

Guide to Divorce

We have set out a brief step by step guide to divorce to help you understand the process. However, it is always important to discuss your specific circumstances with a specialist family lawyer.

To apply for divorce, you must have been married for at least a year.

It does not matter where in the world you were married, you can only apply for divorce in England and Wales if either you or your spouse are permanent residents here or one of you has been resident here during the last year.

The Divorce, Dissolution and Separation Act 2020 reformed the divorce process to remove the concept of fault.

The divorce process is now known as 'no fault divorce'. Divorcing couples no longer have to blame each other for the breakdown of the marriage.

To proceed with a divorce, you must confirm in your Divorce Application that your marriage has irretrievably broken down and this does not have to be proved.

The law allows one party to apply for a divorce (called a sole application) or both parties to apply for a divorce (called a joint application).

Your solicitor will draft the Divorce Application using the online Court Portal and will send a copy to your spouse or their solicitor for consideration before it is sent to the Court. This gives the other spouse an opportunity to receive advice and to check their details on the Divorce Application are correct. If a joint application is made you will both be equally responsible for the application.

In a sole application the spouse who is submitting the Divorce Application is called the Applicant and the spouse who is responding to the Divorce Application is called the Respondent. In a joint application the parties are called Applicant 1 and Applicant 2.



The Divorce Application and scanned original marriage certificate are uploaded to the online Court Portal. There is a Court fee payable (currently £593) - some people are eligible for fee exemptions or reductions and you should speak to your solicitor to find out more.



The Court issues the Divorce Application and gives it a case number. The Court sends a stamped (sealed) copy of the Divorce Application to both parties usually by post and email.



In a sole application the Court will send the Respondent a Divorce Response (Acknowledgment of Service) to complete and return to the Court within 14 days. The completion of the Divorce Response is proof that the Respondent has received the Divorce Application.



You must wait 20 weeks after your Divorce Application has been issued by the Court before you can apply for a Conditional Order of Divorce.

In a sole application the Applicant will apply for the Conditional Order of Divorce.

In a joint application both Applicants or one Applicant can apply for the Conditional Order of Divorce. If both Applicants apply then the application continues as a joint application. If only one Applicant applies then the application continues as a sole application even though the application was started jointly.



The Judge will consider the documentation provided to establish whether you are entitled to a divorce. If satisfied the Court will send the parties a Certificate of Entitlement and a date will be set for the pronouncement of the Conditional Order of Divorce - you do not need to attend the Court for the pronouncement.



You need to wait at least 43 days (6 weeks and 1 day) after the Conditional Order of Divorce has been pronounced before you can apply to finalise the divorce and end the marriage.

In a sole application the Applicant will apply for the Final Order of Divorce.

In a joint application both Applicants or one Applicant can apply for the Final Order of Divorce even though the application was started jointly.

If the Final Order of Divorce is not applied for within 12 months of getting the Conditional Order of Divorce the Court will require you to explain the delay.

In a sole application if the Applicant does not apply for the Final Order of Divorce then the Respondent can apply but they have to wait an extra 3 months to apply on top of the 43 days (6 weeks and 1 day).



The Court will check your application for the Final Order of Divorce and once granted will send that to both parties.

Once the Final Order of the Divorce has been granted you are divorced and are free to remarry.

You should print the Final Order of Divorce and save a digital copy.

You should keep the Final Order of Divorce safe as it is the only evidence you are divorced.

You will need to pay a fee to obtain a certified copy of the Final Order of Divorce if you lose it.

You will need to show the Final Order of Divorce if you get married again.

You will need the Final Order of Divorce to change your name for example with your bank, pension company or on your passport.