



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 12 June 2020

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 7 and NC4 to NC9

COMMITTEE OF THE WHOLE HOUSE

DIVORCE, DISSOLUTION AND SEPARATION BILL [LORDS]

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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
Sir Edward Leigh
Sir John Hayes
Sally-Ann Hart
Sir David Amess

1

Clause 1, page 2, line 8, leave out “20” and insert “46”

Member’s explanatory statement

This amendment would extend the minimum legal period for a divorce from six months to one year (with the additional six weeks between the conditional and final orders).

 Divorce, Dissolution and Separation Bill [*Lords*], *continued*

Fiona Bruce
 Sir Edward Leigh
 Sir John Hayes
 Sally-Ann Hart
 Sir David Amess

2

Clause 1, page 2, line 9, 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.

Fiona Bruce
 Sir Edward Leigh
 Sir John Hayes
 Sally-Ann Hart
 Sir David Amess

3

Clause 1, page 2, line 19, 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.

Fiona Bruce
 Sir Edward Leigh
 Sir John Hayes
 Sally-Ann Hart
 Sir David Amess

4

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

Divorce, Dissolution and Separation Bill [Lords], continued

- (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
Sir Edward Leigh
Sir John Hayes
Sally-Ann Hart
Sir David Amess

5

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—

- (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.

Secretary Robert Buckland

6

☆ Clause 9, page 6, line 28, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

Fiona Bruce
Sir Desmond Swayne
Sir Edward Leigh
Sir John Hayes
Sally-Ann Hart
Sir David Amess

NC1

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”.

Divorce, Dissolution and Separation Bill [*Lords*], *continued*

- (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.

Fiona Bruce
 Sir Edward Leigh
 Sir John Hayes
 Sally-Ann Hart
 Sir David Amess

NC2

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 and dissolution proceedings and marriage and civil partnership with the first report to be published no later than 18 months after the day on which this section comes into force.
- (2) The report under subsection (1) must include, but is not limited to—
- (a) the number of divorce and dissolution applications made under the provisions of this Act by the sex and income of the applicant and respondent, and
 - (b) the number of children in the relationships subject to the divorce and dissolution applications, and
 - (c) the number of married couples or civil partners who seek counselling during the divorce process, broken down by geographic location, and
 - (d) 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, broken down by geographic location.
- (3) The report under subsection (1) must be laid before both Houses of Parliament.”
-

Sir Edward Leigh

NC3

☆ To move the following Clause—

“Divorce after one year separation with consent

- (1) The Matrimonial Proceedings Act 1984 is amended as follows.
- (2) In section 1(2), omit subsection (d) and insert—
- “(d) that the parties to the marriage have lived apart for a continuous period of at least one year immediately preceding the

Divorce, Dissolution and Separation Bill [*Lords*], *continued*

presentation of the petition (hereafter in this Act referred to as “separation for one year”) and the respondent consents to a decree being granted;”

- (3) In section 10(1), substitute “separation for one year” for “two years’ separation”;
- (4) In section 10(2)(a), substitute “separation for one year” for “two years’ ”;
- (5) In section 10(2)(b), substitute “separation for one year” for “two years’ ”.”

Member’s explanatory statement

The intention of this new clause is to adopt in England and Wales the approach currently available in Scotland allowing a no-fault divorce to be granted on consent grounds in just one year.

Keir Starmer
Angela Rayner
Mr David Lammy
Alex Cunningham
Conor McGinn
Mr Nicholas Brown

NC4

- ★ To move the following Clause—

“Civil legal aid for divorce, dissolution or separation

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) After paragraph 18, insert—

“18A Civil legal services provided in relation to the Matrimonial Causes Act 1973 and the Civil Partnership Act 2004.”

Member’s explanatory statement

This new clause would add divorce, dissolution and separation proceedings to the list of civil legal services qualifying for legal aid.

Keir Starmer
Angela Rayner
Mr David Lammy
Alex Cunningham
Conor McGinn
Mr Nicholas Brown

NC5

- ★ To move the following Clause—

“Legal aid for divorce proceedings report

- (1) The Secretary of State must conduct a review of the cost and benefits of providing legal aid for divorce proceedings.
- (2) In conducting the review under subsection (1), the Secretary of State must take account of the disparity between men and women in their capacity to afford legal advice in matrimonial proceedings.

