

GENERAL ELECTION 2019 – Family Law Update

Before the Prime Minister called a General Election on 12 December 2019, there were two key pieces of legislation making their way through parliament:

1. Divorce Dissolution and Separation Bill

This was introduced following a government consultation after the case of *Owens v Owens*. The purpose was to “*make divorce law consistent with the non-confrontational approach taken in wider family law and to recognise that a legal process that does not introduce of aggravate conflict will better support adults to take responsibility for their own futures and, most importantly, for their children’s futures*”.

2. Domestic Abuse Bill

This was introduced to parliament in July with the aim of providing better support for victims of domestic abuse and bringing perpetrators to justice.

In addition to the above, Resolution were lobbying the government for greater protection for the 20% of families in the UK who are cohabiting and to end the myth of the common law spouse.

Both bills were abandoned when parliament was dissolved but those interested in family law may be interested to hear what each of the main parties say about these issues in their manifestos.

CONSERVATIVE

The Conservative party have reiterated their commitment to pass the Domestic Abuse Bill. The Conservative’s will increase support for refuges and community support for victims of rape or sexual abuse.

Prior to the release of the manifesto, Boris Johnson indicated that the government would ensure the Divorce Dissolution and Separation Bill was passed, however there appears to be no specific reference to this in the manifesto.

The Conservative’s give no commitment to reforming the law to provide greater protection for cohabiting couples.

LABOUR

The Labour party manifesto confirms their intention to introduce a no-fault divorce procedure and to reintroduce the Domestic Abuse Bill.

Regarding domestic violence, Labour have promised to appoint a Commissioner to Violence against Women and Girls and to establish a National Refuge fund. They further indicate that they will improve the safety of the family court system for victims of domestic violence by prohibiting the cross examination of accusers by their abuser.

Labour give no commitment to reforming the law to provide greater protection for cohabiting couples.

CHILD & CHILD

LIBERAL DEMOCRATS

The Liberal Democrat party manifesto promises to introduce a right to no fault divorce and to extend legal rights for cohabiting couples to give them greater protection in the event of separation or death.

The Liberal Democrats have not expressed a commitment to reintroduce the Domestic Abuse bill but have promised to support survivors of domestic abuse by legislating for a statutory definition of domestic abuse that includes its effects on children. They are also committed to preventing the cross-examination of survivors by their abusers.

GREEN PARTY

The Green party pledge to develop and implement a UK-wide strategy to tackle domestic violence, rape and sexual abuse. They specify that this would include working with perpetrators to prevent them from continuing to abuse and to prevent the cross-examination of victims by their abusers in the family court. They promise to introduce a new Domestic Abuse Bill that would include a provision to allow for the prosecution of economic abuse.

The Greens make no reference to reintroducing the Divorce Dissolution and Separation Bill or to reforming the law to protect cohabiting couples.

SCOTTISH NATIONALIST PARTY

The SNP promise to urge the rest of the UK to follow Scotland's lead by incorporating the United Nations Convention on the Rights of the Child into domestic Law. They will also press parliament for ratification of the Council of Europe's Convention on preventing and combating violence against women and domestic violence.

Unsurprisingly, they do not reference the Divorce Dissolution and Separation Bill which only impacts the law in England and Wales.

PLAID CYMRU

Plaid Cymru explain that they played a key part in establishing the Domestic Abuse Bill and regret the loss of the bill following the announcement of the general election.

They confirm in their manifesto that they remain committed to producing legislation that increases the protections for victims of domestic abuse. They do not mention reintroducing the Divorce Dissolution and Separation Bill or reforming the law to provide better protection for cohabiting couples.

UKIP

UKIP have confirmed their position that stable, active and intact two-parent families are the bedrock of a robust society. They believe that 'broken families' are more likely to be dependent on the state and therefore presumably do not support the reintroduction of the Divorce Dissolution and Separation Bill.

CHILD & CHILD

They do not mention whether they support the Domestic Abuse bill but state that they would introduce further safeguards to the Family Courts to ensure that injustices are not perpetrated on parents.

BREXIT PARTY

The Brexit Party have released a 'contract' rather than a manifesto but make no reference to the issues relating to family law.

Ali Granville is a family lawyer at Child & Child, specialising in all aspects of relationship breakdown including divorce, financial relief, cohabitation and private children.

The purpose of this note is to assist in providing an overall understanding of the legal context within which such issues operate. This note is not intended as specific legal advice.

If you have any questions, or you believe you require further guidance, then please contact Ali Granville at aligranville@childandchild.co.uk or on +44 (0) 207 201 1.