*I've been married since 2011, separated in fact (not legally) from March 2019. The marriage is registered in Scotland. Now after few years I want to divorce my ex-husband. I live in England. I need to know what is the procedure and costs. Thank you.*

**Summary of Issue**

Thank you for your recent query with LawWorks. We are sorry to hear of your difficulties but hope that the following information will assist you with your questions.

This document will guide you through the process, cost and other practical steps that you would need to take to file for and obtain a legal divorce in England.

This information is tailored to persons living within England and Wales at the time that they wish to file for a divorce, but will account for those that may have had their marriage conducted in Scotland.

**Divorce Law**

If your marriage was conducted and registered in Scotland but you now live in England, you can apply for a divorce in either country.

There are some financial differences between the two countries. It may be worth gaining further advice from a dedicated family solicitor who can advise which is the best country, for your circumstances, to apply for your divorce in.

In line with the Divorce, Dissolution and Separation Act 2020 the law now operates, in England, on a “no fault” basis so there is no need to provide extensive reasons on why you believe the divorce should be granted. You would provide a statement which advises the court that the marriage has broken down irretrievably, which means it was not able to be put right.

**Application Process**

The easiest way to apply for a divorce is online at [www.gov.uk/get-a-divorce](https://www.gov.uk/get-a-divorce).

Alternatively, you can apply for a divorce by obtaining a paper application form (Form D8) from your local court or downloading a copy online.

You will need to upload a copy of your marriage certificate and provide your spouse’s name, postal address and email address. If you do not know where your spouse is living, you can seek help at [www.gov.uk/divorce-missing-husband-wife](https://www.gov.uk/divorce-missing-husband-wife). For your safety, you can ask the court not to disclose your contact details to your spouse.

Once your application has been checked, the court will send a copy to your spouse. They will have 14 days to respond to let the court know if they agree to the divorce or intend to dispute it. If they dispute the divorce or do not respond at all, the court will advise you how to proceed.

Once your divorce application is accepted, after 20 weeks you can apply for a ‘conditional order’. This is the document issued by the court which confirms the divorce can proceed.

Once the conditional order has been granted, you will need to wait a further 43 days before you can apply for a ‘final order’. Once the court has completed some final checks on your application, you will be sent the final order, which confirms the divorce is finalised.

**Costs and Help**

This section will explore the costs and the available financial aid to obtaining a divorce yourself (DIY) or with the help of legal representation, to help you choose which is better suited to your individual needs:

DIY

The ‘divorce’ section on the gov.uk website ([https://www.gov.uk/divorce)](https://www.gov.uk/divorce) provides guidance on the application costs. The application fee is £593. Payment can be made by debit or credit card. Dependent on your financial situation and/or your experience of domestic abuse you may be entitled to have some court cost fees paid. The following website <https://www.gov.uk/get-help-with-court-fees> guides you through the eligibility criteria.

If you wish to apply for help with your court fees using a paper application, you can get a paper form from your nearest court. The form is called EX160 ([EX160\_1123.pdf)](https://assets.publishing.service.gov.uk/media/65cc8b5f39a8a7000f60d502/EX160_1123.pdf) and needs to be submitted at the same time as your divorce application.

Legal Assistance

Alternatively, you may wish to seek advice from a family law solicitor’s firm. During your consultation with your legal advisor, they will be able to discuss the different payment options available to you depending on your circumstances. These are some of the options available to you:

**A retainer payment** – Money is paid on account at the start of engaging a Solicitor. This payment is held on account until your case comes to an end. You may be required to make further payments on account whilst your case is ongoing.

**Hourly rate** – Your Solicitor upon initial consultation will set out their fee’s and break it down to an hourly rate. Your Solicitor can give you an estimate of how much time will be spent/allocated to your case. The fee can vary depending on the experience of the Solicitor/fee earner.

**Fixed fee** – Your Solicitor will give you a quote for a sum of money that will pay for your entire case. This quote is given before any work commences. This total sum quoted will not change. No further fees will be added.

**Special circumstances in Domestic Abuse Cases** – If you are a survivor of domestic abuse, which can be evidenced, you may be entitled to Legal Aid for your divorce proceedings.

Legal aid is a government scheme that has been put in place for people who are unable to afford to pay for legal representation. It can pay for a Solicitor, family meditation and representation at a family court. You must meet the eligibility criteria to be able to obtain Legal Aid.

**Practical Advice**

Documents

As you begin this process you will need to gather any documents related to your marriage. The most important document is your marriage certificate.

If you do not have your marriage certificate you can apply for a duplicate copy of a marriage registered in England/Wales at:

<https://www.gov.uk/order-copy-birth-death-marriage-certificate>

This service costs £12.50 and can be paid by debit/credit card.

If your marriage was registered in Scotland, you can get a copy of your marriage certificate at the following:

<https://www.scotlandspeople.gov.uk/order-certificate>

This service costs £12 and can also be paid by debit/credit card.

Finding legal and administrative support

If you would like to use a solicitor to assist you in your divorce process, you can find details of your local solicitors that deal with family law at the following website:

<https://solicitors.lawsociety.org.uk/>

If you require help with completing forms, general advice and support please contact your local Citizens Advice for free, confidential and impartial advice. You can find their details and many other useful information pages on a variety of topics at:

[www.citizensadvice.org.uk](https://www.citizensadvice.org.uk/)

Financial Information

If you require information and advice in relation to financial help and support and what you may be entitled to you can access information and calculators at the following:

[www.turn2us.org.uk](https://www.turn2us.org.uk/)

[www.entitledto.co.uk](https://www.entitledto.co.uk/)