

# End Of The ‘Blame Game’

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No fault divorce is due to come into effect in England and Wales in April 2022. Under current legislation, a spouse must set out allegations about the other’s conduct, for example, “unreasonable behaviour” or “adultery” before a divorce can be granted. The only way to divorce in the UK is to apportion blame on to the other party unless they have lived separate and apart for at least two years and the consent of the other spouse is obtained. If consent is not obtained, then a period of five years must elapse before a divorce can be granted. The reform to the divorce laws will also apply to civil partnerships.

The Government’s Divorce, Dissolution and Separation Act 2020 is designed to reform the divorce system and to remove the concept of fault. The key divorce law changes coming into effect on 6th April 2022 are set out below.

- It will no longer be necessary for a spouse to rely upon one of five facts i.e. unreasonable behaviour, adultery, desertion, two years’ separation with consent of the other party, or five years’ separation to prove that the marriage has broken down irretrievably. Instead, all that is required is for one party to file a statement to say the marriage has broken down beyond repair.
- A couple can make a joint application for a divorce rather than one party alone.
- It will no longer be possible to contest divorce proceedings under the new divorce system. The current requirement for a spouse to cite the behaviour of the other party within the divorce petition will be removed in the hope of reducing the acrimony and hostility following a martial breakdown.
- There will be a minimum period of a 20 week ‘cooling off period’ between the initial application and the Conditional Order and the Final Order. This means even the most straight forward divorce will take at least a period of 6 months to complete (the term Conditional Order will replace the Decree Nisi and the term Final Order will replace the Decree Absolute).

Please do not hesitate to contact one of our dedicated family law solicitors on 01384 371622 should you require legal advice and assistance in relation to divorce.

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