

FAQS

- DIVORCE PROCEDURE -

CAN I DIVORCE IN ENGLAND IF I MARRIED ABROAD (OUTSIDE THE UK)?

In general, in England and Wales, the Court requires the marriage to have been validly conducted in accordance with the laws of the country in which the marriage took place. If it is, it will then be largely considered a valid marriage under English law. Therefore, you can still apply for a divorce in England provided that certain criteria regarding domicile are satisfied. English courts have jurisdiction to hear a divorce application if both you and your spouse are or one of you is domiciled or habitually resident in England and Wales.

HOW LONG DOES IT TAKE TO GET A DIVORCE IN ENGLAND AND WALES? WHAT STAGES AND TIMEFRAMES ARE INVOLVED IN THE DIVORCE PROCESS?

The process is simple as long as your spouse does not dispute the proceedings. 1) To start a divorce, we (on your behalf) will need to file an application with the Court. After the Court has issued your divorce application, the Court will send the application to the respondent, where the respondent has to say whether or not they intend to dispute the divorce. 3) Applying for the Conditional Order, the application for such an order cannot be submitted to the Court unless 20 weeks have elapsed from the start of proceedings. 4) Applying for the Final Order, you will have to wait a further six weeks after the date of the conditional order to apply for the final divorce order. The overall timeframe for divorce proceedings is around 10 to 12 months. This can vary depending on the current timescales and workload of the Court. Please note that financial and children arrangements may delay the process further.

CAN I GET DIVORCED IF MY SPOUSE IS MISSING?

In short, yes, but several essential steps need to be taken to show the Court that you have tried your best to find your spouse. Firstly, when filing a divorce application with the Court, the applicant must include the address and personal details of the divorcing spouse. If you do not know where your spouse currently lives but your spouse is still in the UK, an investigator can be engaged to carry out a search before the divorce application submission. Further, the Court is unlikely to grant a divorce unless you have proved to them that your spouse has been served with the divorce application. Therefore, after the divorce case has been issued by the Court, additional services from a process server might be necessary as the divorce documents will need to be hand-delivered to your spouse's address. This also means that additional time and fees will be incurred.

CAN I FILE A DIVORCE APPLICATION IF MY MARRIAGE CERTIFICATE IS MISSING?

If the both of you got married in England, you will be able to order the Marriage Certificate online and get it delivered to you or us. However, if the both of you got married in another country, you will need to contact the local Marriage Registry so that they can reissue the Marriage Certificate. It is difficult to apply for a divorce if you do not have an original copy of the Marriage Certificate. If the Marriage Registry cannot reissue the Marriage Certificate, we can file an additional application to the Court, but the Court has discretion as to whether to proceed with the divorce application without the original Marriage Certificate. This also means that additional time and fees will be incurred.

HOW MUCH DO YOU CHARGE FOR A NON-CONTENTIOUS DIVORCE?

Normally, our legal fee for a simple divorce is £750 plus VAT, provided that both you and your spouse consent to the divorce application including all the grounds stated within, that there is no dispute on property and children arrangement and that there will be no undue delay by your spouse on this matter. You would also have to pay the court fee which is £593. The marriage certificate translation fee is £100 plus VAT (if the marriage certificate is in Chinese). Financial or children arrangements legal processes are completely separate from the divorce itself. We charge separately for financial division and child arrangement matters.