

Transcript

Divorce process in 2026: key stages, timings and financial pitfalls

Video insight from Mike Vale (Family Law Consultant), Ansons Law

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Transcript (as provided):

Divorce process in 2026 is this, once a person has decided they want a divorce, and it's an entirely unilateral point of view, so if someone says, my marriage is broken down, it's broken down, and an application can be made. For a divorce, the, the process after that is a simple application. I say simple.

It is a fairly straightforward. An application to dissolve a marriage is submitted to the court. The court serves the application usually by email and after a period of 20 weeks it is possible to apply for what's called a conditional divorce order, which in old money and people will recognise the term we used to call the decree absolute .

So after 20 weeks from applying for divorce, possible to apply for the conditional divorce order after. Six clear weeks after that application can be made for a final divorce order. Although it's not usual to apply for the final divorce order until financial and property matters has been resolved during that 20 week period I've just mentioned.

So from when the client first applies we try and deal with financial and property matters. By agreement, if possible. If not by agreement, an application has to be made to the court. You, you, you can't speed up the process as such. 'cause that 20 week period I mentioned is a statutory period. So you can make things worse, of course, by being antagonistic, by provoking the other party.

And that, as I mentioned previously, is to be avoided. There are two things really aren't there. It's going to cost in financial terms, but there's also a cost in terms of the stress expended in doing that divorce. Now, from a strictly legal point of view, the actual divorce is pretty straightforward. For example, it's no longer possible to defend a divorce , just going back in time, not too far back to get a divorce you had to, although the sole ground was your marriage had broken down, irretrievable, there was still an element of having to prove a matrimonial offence by alleging unreasonable behavior or adultery or whatever. None of that applies now. Which is great because it does remove stress and it

does mean that people can focus on what's really important, principally issues related to the children and also getting finances, property matters resolved.

I started doing divorce work in the late 1960s. In the late 1960s, we had a piece of legislation passed called The Divorce Reform back in 1969, which was described in the House of Lords as a Casanova Casanova's charter because pre 1969 to get a divorce, you had to prove all sorts of weird and wonderful things like persistent cruelty, adultery, desertion etc.

It all had to be proved beyond doubt, and you had to go into open court to get your divorce granted, when that legislation came out and was developed, it introduced the principle of irretrievable breakdown of marriage. But as I mentioned, and this pertains to what the position was five, six years ago, you had to cobble together an unreasonable behavior divorce petition, which caused immense argument and stress. The person who's on the receiving end of that unreasonable behavior divorce petition because someone confronted with that would always be advised, look, it's just not worth defending it. It's too expensive to defend and ultimately it will end up in divorce. So people would be advised not to defend and they feel really aggrieved by it because they hadn't had their say. And it's a human emotion to want to have your say. So it has changed to that extent. So we've moved on, we've, modernized, we've become more human about it, and now we don't have to sling mud to get a divorce.

Of course, that doesn't remove the anger and emotion from a number of cases. And one way of trying to ameliorate that is it's possible also to make a joint application for divorce so the parties can agree that their marriage is broken down irretrievably. And rather than have terms labels like applicant or respondent, we still have those words.

We can remove that terminology by making a joint application to divorce. So they jointly say, yes, our marriage is broken, we are jointly making this application to dissolve our marriage. But the big change is that to get a divorce, you no longer have to blame the other party for their behavior or adultery or whatever.

Okay, well once there is a final divorce order, which in old money we used to call a decree absolute, the parties acquire the status of a single person. They can, for example, if they choose to do so, and some people do, they get married again. So that's really the fundamental difference. Quite why people do rush off to get married again, just as they've got divorced is slightly beyond me, but there you are.

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Which leads us into a subject we can talk about later perhaps, pre-marriage agreements, which we see plenty of these days, divorce affects women in exactly the same ways it affects men. In my experience. Most of them exit marriage after they've been through the torturous process in a relatively positive state of mind. They are encouraged, certainly by good advisors to get on with their lives, make the most of their lives, bearing in mind that they only have one of them and they should move on, and usually do. So it does affect people in different ways at the risk of being, I think on balance women cope better with divorce than men. And that's a generalisation of course, because if we look at the traditional roles of men and women, of course those traditional roles have changed. The man was the breadwinner, the wife was the homekeeper, and to an extent that is still ingrained. So I suspect that men cope less well because they don't have their mother to look after them, their wife, to look after them!!

