

## I have a decree nisi - What must I do next?

### What will happen when the Judge has pronounced my decree nisi?

The court will send you and the respondent (and any named co-respondent) form D29 (decree nisi). The example below shows what a completed form looks like.

There is a different version of the decree nisi for each of the five grounds for divorce.

You will see that the form D29 tells you that this is not the final decree. It also tells you when you can apply for your final decree, your “decree absolute”.

D29

**Decree Nisi - Dissolution  
(Section 1(2)(d))**  
MATRIMONIAL CAUSES ACT 1973  
Family Proceedings Rules (Rule 2.43)

In the ANYTOWN County Court	
Case No.	01 D 267
Petitioner	PATRICIA ELIZABETH MANN
Respondent	JAMES DAVID MANN
Co-Respondent	

MRS P E MANN  
41 EAGLE CLOSE,  
ANYTOWN,  
ANYSHIRE  
AN1 2AT

Before [District] ~~DISTRICT JUDGE~~ Judge BROWN  
Sitting at SANCTUARY HOUSE, 12 CHURCH ROAD, ANYTOWN, ANYSHIRE  
on the 27 day of SEPTEMBER 2001 .

The Court held that the petitioner and the respondent have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, that the respondent consents to a decree being granted,

that the marriage solemnised  
on the 2 day of AUGUST 1985 ,  
at ST. MARGARET'S CHURCH, IN THE PARISH OF ANYTOWN IN THE COUNTY OF ANYSHIRE  
between  
PATRICIA ELIZABETH MANN the Petitioner  
and  
JAMES DAVID MANN the Respondent

has broken down irretrievably and decreed that the said marriage be dissolved unless sufficient cause be shown to the Court **within six weeks** from the making of this decree why such decree should not be made absolute.

Notes

**This is not the final decree.** Application for the final decree (decree absolute) must be made to the court.  
(For guidance see leaflet D187 'I have a decree nisi - what must I do next?')

**Appeals: showing cause** why this decree nisi should not be made final (absolute) is **not** an appeal against the decree nisi.

- If the decree nisi was pronounced by a district judge and the respondent wishes to appeal, he or she must serve notice of appeal and set down the appeal at this court **within 14 days** of the date of the decree nisi.
- If the decree nisi was pronounced by a judge and the respondent wishes to appeal, he or she must serve notice of appeal and set down the appeal in the Court of Appeal **within 4 weeks** of the date of the decree nisi.

MR J D MANN  
22a GEORGE STREET,  
ANYTOWN,  
ANYSHIRE  
AN6 4SN

The court office at SANCTUARY HOUSE, 12 CHURCH ROAD, ANYTOWN, ANYSHIRE AN2 4PX  
is open between 10 am and 4 pm Monday to Friday. Address all communications to the Court Manager and quote the case number.  
D29 Decree Nisi - Dissolution (Section 1(2)(d)) - Matrimonial Causes Act 1973 - Family Proceedings Rules (Rule 2.43)

If you asked that the respondent (or any named co-respondent) pay the cost of your divorce and the court agreed, you will also be sent a form D61 (order supplementary to decree nisi). A copy will also be sent to the respondent (and any named co-respondent).

## What must I do before I apply for my decree absolute?

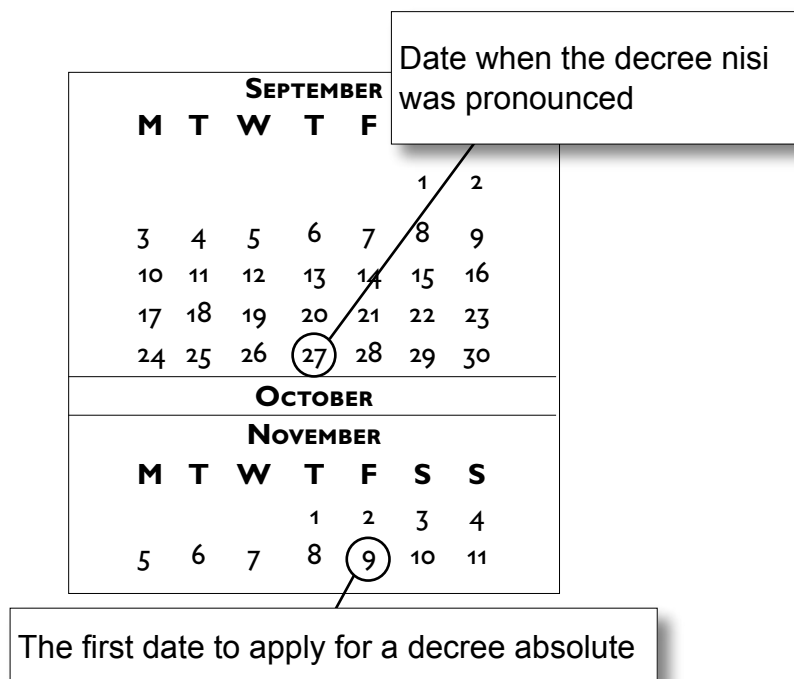
If there are children of the family, check that the court has sent you a form D84B which says the judge has decided that the decree absolute need not be held up on account of the children.

You cannot have your decree nisi made absolute if the court sent you form D66. See leaflet D185 Children and divorce.

