

Divorce, Dissolution and Separation Bill [HL]

AMENDMENT
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Before Clause 6

BARONESS DEECH
LORD MACKAY OF CLASHFERN

Insert the following new Clause –

“Review of operation of certain sections of the Matrimonial Causes Act 1973

- (1) The Secretary of State must conduct a review of the operation of sections 25, 25A and 34 to 36 of the Matrimonial Causes Act 1973 (the “Act”) to determine whether they –
 - (a) properly reflect the patterns of family life of the present day,
 - (b) provide for a system which is reasonably predictable in its outcomes from case to case, and
 - (c) act to exacerbate the costs of legal representation which must be expended by parties litigating thereunder.
- (2) The review must in particular consider –
 - (a) whether it would be appropriate for provisions akin to sections 9, 10 and 24 to 26 of the Family Law (Scotland) Act 1985 to be incorporated into the Act to assist the court in its determination of the matters to which the court is to have regard pursuant to section 25 thereof,
 - (b) whether the operation of sections 25 and 25A of the Act in relation to the quantum and term of periodical payments is appropriate in the context of changes in the labour market since their entry into force,
 - (c) whether agreements between parties (or prospective parties) to a marriage in relation to their financial arrangements should be presumptively binding on the court,
 - (d) whether the provisions of subsection 25(1) of the Act are of meaningful effect in the majority of cases, and
 - (e) any amendments to sections 25, 25A and 34 to 36 of the Act which may be necessary in consequence of the review.
- (3) The Secretary of State must begin the review before the end of the period of six months beginning with the day on which this Act is passed.

Before Clause 6 - *continued*

- (4) The Secretary of State must lay before both Houses of Parliament a report of the conclusions of the review and of any proposals which it makes within one year of the commencement of the review.”

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20 February 2020
