

About divorce

How do I get a divorce?

By filling in a form called a “petition” and taking it to any divorce county court or to the Principal Registry in London.

This leaflet gives you a list of all divorce county courts.

The addresses and telephone numbers of all divorce county courts are listed in the telephone directory under **Courts**.

When can I get a divorce?

You cannot start a petition for divorce unless you have been married for more than one year.

Must I explain why I want a divorce?

Yes, you must be able to prove to the court that you have reasons (or “grounds”) for saying the marriage is at an end. The expression the court will use is that the marriage has “irretrievably broken down”.

The court will accept one or more of the following “facts” as proof:

- that your husband or wife has committed adultery and that you find it intolerable to live with him or her;
- that your husband’s or wife’s behaviour has been so bad that you can no longer bear to live with them;
- that your husband or wife deserted you at least two years ago;
- that you and your husband or wife have lived apart for at least two years and he or she agrees to a divorce; or
- that you and your husband or wife have lived apart for at least five years.

Do I have to live in this country to get a divorce here?

You and your husband or wife, must both have your permanent homes (‘domicile’) in England or Wales when the petition is started; or

You and your husband or wife must both be living in England or Wales when the petition is started; or

You and your husband or wife must both have had your last home in England or Wales and one of you must still be living in either of these countries when the petition is started; or

Your husband or wife must be living in England or Wales when the petition is started; or

You must have been living in England or Wales for at least a year on the day the petition is started; or

You must have your permanent home in England or Wales and have been living in either of these countries for at least six months on the day the petition is started.

You may also get a divorce in England and Wales in other specific circumstances. You should contact a solicitor, law centre or Citizens Advice Bureau if you need help deciding which statement applies to you.

Will I need a solicitor?

Probably not. But you will find it useful to have some legal advice before starting your petition if:

- you do not know whether you have grounds for a divorce;
- your husband or wife is not likely to agree to a divorce;
- you have not agreed with your husband or wife who the children should live with; you have not agreed about any financial support for the children or yourself, or about any property.

The court will give you the forms you need and tell you what to do next. The forms are free.

If you do need help filling in the forms a Citizens Advice Bureau will help.

Remember that court staff are not solicitors. They cannot give legal advice or answer questions like:

- Should I claim financial support?
- Do I have proper reasons for a divorce?
- What will happen to the house I own with my husband or wife?

Will I have to attend a court hearing?

If you can agree with your husband or wife about financial support, property and the arrangements for any children, you may not have to attend a court hearing at all.

You may have to attend a court hearing if you ask the court to make an order for financial support or cannot agree about the arrangements for the children.

How much will the divorce cost?

You may have to pay a court fee for the following:

- when you submit your application for divorce to the court, and
- when you apply to the court for a decree absolute which shows that you are divorced;
- if you submit any applications for financial support or regarding any children in the marriage.

Please ask the court staff for a copy of the leaflet **EX50 - County Court Fees**. This lists the most common family fees. It is also available on our website www.hmcourts-service.gov.uk.

What if I can't afford the fee?

You may not have to pay a court fee or you may only have to pay a contribution towards the court fee depending on your circumstances. For further information, or to apply for a fee concession, ask court staff for a copy of the combined booklet and form **EX160A - Court fees - Do I have to pay them?** This is available from any county court office, or a copy of the leaflet can be downloaded from the internet at: www.hmcourts-service.gov.uk.

How can I pay the fee?

By cheque, cash or postal order. Make your cheque or postal order payable to Her Majesty's Courts Service (HMCS). Please note that courts cannot accept payments by debit or credit cards and we would recommend that you don't send cash through the post.

Will I need a copy of my marriage certificate?

Yes. You will have to give a copy to the court when you start your petition. It will be kept on the court file. The copy must not be a photocopy.

Where can I get a copy of my marriage certificate if I do not have one?

If you were married in England or Wales, you can get a copy from:

- the office of the Registrar of Births, Deaths and Marriages for the district in which you were married. You can get the address from the phone book. You will have to pay a fee, and they will tell you how much it is.
- You can also get a copy from:
The General Register Office
PO Box 2
Southport
Merseyside
PR8 2JD
Tel: 0845 603 7788

You cannot order in person at the General Register Office. You can apply for certificates online at www.gro.gov.uk, or by phone 0845 603 7788, lines are open Monday to Friday 8am to 8pm and Saturday 9am to 4pm. Alternatively, you can apply by post to the above address.

There will be a charge for your copy certificate. The office will tell you how much it is.

The office you go to will want to know:

- the date and place of your marriage;
- your full name; and
- the full name of your husband or wife.

If you decide to go ahead and start a petition, read leaflet **D184 - I want to get a divorce - what do I do?**

If you have children you should also read leaflet **D185 - Children and divorce.**

List of Divorce County Courts

Aberystwyth	Colchester	Llangefni	Southampton
Accrington	Consett	Lowestoft	Southend
Aldershot and Farnham	Coventry	Luton	Southport
Altrincham	Crewe	Macclesfield	South Shields
Barnet	Croydon	Maidstone	Stafford
Barnsley	Darlington	Manchester	Staines
Barnstaple	Dartford	Mansfield	Stockport
Barrow-in-Furness	Derby	Medway	Stoke-on-Trent
Basingstoke	Dewsbury	Merthyr Tydfil	Sunderland
Bath	Doncaster	Milton Keynes	Swansea
Bedford	Dudley	Morpeth and Berwick	Swindon
Birkenhead	Durham	Neath and Port Talbot	Tameside
Birmingham	Eastbourne	Nelson	Taunton
Bishop Auckland	Edmonton	Newcastle upon Tyne	Teesside
Blackburn	Epsom	Newport (Gwent)	Telford
Blackpool	Exeter	Newport (Isle of Wight)	Thanet
Blackwood	Gateshead	Northampton	Torquay and Newton Abbot
Bodmin	Gloucester	North Shields	Trowbridge
Bolton	Great Grimsby	Norwich	Truro
Boston	Guildford	Nottingham	Tunbridge Wells
Bournemouth	Halifax	Oldham	Uxbridge
Bow	Harlow	Oxford	Wakefield
Bradford	Harrogate	Penrith	Walsall
Brecknock	Hartlepool	Penzance	Wandsworth
Brentford	Hastings	Peterborough	Warrington and Runcorn
Bridgend	Haverfordwest	Plymouth	Watford
Brighton	Hereford	Pontefract	Welshpool and Newtown
Bristol	Hertford	Pontypridd	Weston-super-Mare
Bromley	Hitchin	Portsmouth	Weymouth and Dorchester
Burnley	Horsham	Preston	Whitehaven
Burton-upon-Trent	Huddersfield	Rawtenstall	Wigan
Bury	Ilford	Reading	Willesden
Bury St Edmunds	Ipswich	Reigate	Winchester
Caernarfon	Keighley	Rhyl	Wolverhampton
Cambridge	Kendal	Romford	Worcester
Canterbury	King's Lynn	Rotherham	Worthing
Cardiff	Kingston-upon-Hull	St Helens	Wrexham
Carlisle	Kingston-upon-Thames	Salford	Yeovil
Carmarthen	Lancaster	Salisbury	York
Chelmsford	Leeds	Scarborough	
Chester	Leicester	Scunthorpe	
Chesterfield	Leigh	Sheffield	
Chichester	Lincoln	Shrewsbury	
Chorley	Liverpool	Skipton	
Clerkenwell and Shoreditch	Llanelli	Slough	