No Fault Divorce

On 18 June the Divorce, Dissolution and Separation Bill concluded its journey through the Houses of Parliament and is now waiting for Royal Assent, at which point the Bill will become an Act of Parliament. Although Royal Assent is expected to be soon, it has been suggested that the Act will not come into effect until autumn 2021 at the earliest.

The new Bill brings a long-awaited change to divorce law, finally allowing for a 'no fault divorce'. Practically speaking, this means that couples will be able to petition for divorce jointly. The sole ground of divorce will remain that the marriage has irretrievably broken down, but there will no longer be a requirement to prove this ground by reference to one of the current five facts, being adultery, unreasonable behaviour, 2 years separation, 5 years separation and desertion. The new law will allow the couple to prove that their marriage has broken down irretrievably simply by providing a statement to this effect. This removes the element of blame which our divorce law has always been focused on and it moves us towards a more amicable and constructive approach.

The new Bill also introduces a minimum timeframe for a divorce, emphasising the fact that there is no such thing as a 'quickie divorce' and allowing for plenty of time to discuss reconciliation and/or financial settlement.

Divorce or relationship breakdown is a very difficult time but our expert divorce solicitors offer a practical and sympathetic ear to help guide you through. For a free initial conversation, please call 01202 786153, or alternatively email online.enquires@la-law.com.

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