

## Divorce pain eased after no fault reform backed by The Times

Jonathan Ames

Divorce has hit a ten-year high, figures released last week showed in advance of today's anniversary of landmark reform that removed fault from the process.

Applications leapt by 11 per cent over the past year, a jump that family law experts attributed in part to couples holding off until the legislation was implemented. The first full-year figures for no-fault divorce will not be published until June — but so far lawyers have given mixed marks to the reform, which was introduced after the *The Times* pursued a Family Matters campaign to modernise family law.

Nicholas Fairbank, a barrister at 4PB chambers, says that while “not everything has gone entirely to plan, overall it's probably a decent enough seven out of ten”. He argues that the reform effectively creates a “two-tier process”, with those who can afford the £593 fee being

able to use the streamlined digital portal service. After a mandatory 20-week wait, couples using the system proceed to a conditional divorce order. Those who cannot stump up the digital fee, and those taking legal advice on issues such as domestic violence, must make applications on paper.

“The experience of no-fault divorce for the poor is significantly more faulty than for the rich,” Fairbank says.

Lawyers say that while the online portal has improved, the system has suffered from teething problems, significantly in cases where parties file their own applications then later instruct lawyers. “This can cause difficulties and time delay,” Graham Coy, a partner at Wilsons Solicitors, says. Coy says that his firm has had “an increase in clients instructing us who submitted their own application and did not give thought to how the finances were to be resolved. This is a major pitfall.”

Divorce lawyers say that most splitting couples have welcomed the move to remove blame from the process since the reforms were introduced a year ago. However, a minority feel that they have been treated badly by a spouse and would have liked to have publicly attributed blame.

One of the main aspects of the new law is the introduction of joint applications in which both spouses effectively state that they agree to the split. However, lawyers at Stewarts say that joint applications are “very much in the minority as most people still like to take control and ownership of the divorce by filing a sole application”. The firm says that nearly 70 per cent of the applications it has received since the law reform have been made by just one of the divorcing spouses. The lawyers say that the lack of joint applications could be explained by the fact that joint versions involve more of an administrative bur-

den. But experts advise that joint petitions can be helpful in certain cases — not least when there is an international element to the application and divorce papers need to be served on the other party in a very specific way to comply with the rules of a foreign jurisdiction.

The anniversary of no-fault divorce coincided with the announcement of plans from ministers to impose mandatory mediation on splitting couples in an attempt to reduce pressure on the family courts.

Kate Daly, a co-founder of Amicable, an online divorce advice business, called on the government to reform the law regarding the assets of separating couples. “No-fault divorce is the entry point to the family justice system,” she argues. “For most people, ending their legal marriage is only one small step. Far more important to most is splitting their money and property and sorting out arrangements for their children.”

She says those issues can be confusing for ordinary people, and that “despite government rhetoric about keeping families away from the failing, backlogged court system” the online advice it provides “signposts to the courts”. Daly says: “Relatively small changes that would promote the new ethos no-fault brought in are not implemented, and people are still starting their divorces well but ending up mired in conflict.”

A spokesman for HM Courts & Tribunal Service says: “Nearly one in four applications for divorce are made jointly, meaning more families are able to divorce amicably as a result of reforms.”

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