

Fact Sheet

A Guide to the Divorce Procedure

Divorce Proceedings - a step by step guide to the procedure and timescale for a divorce

After one Year of Marriage

Either spouse may start the divorce. The Application is completed and then sent to the Court (on paper or online) together with the marriage certificate, which must be the original or a certified copy (not a photocopy).

Within 1 to 2 weeks of sending the Application to the Court

The Court sends a copy of the Application to the Respondent. If the Respondent has instructed solicitors, the Application may be sent to them. It can be sent by email.

What does the Respondent have to do?

He or she should send to the Court a form called an Acknowledgement of Service which accompanies the Application. This can be done online or by paper.

Within a few days of receiving the Acknowledgement of Service from the Respondent

The Court sends to the Applicant's Solicitor a copy of the form of Acknowledgement of Service.

If the Respondent is not disputing the Application, the Applicant can apply for the Conditional order

The Applicant's Solicitor prepares the application for conditional order once the 20 week waiting period has expired. Notice will have to be provided with a joint application.

What happens 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. It is now possible for service to take place by email.

What if the Respondent disputes the Application?

It is no longer possible for the divorce to be "defended". It can only be "disputed" by the Respondent in limited circumstances as follows:

- They dispute the jurisdiction of the court
- They dispute the validity of the marriage
- The marriage or civil partnership has already been legally ended.

Can the Applicant apply for costs?

It is possible for the Applicant to apply for costs against the Respondent when lodging the Application.

On receipt by the Court of the Application for a Conditional order

The application will be examined by the court and a date given for the Conditional order. The couple do not have to attend Court (unless there are disputed costs).

Applying for the Final order

This can be applied for 6 weeks and 1 day after the date of the Conditional order online or on paper. It will take 1 to 2 weeks to be provided (this can be less online).

The Respondent may apply for the Final order if the Applicant has not done so, 3 months after the Applicant could have first applied. This requires a formal application to be filed with the Court together with a Court fee.



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The mechanics of obtaining a divorce nowadays are usually quite straightforward – particularly if the couple agree that the marriage is over. The difficulties tend to lie in resolving the related practical issues stemming from divorce such as how to separate, where to live, arrangements for the children and any money matters

Your attention will probably be concentrated on those related issues and the process of actually obtaining the divorce may seem blurred. The purpose of this leaflet is to outline a broad framework of the divorce process, to highlight key points and to set out the sort of timetable to expect.

Who can start Divorce Proceedings?

Anyone who has been married for over a year provided one or the other of the couple is either domiciled here or has been resident in England or Wales during the preceding year. It does not matter where the couple was married. The person who starts the divorce proceedings is known as “the Applicant” and his/her spouse is called “the Respondent”.

What does the Application look like?

Every Application follows the same form. It contains basic information about names, addresses, and a statement that the marriage has irretrievably broken down.

The Application will include a section about a claim for costs of the divorce, and an Order for financial provision.

On what grounds can a Divorce Application be started?

There is only one ground for divorce and that is that the marriage has broken down irretrievably. From 6th April 2022 it is no longer necessary or possible to refer to one of the 5 facts for divorce. These no longer exist. There is no requirement to assign blame and one party, or the couple jointly can make a statement of irretrievable breakdown. No evidence will be necessary, beyond this statement.

How much does the divorce cost?

Fixed fees are available in some cases. Please refer to our fixed fee handout.

If the marriage has “irretrievably broken down” what happens next?

This will depend upon your particular circumstances. It is often sensible to try to obtain your spouse's consent to the Application (formerly known as petition) and to try to reach agreement about the costs. Once the application has been submitted online (or on paper), there is a 20 week waiting period from the start of the proceedings. Thereafter, the Conditional order (formerly Decree Nisi) can be applied for. Six weeks later it will be possible to apply for the Final order (formerly Decree Absolute).

Are financial issues dealt with before the divorce is finalised?

It is recommended that financial issues are resolved by the time the divorce is finalised. Frequently, financial negotiations will still be in the early stages especially if finances are complex. In this case it should be possible to delay the Final order or resolve immediate income problems by making temporary financial maintenance arrangements.

Are the proceedings public?

Court Proceedings in family law are usually private. This means the public and press are not allowed access to the Court papers. However, the press is able to publish the fact that a divorce has been pronounced. The information that they may disclose is very limited.

