

End the blame game: No fault divorce now a reality



For years, divorcing couples have had to attribute blame to obtain a divorce, unless they were prepared to separate and wait for two years before petitioning the court (and if both agreed, otherwise one spouse would have to wait five years). Sometimes, there was blame to be found and the couple could agree between themselves who would be the “respondent” to such application for divorce. However, for those couples whose relationship had simply come to a conclusion or, quite understandably, wanted to move on quickly without slinging unnecessary mud, the law provided little other option than to blame or wait.

Family lawyers have been campaigning for decades for a change in the law. It was outdated and caused unnecessary hostility and animosity. It is hard enough to reach the conclusion that a marriage had come to an end without having to apportion blame for this. A change in the law, aligning our system with modern society, has now finally been achieved. It will however take some time for the systems to be put in place to implement the changes in the law. It is anticipated that it will be possible to apply for a no fault divorce from autumn 2021.

Once fully in place, divorcing couples will be able to simply state that their marriage has irretrievably broken down. They can do so jointly or individually.

Where under the current system, a divorce could be contested – as in the famous case of Mr and Mrs Owens, where he did not accept that the marriage was at an end and the court declined to dissolve the marriage – it will no longer be possible to do so.

These changes will also apply to the dissolution of civil partnerships, ensuring that the law applies equally to all forms of union.

This long awaited change should pave the way for divorcing couples to focus on the needs of any children and



on the division of their finances, rather than the wording of the divorce petition. It will reduce conflict from what is naturally a stressful experience. Blame is irrelevant for many divorce couples and yet it has been a fundamental part of their efforts to separate and move on.

We look forward to the law coming into force and being able to simplify our clients' experiences following this needed change.

If you wish to discuss anything raised here further, or your own situation, please contact [Helen Fisher](#) in our Family team on 01892 506 258 or helen.fisher@cripps.co.uk.



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