And they have to get on in the big wide world and learn how to switch on the, the washing machine, which I think is slightly offensive now. But I put it that way to make the point. I think on balance, generally men struggle a little more once the marriage is concluded, should that spouse remarry before.

Any effective application has been made to the court to deal with financial and property matters. They are precluded from asking the court to deal with financial and property matters. So it's very important once you are divorced and make sure that you receive advice in relation to. Your financial and property affairs.

There's actually an interesting case which makes that point. It's a well-known case called *Vince versus Wyatt*, Mr. Dale Vince happens to be a very successful businessman who also happens to own Forest Green Rover's football club. He was divorced 20 odd years ago. At the time of the divorce, he and his ex-wife had no money to speak of.

They didn't bother formalizing their financial arrangements by obtaining what we call a clean break order. They just went off in their different directions. So Mr. V became a multimillionaire, a very successful businessman. The former wife realised that at the time they got divorced, they didn't deal with financial and property matters, so she made an application to the court even though they'd been divorced for 20 years.

Mr. Vince, because he could afford it, hired the most expensive London lawyers who made an application to the court on the basis that, well, this is ridiculous, isn't it? How on earth could she be entitled to any money 20 years after the divorce? The court disagreed and said, well, the matter has never been decided, it's never been adjudicated upon.

So her application ancillary to the divorce can proceed. My understanding is that the matter was settled on terms which involved Mr. Vince paying his former wife

money, he could have protected himself, and of course you could have a reversal of genders. If the situation arose, he could have protected himself by obtaining a clean break financial order, which basically says you've gone. You don't make any claims against me. I don't make any claims against you. So it is vital during the concurrency of a divorce to address issues related to financial and property matters, even though you may not have anything to argue about because times change, circumstances change, and you wouldn't want to think your ex-spouse would be coming after you after 20 years claiming the share of your hard earned millions. But because of that technicality, she was allowed to do so if it had been left for 50 years, I mean that sounds a bit ridiculous, but had it been left for 50 years technically until such time as an application for financial remedies, that's a technical term.

Unless such time as application has been made, financial remedies to be dealt with. It is still open to be dealt with. However, there is legislation which says if a spouse or former spouse does delay, that delay can be taken into account when considering any claim for financial relief.

But you've still have to go through the hassle of fighting it, the expense of fighting it, and the uncertainty of fighting it because the. Dominant feature there. There are two principles in D. Be financial Property matters and the principles are fairness and needs. Now. Needs is a more calculable concept.

Fairness, as was described by a judge many years ago, is like beauty. It's in the eye of the beholder. If a pre-marriage agreement is properly entered into and it's got to be properly entered into, and it's also got to have an element of fairness about it, then a court is likely to uphold it. There is still no law, which says you get a pre marital agreement.

The court may keep the other party to that agreement, but it's rather like an insurance policy if it's gone about in a proper manner, the proper manner being there has to be full financial disclosure. There has to be no duress, no due pressure. The parties have to have the opportunity of being legally advised, so it has to be a totally arms length transaction.

But if done properly. It should provide a high level of protection, but it's no back of the fag packet exercise. It does have to come properly, and what I advise clients to do is not only do the pre-marriage agreement, but once they get married, but post-marriage agreement, it's belt and braces. It may be an excess of caution, but there's every reason to think it's worthwhile. Is it unromantic? Possibly. But there's nothing more unromantic than slogging your way through the divorce courts and fighting about financial matters. I mean, if there's a clear and well understood agreement that should be avoided. So unromantic, though it may be, it's still worth doing because as I say, there's nothing more unromantic than fighting financial matters under the umbrella of a divorce.

Sources for timings (official guidance)

Gov.uk: What happens after you apply (20-week period) –
<https://www.gov.uk/divorce/what-happens-after-you-apply>

Gov.uk: Apply for a conditional order (6 weeks + 1 day) –
<https://www.gov.uk/divorce/apply-for-conditional-order-decree-nisi>

Gov.uk: Finalise your divorce –
<https://www.gov.uk/divorce/finalise-your-divorce>