



House of Commons

NOTICES OF AMENDMENTS

given up to and including
Tuesday 16 July 2019

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CONSIDERATION OF BILL (REPORT STAGE)

DIVORCE, DISSOLUTION AND SEPARATION BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Fiona Bruce
 Eddie Hughes
 Michael Tomlinson
 Maria Caulfield
 Jeremy Lefroy
 Sir Gary Streeter

Derek Thomas

Sir David Amess

Sir John Hayes

NC1

To move the following Clause—

“Report on the impact on divorce applications and marriage support

- (1) The Secretary of State must publish an annual report on the impact of this Act on divorce proceedings and marriage.
- (2) The report under subsection 1 must include, but is not limited to—
 - (a) the number of divorce applications made under the provisions of this Act; and

Divorce, Dissolution and Separation Bill, *continued*

- (b) the number of married couples or civil partners who seek relationship counselling during the divorce process, broken down by demographic and geographic location; and
 - (c) a statement on the support services and marriage counselling available to married couples or civil partners as an alternative to divorce proceedings under this Act.
- (3) The report under subsection 1 must be laid before both Houses of Parliament.”

Fiona Bruce
Eddie Hughes
Maria Caulfield
Michael Tomlinson
Jeremy Lefroy
Sir Gary Streeter

Derek Thomas

Sir David Amess

Sir John Hayes

NC2

To move the following Clause—

“Increased support for marriage and civil partnerships

- (1) Section 22 of the Family Law Act 1996 (Funding for marriage support services) is amended as follows.
- (2) In subsection (1), for “may” substitute “must”.
- (3) In subsection (1)(a), at end insert “, both before and during a marriage”
- (4) After subsection (1)(a) insert—
 - “(aa) marriage counselling for any partners to a marriage where an application has been made to the court to dissolve the marriage under section 1 of the Matrimonial Causes Act 1973.”
- (5) After subsection (3) insert—
 - “(4) Any reference to marriage or marital breakdown in this section also applies to civil partnerships.””

Member’s explanatory statement

This new clause would ensure increased support for marriages and new support for couples where an application for divorce has been made to the court.

Divorce, Dissolution and Separation Bill, *continued*

Sir Edward Leigh

NC3

To move the following Clause—

“Reduction in separation periods

- (1) Section 1 of the Matrimonial Causes Act 1973 (divorce on breakdown of marriage) is amended as follows.
- (2) In subsection (2)(d) for “two years”, in both places, substitute “one year”.
- (3) In subsection (2)(e) for “five”, in both places, substitute “two”.

Sir Edward Leigh

NC4

To move the following Clause—

“Recording lack of consent

- (1) The Matrimonial Causes Act 1973 is amended as follows.
- (2) After section 1, insert—

“1A Supplemental provision in cases where one party does not consent

- (1) In the case of an application by one party to the marriage only, it shall be recorded on the divorce order if the other party to the marriage did not consent to the divorce.
- (2) For the purposes of subsection (1) the other party shall only be taken not to consent to the divorce if they have made this known to the court prior to the divorce order being made final.”

Member’s explanatory statement

This new clause would allow a party to a marriage who does not want to divorce to have it on the public record that the divorce was against their wishes.

Sir Edward Leigh

8

Page 1, line 2, leave out Clause 1

Michael Tomlinson
Maria Caulfield

7

Clause 1, page 1, line 10, at end insert—

- “(3) The court, on receipt of an application under subsection (1), must ensure that both parties are provided with information on marriage support or relationship counselling available to couples as an alternative to divorce proceedings under this Act.”

 Divorce, Dissolution and Separation Bill, *continued*

Frank Field

1

Clause 1, page 1, line 11, after “subsection (1)” insert “must consider whether a divorce order is in the interests of any child of the family and, if the court is satisfied that it is,”

Member’s explanatory statement

This amendment would require the courts to take the wellbeing of any children in the family into account before granting a divorce order to end a marriage.

Sir Edward Leigh

9

Clause 1, page 1, line 17, leave out “6” and insert “12”

Sir Edward Leigh

14

Clause 1, page 2, leave out lines 7 and 8 and insert—

“(5A) A party may not give confirmation for the purposes of subsection (5) before the end of—

- (a) the reconciliation period, which lasts for the period of 12 weeks from the start of proceedings, and
- (b) the reflection period, which lasts for the period of 20 weeks from the end of the reconciliation period.

(5B) There shall be no commencement of financial provision proceedings during the reconciliation period.”

Member’s explanatory statement

This amendment would create an additional 12-week period during which no discussions about financial settlement could take place.

Sir Edward Leigh

15

Clause 1, page 2, leave out lines 7 and 8 and insert—

“(5A) A party may not give confirmation for the purposes of subsection (5) before the end of—

- (a) the reconciliation period, which lasts for the period of 12 weeks from the start of proceedings or until the condition in subsection (5B) is met, whichever is later, and
- (b) the reflection period, which lasts for the period of 20 weeks from the end of the reconciliation period.

(5B) For the purposes of subsection (5A)(a) the condition is that the parties to the marriage must meet at least three times with a person qualified to help effect a reconciliation between parties to a marriage who have become estranged.

