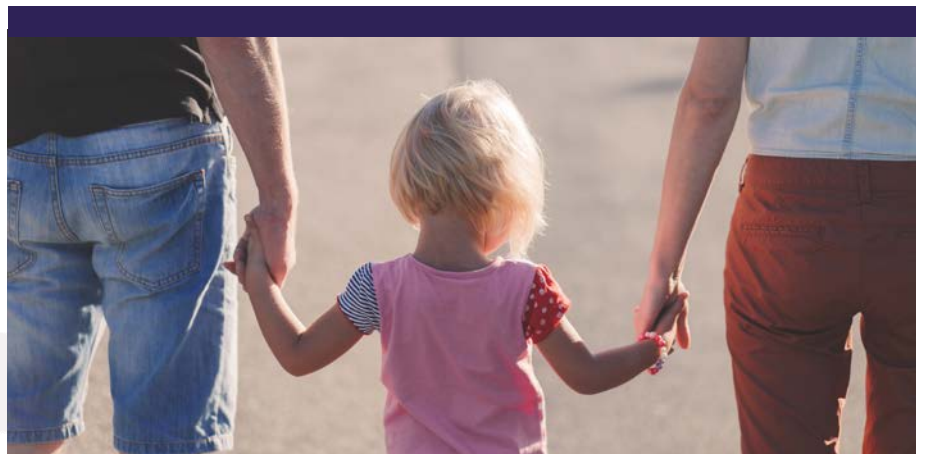
For the Divorce you should not have to go to Court. However, you may have to go to Court if you cannot agree on any related financial and/or children matters.

## **How long does it take?**

A new minimum overall timeframe of six months (26 weeks) made up of a 'minimum period' of 20 weeks in divorce and dissolution proceedings between the start of proceedings (when the court issues the application) and when the applicant(s) may apply for a conditional order and the current minimum timeframe of 6 weeks between the conditional order and when the order can be made final. This ensures that there is a period of reflection, and where divorce is inevitable, provides a greater opportunity for couples to agree the practical arrangements for the future.

## **When am I divorced?**

Once the final order has been pronounced you are divorced.



## COSTS

The most frequent question asked is, **“How much is this going to cost me?”**

Many people are tempted to instruct the cheapest solicitor but when in life has the cheapest been what is best for you? Our rates are very competitive given our level of experience.

- We do offer an initial reduced rate consultation for £100 plus VAT.
- We can give you an idea how much your case is going to cost and indeed, with a divorce this is easier than for most other stages of your case particularly finances and/or children matters.
- We offer a fixed fee divorce package to cover the essential elements of the process for £750 plus VAT or a pay as you go service, providing guidance on all elements of the divorce or as and when you need it.
- When it comes to billing, we will provide you with regular monthly or bi-monthly bills so that you do not find yourself in the position of having to pay sporadic large bills. These bills on average will be for a few hundred pounds which we believe to be much more manageable. In addition, should you wish you can set a limit on the amount of your fees and we will advise you as soon as it appears that the limit may be exceeded and will not exceed that limit without your consent.

## TALK TO US TODAY

**If you would like to talk to us about any of our services please get in touch:**



<b>Bromley office:</b>	<b>020 8464 4242</b>
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