



# Family Law Act 1996

## 1996 CHAPTER 27

### PART II

#### DIVORCE AND SEPARATION

##### *Court orders*

#### **4 Conversion of separation order into divorce order**

- (1) A separation order which is made before the second anniversary of the marriage may not be converted into a divorce order under this section until after that anniversary.
- (2) A separation order may not be converted into a divorce order under this section at any time while—
  - (a) an order preventing divorce is in force under section 10; or
  - (b) subsection (4) applies.
- (3) Otherwise, if a separation order is in force and an application for a divorce order—
  - (a) is made under this section by either or both of the parties to the marriage, and
  - (b) is not withdrawn,the court shall grant the application once the requirements of section 11 have been satisfied.
- (4) Subject to subsection (5), this subsection applies if—
  - (a) there is a child of the family who is under the age of sixteen when the application under this section is made; or
  - (b) the application under this section is made by one party and the other party applies to the court, before the end of such period as may be prescribed by rules of court, for time for further reflection.
- (5) Subsection (4)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) does not apply if, at the time when the application under this section 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;
- (b) does not apply if 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;
- (c) ceases to apply—
  - (i) at the end of the period of six months beginning with the end of the period for reflection and consideration by reference to which the separation order was made; or
  - (ii) if earlier, on there ceasing to be any children of the family to whom subsection (4)(a) applied.