If there are:

- no children of the family; or
- the court has sent you form D84B;

then check that six weeks have passed since your decree nisi was pronounced.



The first date you can apply for your decree absolute is six weeks and one day from the date your decree nisi was pronounced.

If you are the respondent and the petitioner has not already applied for the decree absolute you are able to apply for the decree absolute three months, six weeks and one day from the date your decree nisi.

If the application for the decree nisi to be made absolute is lodged more than 12 months after the decree nisi, an explanation in writing must be lodged with the application for the decree nisi to be made absolute containing the following information:

- a) reasons for the delay;
- b) a statement as to whether the parties have lived together (including any dates) since the decree nisi;
- c) a statement as to whether any child has been born to the wife and if they are to be considered a child of the family.

You should check with the court dealing with the divorce to find out if you will also need to file an affidavit.

## Will I have to pay a fee?

You may have to pay a court fee. Please ask the court staff for a copy of the leaflet **EX50 - County Court Fees**. This lists the most common family fees. It is also available on our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

You can pay the fee by cash, postal order or cheque. Make your cheque or postal order payable to HMCS. Please note that courts cannot accept payment by debit or credit cards. For your own safety do not send cash through the post

If you show that a payment of a court fee would involve undue hardship to you, the Court Manager may remit (say you do not have to pay) the fee. For further information, or to apply for a fee exemption/remission ask court staff for a copy of the combined booklet and application form **EX160A - Court Fees - do I have to pay them?**.

It is also available on-line on our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk). You will have to make a separate application for each fee that you would otherwise have to pay.

For free legal information, help and advice contact Community Legal Service Direct on 0845 345 4345 or [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

## Do I need a form to make my decree nisi absolute?

Yes. Get form D36 (notice of application for decree nisi to be made absolute) from the court office.

Fill it in and take or send it to the court office.

# What will the court do with form D36?

From your file the court will check the following.

- If there are children:
- the court is satisfied with the arrangements proposed for them; or
- that even if the court is not satisfied, there are no exceptional circumstances affecting the decree absolute;
- six weeks have passed since your decree nisi was pronounced;
- there is no other reason why your decree nisi cannot be made absolute.
- If everything is in order the court will send you and the respondent a form D37 (decree absolute).
- The example below shows what a completed form looks like.

**D36**

In the *ANYTOWN* County Court

No. of matter *01 D 267*

Between *PATRICIA ELIZABETH MANN* Petitioner  
 And *JAMES DAVID MANN* Respondent  
 And ..... Co-Respondent

(SEAL)

TAKE NOTICE that the Petitioner applies for the decree nisi pronounced in his (her) favour on the *27* day of *September* [19] *20 01* to be made absolute.

Dated *9 November 2001*

Signed *P. E. Mann*  
Solicitor for Petitioner

To the Court Manager:

Address all communications to the Court Manager AND QUOTE THE ABOVE CASE NUMBER

The Court Office is *Sanctuary House, 12 Church Road, Anytown AN2 4PX*  
is open from 10 a.m. to 4 p.m. Monday to Friday.

Notice of Application for Decree Nisi to be made Absolute.  
 MATRIMONIAL CAUSES RULES - Rule 65(1)  
 D36 - 43 (12/98)

**D37**

In the *ANYTOWN* County Court

No. of Matter *01 D 267*

Between *PATRICIA ELIZABETH MANN* Petitioner  
 and *JAMES DAVID MANN* Respondent  
 and ..... Co-respondent

Referring to the decree made in this cause on the *27TH* day of *SEPTEMBER* *2001*, whereby it was decreed that the marriage solemnised on the *2ND* day of *AUGUST* *1985*, at *ST MARGARET'S CHURCH, IN THE PARISH OF ANYTOWN IN THE COUNTY OF ANYSHIRE* between *PATRICIA ELIZABETH MANN* the Petitioner and *JAMES DAVID MANN* the Respondent be dissolved unless sufficient cause be shown to the Court within [six] weeks from the making thereof why the said decree should not be made absolute, and no such cause having been shown, it is hereby certified that the said decree was on the *9TH* day of *NOVEMBER* *2001*, made final and absolute and that the said marriage was thereby dissolved.

Dated *9TH* *NOVEMBER* *2001*

**Notes:**

- Divorce affects inheritance under a will**  
 Where a will has already been made by either party to a marriage then, by virtue of section 18A of the Wills Act 1837:  
 (a) any provisions of the will appointing the former spouse executor or trustee or conferring a power of appointment on the former spouse shall take effect as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will;  
 (b) any property which, or an interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will.
- Divorce affects the appointment of a guardian**  
 Unless a contrary intention is shown in the instrument of appointment, any appointment under section 5(3) or 5(4) of the Children Act 1989 by one spouse of his or her former spouse as guardian is, by virtue of section 6 of that Act, deemed to have been revoked at the date of dissolution of the marriage.

Address all communications to the Chief Clerk and quote the above case number.  
 The Court Office at  
 SANCTUARY HOUSE, 12 CHURCH ROAD, ANYTOWN AN2 4PX  
 is open from 10 am to 4 pm Mondays to Fridays only.  
 Certificate making Decree Nisi Absolute (Divorce)  
 Family Proceedings Rule 2.51 (2) (Form M9)  
 D37

Form D37 is your final decree. You are now free to remarry if you wish.