

NOVEMBER 2010

ALL PARTY PARLIAMENTARY GROUP ON FAMILY LAW AND THE COURT OF PROTECTION DEBATE

“WHAT IS MARRIAGE? WHAT SHOULD IT BE?”

Vanguard debate on the modern meaning of marriage and the implications for ancillary relief

In conjunction with the newly established All Party Parliamentary Group on Family Law<sup>1</sup>, Mr. Justice Mostyn<sup>2</sup> opens the Group’s first public debate with an address on the future of marriage and a revolutionary look at some of the most profound questions our government will need to ask itself in light of such cases as Imerman<sup>3</sup> and Radmacher<sup>4</sup>, to be held in The Palace of Westminster on Tuesday, 2<sup>nd</sup> November.

The British family landscape is in flux. Current research suggests that the number of orders made in court to settle ancillary relief disputes is on the rise<sup>5</sup>. In 2009, there were 18,900<sup>6</sup> such orders; this year, that figure has risen to 20,200<sup>7</sup>. With the existing law finding it increasingly difficult to respond to the constant shift in family structures, the rise too of the prenuptial agreement has come at a time when conventional roles between spouses are being challenged and as the very definition of marriage itself is being questioned. These are the issues underlying the foundations of contemporary family law which have not yet been highlighted and which must be considered before any reforms in the law on ancillary relief can take place.

The speaker for this debate is Mr Justice Mostyn, regarded as one of the leading family lawyers of his generation. Mr Justice Mostyn is a High Court judge of the Family Division and has been involved in several landmark cases relating to matrimonial finance. He will be joined by Baroness Ruth Deech,<sup>8</sup> who has extensive experience in the field of family law, both as a lecturer at Oxford University and more recently as Gresham Professor of Law and John Hemming MP<sup>9</sup>, who is the Chairman of the All Party Parliamentary Group on Family Law and founder of Justice for Families.

Baroness Deech explains: “The question of financial relief is one that has not been addressed by Parliament for decades. In changing economic times and with new perspectives on marriage, cohabitation and the roles of men and women in family life, it is time to reopen the debate about the principles that should govern the allocation of assets and support on divorce”.

John Hemming feels strongly about the need to raise this topic: "This is an important issue that does not get sufficient attention within Parliament. Baroness Deech has quite rightly started up a debate about this issue and this event will be a helpful part of taking that debate forwards".

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## Notes to Editors:

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<sup>1</sup> The All Party Parliamentary Group on Family Law and The Court of Protection was set up to look at issues that fall within the jurisdiction of the Family Courts, including the Court of Protection and other associated issues.

<sup>2</sup> Mr. Justice Mostyn is a Judge of the High Court, with extensive experience on financial matters relating to divorce.

<sup>3</sup> Imerman addresses the issue of financial disclosure in ancillary relief proceedings and under what conditions the taking of financial documents from one spouse by another, is allowed. It also touches on the notion of trust between husband and wife, possible breaches of various laws, including the law of confidence and the relevant rights covered by the Human Rights Act.

<sup>4</sup> Radmacher focused on the validity of prenuptial agreements. The Supreme Court has ruled that they are binding, if fair.

<sup>5</sup> Ministry of Justice Statistics Bulletin; April to June, 2010

<sup>6</sup> Ministry of Justice Statistics Bulletin; April to June, 2010 (Page 14)

<sup>7</sup> Ministry of Justice Statistics Bulletin; April to June, 2010 (Page 14)

<sup>8</sup> Baroness Deech is also Vice Chair of the All Party Parliamentary Group on Family Law and The Court of Protection

<sup>9</sup> John Hemming MP, is a Member of Parliament for Birmingham Yardley and founder of Justice for Families, a group dedicated towards helping families who feel they have been unjustly treated by the family justice system.