



Family Law Act 1996

1996 CHAPTER 27

PART II

DIVORCE AND SEPARATION

Marital breakdown

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- (1) A marriage is to be taken to have broken down irretrievably if (but only if)—
 - (a) a statement has been made by one (or both) of the parties that the maker of the statement (or each of them) believes that the marriage has broken down;
 - (b) the statement complies with the requirements of section 6;
 - (c) the period for reflection and consideration fixed by section 7 has ended; and
 - (d) the application under section 3 is accompanied by a declaration by the party making the application that—
 - (i) having reflected on the breakdown, and
 - (ii) having considered the requirements of this Part as to the parties' arrangements for the future,the applicant believes that the marriage cannot be saved.
- (2) The statement and the application under section 3 do not have to be made by the same party.
- (3) An application may not be made under section 3 by reference to a particular statement if—
 - (a) the parties have jointly given notice (in accordance with rules of court) withdrawing the statement; or
 - (b) a period of one year ("the specified period") has passed since the end of the period for reflection and consideration.
- (4) Any period during which an order preventing divorce is in force is not to count towards the specified period mentioned in subsection (3)(b).

Status: This is the original version (as it was originally enacted).

- (5) Subsection (6) applies if, before the end of the specified period, the parties jointly give notice to the court that they are attempting reconciliation but require additional time.
- (6) The specified period—
 - (a) stops running on the day on which the notice is received by the court; but
 - (b) resumes running on the day on which either of the parties gives notice to the court that the attempted reconciliation has been unsuccessful.
- (7) If the specified period is interrupted by a continuous period of more than 18 months, any application by either of the parties for a divorce order or for a separation order must be by reference to a new statement received by the court at any time after the end of the 18 months.
- (8) The Lord Chancellor may by order amend subsection (3)(b) by varying the specified period.