



About (judicial) separation decrees/orders

What is a (judicial) separation decree/order?

A (judicial) separation decree/order confirms that the parties to a marriage or civil partnership are separated.

Following a (judicial) separation decree/order the couple remain married/in a civil partnership. From information on order which end a marriage/civil partnership please see leaflet **D183 – About divorce/dissolution** and **D191 – About annulment**.

Why do some people decide to have a (judicial) separation decree/order rather than a divorce/dissolution or annulment?

A (judicial) separation tends to be applied for due to religious, moral or ethical grounds or due to the fact they can be applied for in the first year of marriage/civil partnership.

Do I have to apply for a (judicial) separation decree/order when I separate from my spouse/civil partner?

A (judicial) separation is not compulsory. You can decide to separate and not apply for any decree/order to be made and remain married/in a civil partnership, or you can separate and then apply for a divorce/dissolution or annulment as appropriate.

When can I get a (judicial) separation decree/order?

You can apply for a (judicial) separation decree/order at anytime after the marriage/civil partnership, including within the first year.

How do I apply for a (judicial) separation decree/order?

You must complete D8 Divorce/dissolution/ (judicial) separation petition, which is available from any divorce county court or the Principal Registry of the Family Division (PRFD). Alternatively, it is available to download from www.justice.gov.uk. Once you have completed this it can be taken or sent to any divorce county court or the PRFD. Please note that if you are applying for a (judicial) separation order in relation to a civil partnership you should take or send the form to a civil partnership court. This leaflet gives you a list of all divorce and civil partnership county courts.

Must I explain why I want a (judicial) separation decree/order?

Yes. The court will accept one or more of the following 'facts' in support of your application:

- that your husband or wife has committed adultery and that you find it intolerable to live with him or her (marriage only)
- that your husband's/wife's/civil partner's behaviour has been so bad that you can no longer bear to live with them
- that your husband/wife/civil partner deserted you at least two years ago
- that you and your husband/wife/civil partner have lived apart for at least two years and he or she agrees to a (judicial) separation or divorce/dissolution, or
- that you and your husband/wife/civil partner have lived apart for at least five years.

Do I have to live in this country to get a (judicial) separation decree/order here?

You and your husband/wife/civil partner, must both have your permanent homes ('domicile') in England or Wales when the application is started, or

You and your husband or wife must both be living in England or Wales when the petition is started, or

You and your husband/wife/civil partner must both have had your last home in England or Wales and one of you must still be living in either of these countries when the application is started, or

Your husband/wife/civil partner must be living in England or Wales when the application is started, or

You must have been living in England or Wales for at least a year on the day the application is started, or

You must have your permanent home in England or Wales and have been living in either of these countries for at least six months on the day the application is started.

You may also get an annulment in England and Wales in other specific circumstances. You should contact a solicitor, law centre or Citizens Advice Bureau if you need help deciding which statement applies to you.

Will I need a solicitor?

Probably not. But you will find it useful to have some legal advice before starting your application if:

- you do not know whether you have grounds for a (judicial) separation decree/order
- your husband/wife/civil partner is not likely to agree to a (judicial) separation decree/order
- you have not agreed with your husband/wife/civil partner who the children should live with

- you have not agreed about any financial support for the children or yourself, or about any property.

The court will give you the forms you need and tell you what to do next. The forms are free.

If you do need help filling in the forms a Citizens Advice Bureau will help.

Remember that court staff are not solicitors. They cannot give legal advice or answer questions like:

- Should I claim financial support?
- Do I have proper reasons for a (judicial) separation decree/order?
- What will happen to the house I own with my husband/wife/civil partner?

Will I have to attend a court hearing?

If you and your spouse/civil partner both consent to the (judicial) separation decree/order and there is no dispute over any children or finances, it is likely that you will not need to attend a court hearing.

Will the court be interested in any children of the marriage/civil partnership?

Yes, you will need to include the details of any children on the application. If any children are currently under 16 or under 19 and still in full time education or training, you will need to complete a Statement of arrangements for children.

If you can not agree on the arrangements for any children any applications you make at court will be similar to applications made within divorce/dissolution proceedings.

For more information please see leaflet **D185 – Children and Divorce/Dissolution**.

Can I apply for a financial order as part of (judicial) separation proceedings?

Yes. You can apply for a financial order as part of a (judicial) separation application. The application process is the same as the processes use in divorce/dissolution.

Please see leaflet **D190 – I want a financial order**.

How much will the (judicial) separation decree/order cost?

You may have to pay a fee for the following:

- when you submit you petition to the court
- if you submit any applications for financial support or about any children in the marriage/civil partnership.

For more information about fees, please refer to booklet **EX50 – Civil and Family Court Fees (High Court and County Court)**. This lists the most common family fees. You can get a copy from any court office or from our website www.justice.gov.uk.

Methods of payment

Courts accept payment by debit or credit cards, cash, postal orders or cheques, which should be made payable to 'HM Courts & Tribunals Service'. If you pay by cheque and it is dishonoured, the court will take steps to recover the money. Non-payment will result in your case being stayed or even struck out.

