

# THE NEW DIVORCE LAW

---

## “No-fault” Divorce – What you need to know

The new Divorce Law which came into force on 6 April 2022 and which is being referred to as “no-fault” divorce, aims to bring about an end to contentious proceedings and conflict during a couple’s divorce.

To help you understand how the new system works, we have prepared a set of helpful answers to the most common questions about this new divorce process.

### What is “no-fault” divorce?

Since 6 April 2022, to obtain a divorce in England and Wales, one or both parties only need to show that their marriage has irretrievably broken down.

They no longer have to cite one of the previous five reasons for divorce. What’s more, under the new system a couple can apply for divorce jointly, rather than one party blaming the other.

**“ This new system of divorce is designed to reduce conflict and encourage an amicable separation so that parties can resolve matters quickly, at a lower cost and with less stress. ”**

Under the new system, it will no longer be possible for one spouse to contest the divorce, save for in specific situations where a challenge to jurisdiction can be made.

Only one party needs to feel that the marriage has broken down irretrievably for proceedings to be launched.

## How do I apply for a “no-fault” divorce?

One or both parties can apply for a divorce under the new divorce rules by giving notice that the marriage has irretrievably broken down and submitting an application that references a specific reason for why the marriage is ending.

Once the application has been made, normally on line, the application is served on the respondent electronically within 28 days of the application being issued.

Once the respondent has acknowledged service, divorcing couples will be required to undergo a period of reflection that takes a minimum of 20 weeks.

This period has been designed to give couples the chance to evaluate their decisions and work through any contentious issues such as resolving financial and children arrangements, before continuing with their divorce.

After this period ends, the couple, upon an application by the applicant, will receive a conditional order of divorce, which is similar to the previous decree nisi. Six weeks later the applicant can apply for the final order of divorce, formally known as the decree absolute. At that point the marriage or civil partnership, is dissolved.

## Do the same rules apply to civil partnerships?

Parties in a civil partnership can obtain a dissolution without having to establish grounds or obtaining the other party’s consent – the same as married couples.

In fact, the new “no-fault” rules and processes are the same for ending a civil partnership as a marriage.



### Alison Green

Partner  
Head of Family & Relationship Team

 [Alison.Green@mackrell.com](mailto:Alison.Green@mackrell.com)

## Will a “no-fault” divorce affect my finances?

The division of wealth after a divorce is rarely affected by the reasons given for a divorce. For this reason, financial settlements on divorce should remain unaffected by the new no-fault divorce rules.

Some experts even argue that this less combative form of divorce could even make it easier for some parties to reach an agreement about their finances and other responsibilities.

Like the previous system, you will need to wait for the initial conditional order for divorce to be granted before the courts can approve a financial settlement.

## Will “no-fault” divorce affect parenting rights and responsibilities?

The system for deciding parental rights and responsibilities will remain unchanged and parents will be able to come to an arrangement separate from the divorce via the courts, through negotiation, mediation, arbitration, collaborative law or a combination of these different methods.

In any event child arrangements are governed by completely different legislation which applies to parties who have children whether they are married or not.

Throughout all these proceedings the child’s welfare will remain the court’s primary concern when deciding child arrangements.

If you are considering a “no-fault” divorce and would like advice on that and/or your financial or child arrangements, please contact us.



### Melissa Doherty

Associate Solicitor  
Family & Relationship Team

 [Melissa.Doherty@mackrell.com](mailto:Melissa.Doherty@mackrell.com)