

Comments from [Simon Beccle](#), Family Partner at Payne Hicks Beach and solicitor for Tini Owens, feature in an article in The Times announcing that the Government intend to modernise divorce law, first published in The Times online on 8 February 2019 and reproduced with kind permission.

<https://www.thetimes.co.uk/article/divorce-laws-rewritten-after-times-campaign-2slf5plzk>

THE  **TIMES**



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Divorce laws rewritten after Times campaign

Frances Gibb, Legal Editor | Jonathan Ames, Legal Correspondent

February 8 2019, 12:01am, The Times



Tini Owens, whose husband denied her a divorce, welcomed the simplification of the separation process

DOMINIC LIPINSKI/PA

Laws to enable couples to [divorce quickly](#) without a “blame game” are to be introduced within months after overwhelming support from the public, *The Times* has learnt.

David Gauke, the justice secretary, is preparing a bill that will end the fault-based divorce system. It is a victory for this newspaper’s [Family Matters campaign](#), which called for reform and gained the support of [senior judges](#), [lawyers](#) and politicians.

Last year 110,000 couples divorced in England and Wales under a 50-year-old law that has been condemned as unfit for purpose and damaging to couples and children. The new bill will enable couples to divorce without making accusations of bad behaviour, by giving notice that a marriage has broken down irretrievably.

Mr Gauke published a consultation paper last autumn to which more than 600 responses have been received. “[They] were overwhelmingly in support,” he said, “which is why I remain as

convinced as I have been for the need to reform this particular area. I hope to respond early next month and to take forward legislation in the next session of parliament.”

He added that the Ministry of Justice would be able next month to respond formally to the consultation. “I need to go through the formal processes in government but my ambition will be to bring that legislation at the earliest opportunity, which will be in the next session of parliament.” The new parliamentary year starts in May.

“I think the time is right for reform,” Mr Gauke said. “It strikes me that there is considerable goodwill and support for reform not least because of the excellent campaigning by *The Times*.” A recent case that has highlighted failures in the divorce law is that of Tini Owens, who remains married after her husband did not agree to divorce. “I was devastated by the Supreme Court decision, which means that I continue to be trapped in my marriage,” she said yesterday. “I am very pleased to hear that legislation is due to be brought in and hope that in the future, couples will not have to endure the long and complicated divorce process that I have been going through, which has lasted over four years so far.”

Mrs Owens’s solicitor, Simon Beccle, a partner at Payne Hicks Beach, said: “We warmly welcome the justice secretary’s recognition of the urgent need for parliament to change the law to allow couples to divorce with greater dignity — by bringing in so-called no-fault or no-conduct divorce — without them having to trawl over their conduct or behaviour towards one another and attribute blame for the breakdown, which so often has an early and adverse effect on resolving issues relating to finances and children.”

The former family court judge Sir Paul Coleridge, who is chairman of the Marriage Foundation, said: “Given that the almost identical reforms were fully enacted over 23 years ago [but not implemented] its implementation now can hardly be described as hasty or radical but it is most welcome. It stops divorce being a sterile blame game and allows people to make a most important decision in their lives in a right and considered way.

“It must be good news for those of us who strongly support a modern system of terminating unsaveable marriages in a way most likely to promote further thought about reconciliation and protect children from conflict.”

Mr Gauke said in his consultation paper that the present law “services no public interest”, adding: “It needlessly rakes up the past to justify the legal ending of a relationship that is no longer a beneficial and functioning one. At worst, these allegations can pit one parent against the other. When a marriage has irretrievably broken down, the law should not frustrate achieving better outcomes, especially for children.”

Case study

The new divorce laws come too late for Tini Owens, the Worcestershire woman who says she is trapped in a loveless marriage (Jonathan Ames writes).

A three-year legal battle ended last July when the Supreme Court backed her husband’s right to refuse her a divorce — meaning she must wait for five years after separating from Hugh Owens before they can be divorced. “I was devastated,” she said yesterday. “I’m unable to move forward with my life.”

However, she welcomed the change to the law. “I hope that in the future couples will not have to endure the long and complicated divorce process I have been going through.”

During her legal battle she listed 27 examples of her husband’s “unreasonable” behaviour to justify a divorce after the couple’s lengthy marriage, but Judge Robin Tolson, QC, dismissed

them as “minor altercations of a kind to be expected in a marriage”. The Court of Appeal upheld his decision.

The couple married in 1978 but have lived apart since February 2015. In their time together they built up a £5-million-a-year business growing mushrooms and amassed four “nice houses”.

Q&A

Why does divorce law need reform? Critics say the 50-year-old law is outdated, fuels bitterness and makes a mockery of the process by encouraging false allegations.

How does it work now?

About 60 per cent of the 100,000 divorces a year in England and Wales are granted on the fault-based grounds of adultery or unreasonable behaviour.

Why?

If couples want a quick divorce, they must submit a petition alleging how the other spouse is at fault. Alternatively they must wait for two years if both parties consent, or five if one does not.

What’s the problem?

Couples often resort to false allegations to obtain a divorce within two years, so the law encourages dishonesty and acrimony which is harmful to children.

What happens elsewhere?

The divorce laws are out of step with Scotland and most other countries in Europe and North America. The use of fault in England and Wales is ten times that in Scotland.

Why has the law not been changed so far?

An attempt was made in 1996 by the lord chancellor at the time, Lord Mackay of Clashfern, as part of the Family Law Act. However, it was never brought into force because of the perceived practical problems of other aspects of the act.

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