



Ministry
of Justice

Mike Freer MP
Minister for Courts and
Legal Services

The Rt Hon the Lord Foster of Bath
Justice and Home Affairs Committee Committee
House of Lords
London
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20 May 2024

Dear Lord Foster,

ONLINE DIVORCE APPLICATIONS

I am writing to you as Chair of the Justice and Home Affairs Committee, and further to today's Written Ministerial Statement in respect of a technical error relating to online divorce applications.

As my statement sets out, there is a statutory bar against applying for an order for divorce before the end of one year from the date of the marriage, contained in section 3 of the Matrimonial Causes Act 1973.

A new system for divorce applications was built to reflect the implementation of the Divorce, Dissolution and Separation Act 2020 (which introduced no fault divorce) and went live on 6 April 2022. Prior to that, a digital service for divorce proceedings had first been introduced in 2019 which included a validation function to stop applicants making their applications before one year and one day from the date of their marriage.

We have identified a technical fault with the new system which allowed applications to be made from the anniversary of the marriage onwards (as opposed to one year and one day) between 6 April 2022 and 23 November 2022. To prevent any future applications from members of the public being submitted early, the error was rectified as soon as it came to light.

We have since reviewed all 90,431 applications made during this period and identified 67 cases where members of the public submitted an early application and subsequently received their final divorce order from the courts. The premature applications were not identified during the court process at the stage of issuing a conditional order, or a final order.

Any final orders, including divorce orders, issued based on these early applications remain final orders of the court unless and until overturned by the court. This is a matter for the independent judiciary to determine. The issue is therefore now with judges to consider.

HMCTS has contacted the people potentially affected and has established a dedicated helpline and email address to offer guidance and support.

I would be more than happy to meet you if you have any questions in relation to this issue.

MIKE FREER MP

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