



Exploring Financial Remedies on Divorce

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OVERARCHING: need to fix full stops and punctuation at end of sentences

Payne, Beth | She/Hers, 2024-03-18T11:43:53.679



What is the Law Commission?

- An independent body that keeps the law of England and Wales under review and recommends reform where it is needed.
- Why are we reviewing financial remedies law?
- Government has asked us to consider whether reform of financial remedies law is needed.
- The law (the Matrimonial Causes Act 1973) is over 50 years old and has been criticised in recent years.



Fundamental question for the financial remedies scoping project to consider –

“whether, in England and Wales, the current law relating to financial remedies on divorce and dissolution provides a cohesive framework in which parties to a divorce or dissolution can expect fair and sufficiently certain outcomes.”

(Terms of Reference, paragraph 1.02)

www.lawcom.gov.uk/project/financial-remedies-on-divorce



- What is a scoping report?
 - A step on the road to reform, not the destination.
- A scoping report:
 - explores the issues involved in an area of law;
 - assesses whether reform is needed; and
 - identifies questions for any future project of reform to address.



Our scoping project

What *are* we considering?

Potential reform of areas including –

- The discretionary basis of the current law and whether it allows sufficient certainty.
- Whether clear underpinning principles could create more certainty of outcomes.
- The financial orders that may be made by the courts on divorce or dissolution
- Potential maximum periods on spousal maintenance orders.
- Powers to make financial orders for children over 18

What *are we not* considering?

Areas including –

- Child maintenance as currently dealt with by the Child Maintenance Service.
- Financial provision for the children of unmarried parents (Schedule 1 CA 1989).
- The rights of cohabitants on relationship breakdown.



Our scoping project

What *are* we considering?

- Treatment of pensions
- Binding Nuptial Agreements
- Definition and consideration of behaviour/
conduct
- The principles underlying s.25A of the
Matrimonial Causes Act 1973
- Limitation

What *are we not* considering?

- Part III Matrimonial and Family
Proceedings Act 1984 claims
- The law relating to the enforcement
of financial remedies orders,
including in relation to
cross-border reciprocal enforcement
- Inheritance (Provision for Family and
Dependants) Act 1975 claims



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Thank you for listening.

If you wish to write to us, our email is:
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Do we want to also note our webpage?

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