

Divorce applications at ten-year high

December 2022

On 6 April 2022, the [Divorce, Dissolution and Separation Act \(2020\)](#) came into force - a landmark reform introducing 'no-fault divorce' for couples ending their marriage.

As a result of the new legislation, statistics released by the Ministry of Justice show divorce applications from April-June of this year were at a ten-year high, up 22% from the same quarter in 2021. So, why were so many couples holding out to file for divorce until after 6 April?

What is a no-fault divorce?

No-fault divorce allows couples to divorce without attributing blame to any one party. It intends to make the process less acrimonious and enable people to focus on other practical and emotional aspects of their separation, including reducing conflict for children.

How does no-fault divorce make the process easier for separating couples?

The Act brought several long-awaited changes that made it easier for couples to end their marriage or civil partnership. It might explain the recent spike in divorce applications since the new rules came into force.

Grounds for divorce

Previously, divorcing couples had to show that their marriage had irretrievably broken down by establishing one of the 'five grounds' of divorce. These were adultery, unreasonable behaviour, desertion, living apart for at least two years with consent and living apart for at least five years without consent.

As the concept of fault has been removed from divorce proceedings, there is no longer a requirement to demonstrate the irretrievable breakdown of a marriage.

Couples no longer have to cite one of the five grounds for divorce.

A divorce can no longer be contested

Under the old rules, one party could contest the divorce if they did not agree with the grounds. This could either delay or potentially prevent the divorce from being successful - thus forcing one party to stay married to the other against their wishes.

One of the most significant changes under the Act is that respondents can no longer contest divorce petitions except for reasons of jurisdiction.

Joint applications

Under the Act, one single party is no longer required to initiate divorce proceedings. Instead, a couple can now make a joint application.

Updated terminology in the divorce process

The terms and wording previously used during the divorce process have been modernised. For example, the person applying for the divorce is now called the applicant rather than the petitioner. And in addition, the decree nisi is now a conditional order, and the decree absolute is called the final order.

Despite these reforms, obtaining professional legal advice from a family lawyer (preferably a Resolution member) is essential. A solicitor will ensure that items, such as the financial settlement, are dealt with properly at the time of divorce.

Speak to family lawyer, [William-Roberts-Phelps today.](#)

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