

No Fault Divorce Bill

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TO

Make provision for the dissolution of a marriage or civil partnership when each party has separately made a declaration that the marriage or civil partnership has irretrievably broken down without a requirement by either party to satisfy the Court of any other facts; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Matrimonial Causes Act 1973

- (1) The Matrimonial Causes Act 1973 is amended as follows.
(2) After section 1 (Divorce on breakdown of marriage), insert—

“1A Divorce on breakdown of marriage: joint petition

- (1) The court receiving a joint petition to divorce from both parties to a marriage shall grant a decree of divorce subject to subsections (2) and (3) below. 5
- (2) Before granting a decree of divorce in response to a joint petition it shall be the duty of the court to satisfy itself only that an individual statement from each party that the marriage has broken down irretrievably, signed freely and independently, is affixed to the joint petition. 10
- (3) Every decree of divorce arising from a joint petition shall in the first instance be a decree nisi and shall not be made absolute before the expiration of twelve months from its grant unless— 15
- (a) the High Court by general order fixes a shorter period, or
- (b) in any particular case the court in which the proceedings are for the time being pending from time to time by special order fixes a shorter period than the period otherwise applicable for the time being by virtue of this subsection. 20

2 Amendment of the Civil Partnership Act 2004

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) After section 44 (Dissolution of civil partnership which has broken down irretrievably), insert –

“44A Dissolution of civil partnership which has broken down irretrievably: joint application 5

- (1) The court receiving a joint application for dissolution from both parties to a civil partnership shall make an order dissolving the civil partnership subject to subsections (2) and (3) below.
- (2) Before making a dissolution order in response to a joint application it shall be the duty of the court to satisfy itself only that an individual statement from each party that the civil partnership has broken down irretrievably, signed freely and independently, is affixed to the joint application. 10
- (3) A dissolution order arising from a joint application shall in the first instance be a decree nisi and shall not be made absolute before the expiration of twelve months from its grant unless – 15
 - (a) the High Court by general order fixes a shorter period, or
 - (b) in any particular case the court in which the proceedings are for the time being pending from time to time by special order fixes a shorter period than the period otherwise applicable for the time being by virtue of this subsection.” 20

3 Interpretation

In this Act –

- “joint petition” means a petition for divorce signed and submitted jointly by both parties to a marriage; 25
- “joint application” means an application for an order dissolving a civil partnership signed and submitted jointly by both parties to the civil partnership;
- “individual statement” means a statement in writing from, and signed by, an individual who is party to a marriage or civil partnership; 30
- “freely and independently” means in the absence of undue influence and unlawful threat or coercion.

4 Short title, extent and commencement

- (1) This Act may be cited as the No Fault Divorce Act 2016. 35
- (2) This Act extends to England and Wales.
- (3) This Act shall come into force on the day after the day it receives Royal Assent.

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To make provision for the dissolution of a marriage or civil partnership when each party has separately made a declaration that the marriage or civil partnership has irretrievably broken down without a requirement by either party to satisfy the Court of any other facts; and for connected purposes.

*Ordered to be brought in by Mr Richard Bacon,
Mr Keith Simpson, Mr Henry Bellingham, Ms
Gisela Stuart, Fiona Mactaggart, Kit Malthouse
and Norman Lamb.*

*Ordered, by The House of Commons,
to be Printed, 13 October 2015.*

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