What if I cannot afford to pay a court fee?

If you cannot afford to pay a court fee, you may be eligible for a fee remission in full or in part. The booklet EX160A –Court fees – do I have to pay them? gives all the information you need. You can get a copy from any court office or from our website www.justice.gov.uk.

Will I need a copy of my marriage/civil partnership certificate?

Yes. You will have to give a copy to the court when you start your application. It will be kept on the court file. The copy must not be a photocopy.

Where can I get a copy of my marriage/civil partnership certificate if I do not have one?

If you were married/entered into a civil partnership in England or Wales, you can get a copy from:

- the office of the Registrar of Births, Deaths, Marriages and Civil Partnerships for the district in which you were married/entered into a civil partnership. You can get the address from the phone book. You will have to pay a fee, and they will tell you how much it is.
- You can also get a copy from:

The General Register Office
PO Box 2
Southport
Merseyside
PR8 2JD

Tel: 0845 603 7788

You cannot order in person at the General Register Office. You can apply for certificates online at www.gro.gov.uk, or by phone 0845 603 7788, lines are open Monday to Friday 8am to 8pm and Saturday 9am to 4pm. Alternatively, you can apply by post to the above address.

There will be a charge for your copy certificate. The office will tell you how much it is.

The office you go to will want to know:

- the date and place of your marriage/civil partnership
- your full name, and
- the full name of your husband/wife/civil partner.

If you married/entered into a civil partnership abroad you will need to contact the relevant authorities for that country to discover how to obtain a certificate.

Can I apply for a divorce after the (judicial) separation decree/order?

Yes you can. If it is based on the same or very similar reasons you may not need to provide the evidence again, however you should check with a solicitor at the time of making the application.

Most of the procedures involved in (judicial) separation order proceedings are the same as the ones involved in divorce/dissolution.

If you decide to go ahead and start an application, read leaflet **D184 – I want to get a divorce/dissolution – what do I do?**

If you have children you should also read leaflet **D185 – Children and divorce/dissolution.**

List of Divorce County Courts

Aberystwyth	Consett	Luton	South Shields
Accrington	Coventry	Macclesfield	Stafford
Aldershot and Farnham	Crewe	Maidstone	Staines
Altrincham	Croydon	Manchester	Stockport
Barnet	Darlington	Mansfield	Stoke-on-Trent
Barnsley	Dartford	Medway	Sunderland
Barnstaple	Derby	Merthyr Tydfil	Swansea
Barrow-in-Furness	Dewsbury	Milton Keynes	Swindon
Basingstoke	Doncaster	Morpeth and Berwick	Tameside
Bath	Dudley	Neath and Port Talbot	Taunton
Bedford	Durham	Nelson	Teesside
Birkenhead	Eastbourne	Newcastle upon Tyne	Telford
Birmingham	Edmonton	Newport (Gwent)	Thanet
Bishop Auckland	Epsom	Newport (Isle of Wight)	Torquay and Newton Abbot
Blackburn	Exeter	Northampton	Trowbridge
Blackpool	Gateshead	North Shields	Truro
Blackwood	Gloucester	Norwich	Tunbridge Wells
Bodmin	Great Grimsby	Nottingham	Uxbridge
Bolton	Guildford	Oldham	Wakefield
Boston	Halifax	Oxford	Walsall
Bournemouth	Harlow	Penrith	Wandsworth
Bow	Harrogate	Penzance	Warrington and Runcorn
Bradford	Hartlepool	Peterborough	Watford
Brecknock	Hastings	Plymouth	Welshpool and Newtown
Brentford	Haverfordwest	Pontefract	Weston-super-Mare
Bridgend	Hereford	Pontypridd	Weymouth and Dorchester
Brighton	Hertford	Portsmouth	Whitehaven
Bristol	Hitchin	Preston	Wigan
Bromley	Horsham	Rawtenstall	Willesden
Burnley	Huddersfield	Reading	Winchester
Burton-upon-Trent	Ilford	Reigate	Wolverhampton
Bury	Ipswich	Rhyl	Worcester
Bury St Edmunds	Keighley	Romford	Worthing
Caernarfon	Kendal	Rotherham	Wrexham
Cambridge	King's Lynn	St Helens	Yeovil
Canterbury	Kingston-upon-Hull	Salford	York
Cardiff	Kingston-upon-Thames	Salisbury	Civil Partnership County Courts
Carlisle	Lancaster	Scarborough	Birmingham
Carmarthen	Leeds	Scunthorpe	Brighton
Chelmsford	Leicester	Sheffield	Bristol
Chester	Leigh	Shrewsbury	Cardiff
Chesterfield	Lincoln	Skipton	Chester
Chichester	Liverpool	Slough	Exeter
Chorley	Llanelli	Southampton	Leeds
Clerkenwell and Shoreditch	Llangefni	Southend	Manchester
Colchester	Lowestoft	Southport	Newcastle upon Tyne