



Payne Hicks Beach comments on Supreme Court's Judgment dated 25 July 2018 on the contested divorce between Tini and Hugh Owens

25 July 2018

Simon Beccle, Mrs Owens' solicitor and partner at Payne Hicks Beach, states:-

"The Judgment of the Supreme Court has been awaited for some time now, not least by Mrs Owens. She has been separated from Mr Owens for over three years, but has been locked into a loveless and unhappy marriage for many more years previously.

Sadly, this situation will now continue given the Supreme Court's decision to dismiss her appeal despite the Court's finding that the marriage has broken down irretrievably, that Mrs Owens could not continue to live with Mr Owens and that, in so far as he believed otherwise, Mr Owens was deluding himself. Naturally, Mrs Owens is devastated by this decision which means that she cannot move forward with her life and obtain her independence from Mr Owens.

Mrs Owens had hoped that the Supreme Court, as it often does, would make a decision which would be forward thinking and fit with the current social mores. Indeed, Lord Wilson says "I cannot readily think of a decision which more obviously requires to be informed by changing social norms than an evaluation whether, as a result of the respondent's behaviour and in the light of its effect on the petitioner, an expectation of continued life together would be unreasonable". Many people will find it hard to understand the decision reached by the Supreme Court in this case.

Notwithstanding the fact that the President of the Supreme Court, Lady Hale, agreed with Mrs Owens' criticisms of His Honour Judge Tolson about the way in which he conducted the original hearing - including him not properly evaluating the divorce petition (containing 27 allegations of Mr Owens' behaviour towards Mr Owens) as a whole and in the context of their marriage, and its effect on Mrs Owens - the majority decided that the Judge had "just about" directed himself properly on the law, that his decision should stand and that Mrs Owens should be refused a divorce.

In upholding the decision of His Honour Judge Tolson and in not granting Mrs Owens a divorce, or even remitting her case to be reheard, the Supreme Court has missed an opportunity to assist Mrs Owens and to move case law on after over 40 years.

Whilst the decision of the Supreme Court has confirmed that the interpretation of the law as it stands has not changed in over four decades, it underlines 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 which so often has an early and adverse effect on resolving issues relating to finances and children which is most unfortunate."

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