



myerson

Myerson **Family**

Our guide to divorce

0161 941 4000 | myerson.co.uk | lawyers@myerson.co.uk

Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



Guide To Divorce

What are the ground for divorce?

A divorce application made after 6 April 2022 will be made on the basis that the marriage has irretrievably broken down.

There is no longer any requirement or ability to raise allegations of fault or blame against your spouse to apply for a divorce.

There is no minimum period of separation, but you must have been married for at least one year to apply for a divorce and have the right to issue divorce proceedings in England and Wales, such as through residence here.

You can apply for a divorce as a sole applicant, or on a joint basis. To find out more click [here](#).

How much does a divorce cost?

A divorce can cost around £600 plus VAT and there is a court fee of £593.

However, if there are issues that arise which delay the divorce procedure, such as if your spouse refuses to respond to the divorce application, costs may be higher.

This is not a fixed fee but an estimate of our typical charges for acting on your behalf in relation to a divorce. This does not include the cost of resolving issues surrounding children or finances.



What is the procedure for divorce?

You make an application for a divorce at the Family Court through the HMCTS online portal and pay a court fee of £593. You will also need to file a copy of the original marriage certificate.

- The Court will send your application to your spouse with an acknowledgement of service.
- The respondent spouse has fourteen days from receipt to respond to the divorce application.
- There is a minimum period of 20 weeks from the application being issued until you can apply for the Conditional Order in the divorce.
- Six weeks from pronouncement of the Conditional Order, you can apply for the Final Order. It is bad practice to apply for the Final Order in the divorce proceedings before finances are resolved, as termination of the marriage affects inheritance rights, pension rights and taxation.

To find out how to start divorce proceedings, click [here](#).

What if my spouse does not cooperate with the divorce?

We can arrange for a process server to serve the divorce application on your spouse. You would need to have a reasonable belief that they are still living at the address you gave for them in the application. Once the process server provides a statement of service, we would be able to apply for your Conditional Order.

Alternatively, If you consider that your spouse has received the application but is intentionally refusing to respond to it, you can make an application to court for 'deemed service' and ask for the court to accept that they have been served with the application.



You will need to show you have exhausted all other options of serving the divorce application on your spouse before making an application for deemed service.

Can the respondent defend the divorce?

It is no longer possible to defend a divorce application unless there is a dispute about whether the court of England Wales have the jurisdiction to deal with the proceedings.

If one party submits that the marriage has broken down irretrievably, the court must take that statement as conclusive evidence and make a divorce order.

What pays for the costs of the divorce?

By default, the person making the application for the divorce will have to pay the court fee unless a separate agreement is reached between you. It is possible to make an application to court for the other party to pay the costs of the divorce, but it is expected that these applications will only be made in the minority of cases.

It is also possible for a divorce to be applied for jointly by a couple, to share the responsibility of the associated administration.

We can assist in advising on how costs can be dealt with, including opportunities to share costs equally or recover costs through other means, such as in financial negotiations.



International elements of divorce

You must obtain urgent legal advice if you are contemplating divorce proceedings if you or your spouse have assets overseas as some jurisdictions are more favourable than others.

You may have the option to issue divorce proceedings in competing legal jurisdictions, and you must receive advice in both those jurisdictions to ensure that you are aware of the extent of your legal rights in each.

In some cases, there may be a race to issue proceedings in different jurisdictions. Speed is, therefore, essential to protect your interests. In England and Wales, the Court retains jurisdiction to make financial orders after the pronouncement of an overseas divorce. This means that if you are divorced overseas, this does not prevent financial proceedings taking place in this country.



You're in safe hands!

If you would like further information about how we can help you with **divorce**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

Call: 0161 941 4000

Click: myerson.co.uk

Email: lawyers@myerson.co.uk



Proudly
employee
owned.



Myerson Solicitors

Grosvenor House, 20 Barrington Road,
Altrincham, Cheshire, WA14 1HB

Tel: 0161 941 4000 | lawyers@myerson.co.uk

www.myerson.co.uk



myerson