This chapter considers the law and process for seeking a divorce in England and Wales. It examines the current legal framework and the gap between the ‘law in books’ and the practical reality. It looks at the current legal provisions, the criticisms that have been made of them, and whether there are any strengths to the current law. The discussion is placed in the context of divorce statistics in order to determine the link between the divorce law and the divorce rate, and whether this matters. In so doing, the chapter considers how much of a role the state should play in regulating divorce and the place of ‘fault’ in a modern divorce law. It also considers matters of process and procedure, and whether reform of process rather than substantive law is the right focus.
3. Seeking a Divorce

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