

The sole ground upon which divorce proceedings can be issued is the irretrievable breakdown of the marriage. This is proved by a 'statement that the marriage has broken down irretrievably'.

Stage 1: Filing the application

You can apply for a divorce on your own (sole Applicant) or together with your partner as joint Applicants. In joint applications, both parties will apply for their divorce application together and be equally responsible for the application. They will be known as 'Applicant one' and 'Applicant two', rather than the Applicant and Respondent as in sole applications.

Joint Applicants will need to agree on who will be Applicant 1 and who will be Applicant 2.

In terms of the divorce process, the first part of the divorce process is to file a divorce petition. This means you apply to the Court for permission to divorce. The application will be filed on-line via the HMCTS portal.

In a joint application, once Applicant 1 has provided the relevant information online, Applicant 2 will receive an email asking them to review the application and add any further relevant information. This will then be sent back to Applicant 1. Both Applicants will then need to sign a statement of truth to file the application at Court.

Please note where a sole application is made, this cannot be changed to joint Applicants. However, joint Applicants can switch to being sole Applicants at either conditional or final order stages.

Stage 2: Application service

If you are a sole Applicant, the application will be issued by the Court and then served directly on your spouse at the postal address or email address you have provided. If the documents are sent by email, a paper notification is also sent to your spouse at the same time. Therefore, you must have a postal address for your spouse, even if you want the papers to be sent by email. If you do not have a postal address, a different procedure is needed.

Stage 3: Responding to the application

The Respondent in a sole application, or both the Applicants in a joint application, will receive an acknowledgement of service to complete. That document must be completed and returned to the Court within 14 days of receipt.

Stage 4: Application for a conditional order

20 weeks after the application is issued, either the sole Applicant or one or both of the joint Applicants can apply for the conditional order, which will be made if the Court confirms entitlement. If only one of the joint Applicants wishes to apply, for example, if the other Applicant is not cooperating, they can apply for the conditional order solely, but they must send a copy of the conditional order application to the other party (Applicant) and provide 14 days' notice. If the Court agrees to the conditional order, the order is made. At this stage, the other joint Applicant becomes the Respondent.

Stage 5: Application for final order

Six weeks after the conditional order is made, either the sole or one or both of the joint Applicants can give notice that the conditional order should be made final. If only one of the joint Applicants wishes to



give notice, for example, if the other is not cooperating, they must give the other Applicant 14 days' notice that they are going to do so. By doing this, the Applicant who has given notice that the order is made final becomes the sole Applicant and the other party becomes the Respondent.

If the sole Applicant does not apply for the final order six weeks after the conditional order, the Respondent can apply after three months.

The final order is then made and the marriage or civil partnership is dissolved.