



# Divorce, Dissolution and Separation Act 2020

## 2020 CHAPTER 11

### *Divorce and judicial separation*

#### **1 Divorce: removal of requirement to establish facts etc**

For section 1 of the Matrimonial Causes Act 1973 (divorce on breakdown of marriage) substitute—

##### **“1 Divorce on breakdown of marriage**

- (1) Subject to section 3, either or both parties to a marriage may apply to the court for an order (a “divorce order”) which dissolves the marriage on the ground that the marriage has broken down irretrievably.
- (2) An application under subsection (1) must be accompanied by a statement by the applicant or applicants that the marriage has broken down irretrievably.
- (3) The court dealing with an application under subsection (1) must—
  - (a) take the statement to be conclusive evidence that the marriage has broken down irretrievably, and
  - (b) make a divorce order.
- (4) A divorce order—
  - (a) is, in the first instance, a conditional order, and
  - (b) may not be made final before the end of the period of 6 weeks from the making of the conditional order.
- (5) The court may not make a conditional order unless—
  - (a) in the case of an application that is to proceed as an application by one party to the marriage only, that party has confirmed to the court that they wish the application to continue, or

(b) in the case of an application that is to proceed as an application by both parties to the marriage, those parties have confirmed to the court that they wish the application to continue;

and a party may not give confirmation for the purposes of this subsection before the end of the period of 20 weeks from the start of proceedings.

- (6) The Lord Chancellor may by order made by statutory instrument amend this section so as to shorten or lengthen the period for the purposes of subsection (4)(b) or (5).
- (7) But the Lord Chancellor may not under subsection (6) provide for a period which would result in the total number of days in the periods for the purposes of subsections (4)(b) and (5) (taken together) exceeding 26 weeks.
- (8) In a particular case the court dealing with the case may by order shorten the period that would otherwise be applicable for the purposes of subsection (4)(b) or (5).
- (9) A statutory instrument containing an order under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) Without prejudice to the generality of section 75 of the Courts Act 2003, Family Procedure Rules may make provision as to the procedure for an application under subsection (1) by both parties to a marriage to become an application by one party to the marriage only (including provision for a statement made under subsection (2) in connection with the application to be treated as made by one party to the marriage only).”

## 2 **Judicial separation: removal of factual grounds**

- (1) Section 17 of the Matrimonial Causes Act 1973 (judicial separation) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Either or both parties to a marriage may apply to the court for an order (a “judicial separation order”) which provides for the separation of the parties to the marriage.
- (1A) An application under subsection (1) must be accompanied by—
- (a) if the application is by one party to the marriage only, a statement by that person that they seek to be judicially separated from the other party to the marriage, or
- (b) if the application is by both parties to the marriage, a statement by them that they seek to be judicially separated from one another.
- (1B) The court dealing with an application under subsection (1) must make a judicial separation order.”
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) for “judicial separation”, in both places, substitute “a judicial separation order”;

(b) for “divorce” substitute “a divorce order”.