



DIVORCE

Simplifying the divorce process

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Grounds for Divorce

The marriage must have irretrievably broken down. This means there is no way to fix the marriage. This is the only ground for divorce in England and Wales.

Facts to Rely Upon

To prove that the marriage has irretrievably broken down, you must rely upon one of five facts. Your petition will be based on the relevant fact.

Desertion

Unreasonable Behaviour

Adultery

2 Years' Separation (With Consent)

5 Years' Separation

The Petition

The person initiating proceedings drafts the application and is the Petitioner. The spouse becomes the Respondent. The Court fee to issue the petition is £593.

Best Practice Guidelines

It is standard practice to allow the Respondent to see a draft copy of the petition before it is issued with the Court, especially if the petition is based on behaviour.

An Issued Petition

Once issued, the Court will process the application and send a copy to the Respondent. The Respondent is given 7 days to return the Acknowledgement of Service.

Acknowledgement Not Returned

If the Respondent doesn't acknowledge the papers, they should be served by process server or a Court bailiff. Deemed service may also apply.

Decree Nisi Application

The Petitioner can then apply for the Decree Nisi and the petition will be considered by a Judge, who will grant a Certificate of Entitlement if they are happy with the petition. The certificate will tell you which day the Decree Nisi will be pronounced.

Note: This is a good stage to deal with finances.

Decree Absolute

This is the final step of the divorce process and is the point where the Petitioner and the Respondent are no longer legally married.

Decree Absolute Application

The Petitioner can apply for the Decree Absolute 6 weeks and 1 day after the Decree Nisi. The Respondent can apply after an additional 12 weeks.

Note: It may be sensible to wait longer depending on the finances.