Divorce, Dissolution and Separation Bill [*Lords*], *continued*

- (3) The Secretary of State must make arrangements for a copy of the report of the review to be laid before both Houses of Parliament no later than six months after the date on which this Act is passed.”

Member’s explanatory statement

This new clause would require the Secretary of State to carry out a review within six months of the impact of extending legal aid for divorce proceedings, taking account of any disproportionate effect on women of lack of access to legal aid.

Keir Starmer
Angela Rayner
Mr David Lammy
Alex Cunningham
Conor McGinn
Mr Nicholas Brown

NC6

- ★ To move the following Clause—

“Financial abuse qualifying condition in legal aid family matters

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In paragraph 12 (1) (a) after “violence” insert “or financial abuse”.
- (3) In paragraph 12 (1) (b) after “violence” insert “or financial abuse”.
- (4) In paragraph 9, at the end insert—
 ““financial abuse” includes—
 (a) having money or other property stolen,
 (b) being defrauded,
 (c) being put under pressure in relation to money or other property,
 and
 (d) having money or other property misused.””

Member’s explanatory statement

This new clause would add financial abuse (as defined in section 42 of the Care Act 2014) to the domestic violence condition under which civil legal aid may be provided in a matter arising out of a family relationship.

Divorce, Dissolution and Separation Bill [*Lords*], *continued*

Keir Starmer
Angela Rayner
Mr David Lammy
Alex Cunningham
Conor McGinn
Mr Nicholas Brown

NC7

★ To move the following Clause—

“Bereavement support payments report

- (1) The Secretary of State must conduct a review of the cost and benefits of extending eligibility for higher and standard bereavement support payments under section 30 of the Pensions Act 2014, where—
 - (a) the parents of a child had been married to each other but were divorced when one of them died,
 - (b) the parents of a child had not been married to each other and were separated when one of them died, or
 - (c) the parents of a child had never been married to each other when one of them died.
- (2) The Secretary of State must make arrangements for a copy of the report of the review to be laid before both Houses of Parliament no later than six months after the date on which this Act is passed.”

Member’s explanatory statement

This new clause would require the Secretary of State to present to Parliament, within six months, a report on the impact of extending bereavement support payment to families where married parents divorce, where unmarried parents separate or where parents have never lived together.

Keir Starmer
Angela Rayner
Mr David Lammy
Alex Cunningham
Conor McGinn
Mr Nicholas Brown

NC8

★ To move the following Clause—

“Lone parent payment report

- (1) The Secretary of State must conduct a review of the cost and benefits of providing a lone parent payment where—
 - (a) the parents of a child had been married to each other but were divorced when one of them died,
 - (b) the parents of a child had not been married to each other and were separated when one of them died, or
 - (c) the parents of a child had never been married to each other when one of them died.
- (2) The Secretary of State must make arrangements for a copy of the report of the review to be laid before both Houses of Parliament no later than six months after the date on which this Act is passed.”

Divorce, Dissolution and Separation Bill [Lords], continued
Member's explanatory statement

This new clause would require the Secretary of State to present to Parliament, within six months, a report on the impact of introducing a lone parent payment to families where a parent dies and the parents were divorced or unmarried.

Stella Creasy
Alex Cunningham

NC9

★ To move the following Clause—

“Review of Act in relation to children’s financial status

- (1) The Secretary of State must conduct a review of the financial effects of this Act on families where the marital status (including a current or dissolved civil partnership) of a parent explicitly determines the eligibility for benefits for dependant children.
- (2) The Secretary of State must make arrangements for a copy of the report of the review to be laid before both Houses of Parliament no later than six months after the date on which this Act is passed.”

Member's explanatory statement

This new clause would require the Secretary of State to publish by the end of this year a report on how this Act will affect the financial status of children and families where benefit entitlement is linked to the civil partnership or marriage status of one or both parents.

Andrew Selous

7

★ Schedule , page 19, line 4, at beginning insert—

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

Divorce, Dissolution and Separation Bill [*Lords*], *continued*

ORDER OF THE HOUSE [8 JUNE 2020]

That the following provisions shall apply to the Divorce, Dissolution and Separation Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee, any 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 in Committee of the whole House are commenced.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

5. Any other proceedings on the Bill may be programmed.
-