

Comments from **Simon Beccle, Family Partner at Payne Hicks Beach** feature in the article concerning Divorce law: new 'no fault' legislation in the highly unusual contested divorce between his client, Tini Owens and her husband, Hugh Owens first published in The Times online on 11 April 2019 and reproduced with kind permission

<https://www.thetimes.co.uk/article/fight-for-a-better-divorce-is-over-vhmp6wjb7>

**THE**  **TIMES**

**Jonathan Ames**

April 11 2019, 12:01am,  
The Times



Simon Beccle  
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## Fight for a better divorce is over

Legal reforms to create no-fault applications and end contested cases have been welcomed



The Supreme Court ruled that Tini Owens must stay married to her husband Hugh after he contested her application for a divorce

DOMINIC LIPINSKI/PA

Rarely in this political atmosphere will a minister's decision win such near-universal approval as greeted the justice secretary's plans to bring in no-fault divorce and end contested divorces.

It is the culmination of campaigning that was started 30 years ago by one of David Gauke's predecessors as lord chancellor, Lord Mackay of Clashfern, and a Law Commission report.

More recently, this newspaper joined with the Marriage Foundation to press the government to act.

Family lawyers heaped praise on Gauke for making the leap. But as the initial euphoria abated, some concerns were raised over the detail.

Lawyers pointed out that if the ability to contest a divorce is ditched, ministers must look at clarifying the position in cases involving allegations of serious abuse or controlling and coercive behaviour. There will arguably be a need for a facility in the reformed legislation to defend those allegations formally if they are made in a divorce petition.

Likewise, questions have also been raised over issues around criminal proceedings stemming from conduct within the marriage. Family law specialists at Howard Kennedy said that people must be “careful not to make admissions within the family proceedings” that could be relied on later by prosecutors.

The firm said there is an issue over how “the inability to defend a petition that contains allegations of criminal behaviour would constitute some form of admission”.

Emily Brand, a partner at Boodle Hatfield, also highlighted possible downsides to the new reforms. She said: “Setting out the reasons why an individual believes their marriage has broken down can be a valuable part of the divorce process for that individual. For the party that feels wronged, they are being deprived of an important element of a divorce.”

It was also expected that some religious groups would object to the reform and Christian organisations were quick off the mark.

Andrea Williams, the chief executive of Christian Concern, described no-fault divorce as “no reason” divorce. Christian Concern maintains that the reform will mean that “one partner can impose divorce on the other”.

“How can the justice secretary say in one breath that he wants to uphold the institution of marriage when he is tearing it down?” Ms Williams asked, adding: “Marriage matters for our children, and they need to know it matters. This legislation will make life less stable and more chaotic for them.”

According to her, children will be forced “to move house and break up the family. Studies have shown that children do better with married parents, even if those parents are in conflict.”

Yet those on the front line of dealing with family break-up have remained highly supportive of the government’s move. Simon Beccle is the partner at Payne Hicks Beach who acted for Tini Owens, the woman at the centre of last year’s landmark Supreme Court ruling that found she must stay married to her husband, Hugh, after he contested her divorce application.

“The justice secretary is now progressing what we have long been calling for,” Beccle said, “an urgent change in the law to allow couples to divorce with greater dignity.

No-fault divorce, he said, “will enable couples to part ways without having to trawl over their conduct or behaviour towards one another and attribute blame for the marriage breakdown, which so often has an early and adverse effect on resolving issues relating to finances and children”.

Mr Beccle added that Ms Owens also welcomed the government’s plan, despite it coming too late to help her. “She hopes that no one else will have to go through the long and painful process she has had to endure . . . She looks forward to new divorce law, which is fit for the 21st century.”

Sir Paul Coleridge, the former High Court family judge who founded the Marriage Foundation, also rejected the concerns of religious groups, pointing out that the present laws keep people in dead marriages for longer than is emotionally healthy.

He added: “The concern that this reform will lead to an upsurge in divorce is totally misplaced and unsupported by past experience and the statistical evidence.

“The new process, in fact, will slow the process down, give couples a chance to make sensible arrangements for themselves and their children without having to indulge in bogus and pointless name-calling at a peculiarly fraught time in their lives.”

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