



Family Law Act 1996

1996 CHAPTER 27

PART II

DIVORCE AND SEPARATION

PROSPECTIVE

Court orders

F12 Divorce and separation.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

F13 Circumstances in which orders are made.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

F14 Conversion of separation order into divorce order.

.....

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.
Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

PROSPECTIVE

Marital breakdown

^{F1}5 Marital breakdown.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

^{F1}6 Statement of marital breakdown.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

VALID FROM 13/05/2014

Reflection and consideration

PROSPECTIVE

^{F1}7 Period for reflection and consideration.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

F18 Attendance at information meetings.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. **18(1)**, **139(4)**

9 Arrangements for the future.

- (1) The requirements as to the parties' arrangements for the future are as follows.
- (2) One of the following must be produced to the court—
 - (a) a court order (made by consent or otherwise) dealing with their financial arrangements;
 - (b) a negotiated agreement as to their financial arrangements;
 - (c) a declaration by both parties that they have made their financial arrangements;
 - (d) a declaration by one of the parties (to which no objection has been notified to the court by the other party) that—
 - (i) he has no significant assets and does not intend to make an application for financial provision;
 - (ii) he believes that the other party has no significant assets and does not intend to make an application for financial provision; and
 - (iii) there are therefore no financial arrangements to be made.
- (3) If the parties—
 - (a) were married to each other in accordance with usages of a kind mentioned in section 26(1) of the ^{M1}Marriage Act 1949 (marriages which may be solemnized on authority of superintendent registrar's certificate), and
 - (b) are required to co-operate if the marriage is to be dissolved in accordance with those usages,the court may, on the application of either party, direct that there must also be produced to the court a declaration by both parties that they have taken such steps as are required to dissolve the marriage in accordance with those usages.
- (4) A direction under subsection (3)—
 - (a) may be given only if the court is satisfied that in all the circumstances of the case it is just and reasonable to give it; and
 - (b) may be revoked by the court at any time.
- (5) The requirements of section 11 must have been satisfied.
- (6) Schedule 1 supplements the provisions of this section.
- (7) If the court is satisfied, on an application made by one of the parties after the end of the period for reflection and consideration, that the circumstances of the case are—

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) those set out in paragraph 1 of Schedule 1,
- (b) those set out in paragraph 2 of that Schedule,
- (c) those set out in paragraph 3 of that Schedule, or
- (d) those set out in paragraph 4 of that Schedule,

it may make a divorce order or a separation order even though the requirements of subsection (2) have not been satisfied.

- (8) If the parties' arrangements for the future include a division of pension assets or rights under section 25B of the 1973 Act or section 10 of the ^{M2}Family Law (Scotland) Act 1985, any declaration under subsection (2) must be a statutory declaration.

Marginal Citations

M1 1949 c. 76.

M2 1985 c. 37.

PROSPECTIVE

Orders preventing divorce

^{F1}10 Hardship: orders preventing divorce.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. **18(1)**, 139(4)

PROSPECTIVE

Welfare of children

^{F1}11 Welfare of children.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. **18(1)**, 139(4)

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.
Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

Supplementary

^{F1}12 Rules about procedure

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

PROSPECTIVE

Resolution of disputes

^{F1}13 Directions with respect to mediation.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

^{F1}14 Adjournments.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

PROSPECTIVE

Financial provision

^{F1}15 Financial arrangements.

.....

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(1), 139(4)**

F2 **16**

Textual Amendments

F2 S. 16 repealed (1.12.2000) by [1999 c. 30, s. 88](#), **Sch. 13 Pt. II**; [S.I. 2000/1116](#), **art. 2(g)**

F3 **17**

Textual Amendments

F3 S. 17 repealed (6.4.2002) by [1999 c. 30, s. 88](#), **Sch. 13 Pt. II**; [S.I. 2001/4049](#), **art. 2(3)(c)**

F1 **18** **Grounds for financial provision orders in magistrates’ courts.**

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(1), 139(4)**

PROSPECTIVE

Jurisdiction and commencement of proceedings

F1 **19** **Jurisdiction in relation to divorce and separation.**

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(1), 139(4)**

F1 **20** **Time when proceedings for divorce or separation begin.**

.....

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.
Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

PROSPECTIVE

Intestacy

F1 21 Intestacy: effect of separation.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

Marriage support services

22 Funding for marriage support services.

- (1) The Lord Chancellor may, with the approval of the Treasury, make grants in connection with—
 - (a) the provision of marriage support services;
 - (b) research into the causes of marital breakdown;
 - (c) research into ways of preventing marital breakdown.
- (2) Any grant under this section may be made subject to such conditions as the Lord Chancellor considers appropriate.
- (3) In exercising his power to make grants in connection with the provision of marriage support services, the Lord Chancellor is to have regard, in particular, to the desirability of services of that kind being available when they are first needed.

PROSPECTIVE

F1 23 Provision of marriage counselling.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(1\), 139\(4\)](#)

Status: Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

Interpretation

F124 Interpretation of Part II etc.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(1), 139(4)**

F125 Connected proceedings.

.....

Textual Amendments

F1 Pt. II repealed (except for s. 22) (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(1), 139(4)**

Status:

Point in time view as at 01/11/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

Family Law Act 1996, Part II is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.