



Family Law Act 1996

1996 CHAPTER 27

PART II

DIVORCE AND SEPARATION

Reflection and consideration

7 Period for reflection and consideration

- (1) Where a statement has been made, a period for the parties—
 - (a) to reflect on whether the marriage can be saved and to have an opportunity to effect a reconciliation, and
 - (b) to consider what arrangements should be made for the future,must pass before an application for a divorce order or for a separation order may be made by reference to that statement.
- (2) That period is to be known as the period for reflection and consideration.
- (3) The period for reflection and consideration is nine months beginning with the fourteenth day after the day on which the statement is received by the court.
- (4) Where—
 - (a) the statement has been made by one party,
 - (b) rules made under section 12 require the court to serve a copy of the statement on the other party, and
 - (c) failure to comply with the rules causes inordinate delay in service,the court may, on the application of that other party, extend the period for reflection and consideration.
- (5) An extension under subsection (4) may be for any period not exceeding the time between—
 - (a) the beginning of the period for reflection and consideration; and
 - (b) the time when service is effected.

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- (6) A statement which is made before the first anniversary of the marriage to which it relates is ineffective for the purposes of any application for a divorce order.
- (7) Subsection (8) applies if, at any time during the period for reflection and consideration, the parties jointly give notice to the court that they are attempting a reconciliation but require additional time.
- (8) The period for reflection and consideration—
- (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.
- (9) If the period for reflection and consideration is interrupted under subsection (8) 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.
- (10) Where an application for a divorce order is made by one party, subsection (13) applies if—
- (a) the other party applies to the court, within the prescribed period, for time for further reflection; and
 - (b) the requirements of section 9 (except any imposed under section 9(3)) are satisfied.
- (11) Where any application for a divorce order is made, subsection (13) also applies if there is a child of the family who is under the age of sixteen when the application is made.
- (12) Subsection (13) does not apply if—
- (a) at the time when the application for a divorce order is made, there is an occupation order or a non-molestation order in force in favour of the applicant, or of a child of the family, made against the other party; or
 - (b) the court is satisfied that delaying the making of a divorce order would be significantly detrimental to the welfare of any child of the family.
- (13) If this subsection applies, the period for reflection and consideration is extended by a period of six months, but—
- (a) only in relation to the application for a divorce order in respect of which the application under subsection (10) was made; and
 - (b) without invalidating that application for a divorce order.
- (14) A period for reflection and consideration which is extended under subsection (13), and which has not otherwise come to an end, comes to an end on there ceasing to be any children of the family to whom subsection (11) applied.

8 Attendance at information meetings

- (1) The requirements about information meetings are as follows.
- (2) A party making a statement must (except in prescribed circumstances) have attended an information meeting not less than three months before making the statement.
- (3) Different information meetings must be arranged with respect to different marriages.

- (4) In the case of a statement made by both parties, the parties may attend separate meetings or the same meeting.
- (5) Where one party has made a statement, the other party must (except in prescribed circumstances) attend an information meeting before—
 - (a) making any application to the court—
 - (i) with respect to a child of the family; or
 - (ii) of a prescribed description relating to property or financial matters; or
 - (b) contesting any such application.
- (6) In this section “information meeting” means a meeting organised, in accordance with prescribed provisions for the purpose—
 - (a) of providing, in accordance with prescribed provisions, relevant information to the party or parties attending about matters which may arise in connection with the provisions of, or made under, this Part or Part III; and
 - (b) of giving the party or parties attending the information meeting the opportunity of having a meeting with a marriage counsellor and of encouraging that party or those parties to attend that meeting.
- (7) An information meeting must be conducted by a person who—
 - (a) is qualified and appointed in accordance with prescribed provisions; and
 - (b) will have no financial or other interest in any marital proceedings between the parties.
- (8) Regulations made under this section may, in particular, make provision—
 - (a) about the places and times at which information meetings are to be held;
 - (b) for written information to be given to persons attending them;
 - (c) for the giving of information to parties (otherwise than at information meetings) in cases in which the requirement to attend such meetings does not apply;
 - (d) for information of a prescribed kind to be given only with the approval of the Lord Chancellor or only by a person or by persons approved by him; and
 - (e) for information to be given, in prescribed circumstances, only with the approval of the Lord Chancellor or only by a person, or by persons, approved by him.
- (9) Regulations made under subsection (6) must, in particular, make provision with respect to the giving of information about—
 - (a) marriage counselling and other marriage support services;
 - (b) the importance to be attached to the welfare, wishes and feelings of children;
 - (c) how the parties may acquire a better understanding of the ways in which children can be helped to cope with the breakdown of a marriage;
 - (d) the nature of the financial questions that may arise on divorce or separation, and services which are available to help the parties;
 - (e) protection available against violence, and how to obtain support and assistance;
 - (f) mediation;
 - (g) the availability to each of the parties of independent legal advice and representation;

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- (h) the principles of legal aid and where the parties can get advice about obtaining legal aid;
 - (i) the divorce and separation process.
- (10) Before making any regulations under subsection (6), the Lord Chancellor must consult such persons concerned with the provision of relevant information as he considers appropriate.
- (11) A meeting with a marriage counsellor arranged under this section—
- (a) must be held in accordance with prescribed provisions; and
 - (b) must be with a person qualified and appointed in accordance with prescribed provisions.
- (12) A person who would not be required to make any contribution towards mediation provided for him under Part IIIA of the Legal Aid Act 1988 shall not be required to make any contribution towards the cost of a meeting with a marriage counsellor arranged for him under this section.
- (13) In this section “prescribed” means prescribed by regulations made by the Lord Chancellor.

9 Arrangements for the future

- (1) The requirements as to the parties' arrangements for the future are as follows.
- (2) One of the following must be produced to the court—
- (a) a court order (made by consent or otherwise) dealing with their financial arrangements;
 - (b) a negotiated agreement as to their financial arrangements;
 - (c) a declaration by both parties that they have made their financial arrangements;
 - (d) a declaration by one of the parties (to which no objection has been notified to the court by the other party) that—
 - (i) he has no significant assets and does not intend to make an application for financial provision;
 - (ii) he believes that the other party has no significant assets and does not intend to make an application for financial provision; and
 - (iii) there are therefore no financial arrangements to be made.
- (3) If the parties—
- (a) were married to each other in accordance with usages of a kind mentioned in section 26(1) of the Marriage Act 1949 (marriages which may be solemnized on authority of superintendent registrar's certificate), and
 - (b) are required to co-operate if the marriage is to be dissolved in accordance with those usages,
- the court may, on the application of either party, direct that there must also be produced to the court a declaration by both parties that they have taken such steps as are required to dissolve the marriage in accordance with those usages.
- (4) A direction under subsection (3)—
- (a) may be given only if the court is satisfied that in all the circumstances of the case it is just and reasonable to give it; and
 - (b) may be revoked by the court at any time.

- (5) The requirements of section 11 must have been satisfied.
- (6) Schedule 1 supplements the provisions of this section.
- (7) If the court is satisfied, on an application made by one of the parties after the end of the period for reflection and consideration, that the circumstances of the case are—
 - (a) those set out in paragraph 1 of Schedule 1,
 - (b) those set out in paragraph 2 of that Schedule,
 - (c) those set out in paragraph 3 of that Schedule, or
 - (d) those set out in paragraph 4 of that Schedule,it may make a divorce order or a separation order even though the requirements of subsection (2) have not been satisfied.
- (8) If the parties' arrangements for the future include a division of pension assets or rights under section 25B of the 1973 Act or section 10 of the Family Law (Scotland) Act 1985, any declaration under subsection (2) must be a statutory declaration.