(5C) There shall be no commencement of financial provision proceedings during the reconciliation period.”

Member’s explanatory statement

This amendment would create a minimum 12-week period during which no discussions about financial settlement could take place and in which the parties would be required to have marriage counselling.

Sir Edward Leigh

10

Clause 1, page 2, line 8, leave out “20” and insert “40”

Divorce, Dissolution and Separation Bill, *continued*

Fiona Bruce
Eddie Hughes
Maria Caulfield
Michael Tomlinson
Jeremy Lefroy
Sir Gary Streeter

Sir David Amess

Sir John Hayes

3

Clause 1, page 2, line 8, at end insert—

“(5A) For the purposes of subsection (5), “the start of the proceedings” means—

- (a) in the case of an application that is to proceed as an application by both parties to the marriage, the date on which both parties apply for an order under subsection (1), or
- (b) in the case of an application that is to proceed as an application by one party to the marriage only, the date when the notice of an application for a divorce order has been received by the other party to the marriage.”

Member’s explanatory statement

This amendment would define the start of divorce proceedings so that it is clear when the 20-week period would start.

Sir Edward Leigh

11

Clause 1, page 2, line 9, leave out subsection (6)

Sir Edward Leigh

12

Clause 1, page 2, line 12, leave out subsection (7)

Fiona Bruce
Eddie Hughes
Maria Caulfield
Michael Tomlinson
Jeremy Lefroy
Sir Gary Streeter

Derek Thomas

Sir David Amess

Sir John Hayes

4

Clause 1, page 2, line 18, at end insert—

“(8A) In the case of an application that is to proceed as an application by one party to the marriage only, there shall be no commencement of financial provision proceedings until the end of the period of 20 weeks from the start of the proceedings for the divorce order unless—

- (a) the other party to the marriage agrees to the commencement of financial provision proceedings, or
- (b) there is an application under section 22 for the court to make an order for maintenance pending suit.”

Member’s explanatory statement

This amendment would ensure that there are no discussions about financial settlement in the 20-week period unless both parties agree or there is an application to the court for interim maintenance and financial injunctions.

 Divorce, Dissolution and Separation Bill, *continued*

Sir Edward Leigh

13

Clause 1, page 2, line 19, leave out from “subsection (6)” to “House” and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each”

Frank Field

2

Clause 3, page 3, line 15, after “subsection (1)” insert “must consider whether a dissolution order is in the interests of any child of the family and, if the court is satisfied that it is,”

Member’s explanatory statement

This amendment would require the courts to take the wellbeing of any children in the family into account before granting a dissolution order to end a civil partnership.

Fiona Bruce
Eddie Hughes
Maria Caulfield
Michael Tomlinson
Jeremy Lefroy
Sir Gary Streeter

Derek Thomas

Sir David Amess

Sir John Hayes

5

Clause 4, page 4, line 9, at end insert—

“(2A) For the purposes of subsection (2), “the start of the proceedings” means—

- (a) in the case of an application that is to proceed as an application by both civil partners, the date on which those persons apply for an order under section 44(1), or
- (b) in the case of an application that is to proceed as an application by one civil partner only, the date when the notice of an application for a dissolution order has been received by the other civil partner.”

Member’s explanatory statement

This amendment would define the start of dissolution proceedings so that it is clear when the 20-week period would start.

Fiona Bruce
Eddie Hughes
Maria Caulfield
Michael Tomlinson
Sir David Amess
Sir John Hayes

6

Clause 4, page 4, line 18, at end insert—

“(5A) In the case of an application that is to proceed as an application by one civil partner only, there shall be no commencement of financial provision proceedings until the end of the period of 20 weeks from the start of the proceedings for the divorce order unless—

Divorce, Dissolution and Separation Bill, *continued*

- (a) the other civil partner agrees to the commencement of financial provision proceedings, or
- (b) there is an application under schedule 5, paragraph 2(1) for maintenance pending suit.”

Member’s explanatory statement

This amendment would ensure that there are no discussions about financial settlement in the 20-week period for the dissolving of a civil partnership unless both parties agree or there is an application to the court for interim maintenance and financial injunctions.

Sir Edward Leigh

16

Clause 8, page 6, line 8, leave out “that started” and insert “of parties married”

Sir Edward Leigh

17

Clause 8, page 6, line 8, leave out “that started” and insert “of parties married before the commencement date in the case of an application by one party to the marriage only”

Sir Edward Leigh

18

Clause 8, page 6, line 20, at end insert “and shall not be before the Secretary of State makes substantial grants in connection with the provision of marriage support services under Section 22 of the Family Law Act 1996.”

Sir Edward Leigh

19

Clause 8, page 6, line 20, at end insert—
“(8A) The commencement date shall not be before the Secretary of State sets out a plan for using the power under Section 22 of the Family Law Act 1996 to fund marriage counselling.”

ORDER OF THE HOUSE [25 JUNE 2019]

That the following provisions shall apply to the Divorce, Dissolution and Separation Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 4 July 2019.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Divorce, Dissolution and Separation Bill, *continued**Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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