

## MoJ sets out progress on family law recommendations

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**Progress made by the government on a range of Law Commission family law proposals has been set out in an updated report by the Ministry of Justice (MoJ). The report covers action taken on marriage law, matrimonial property, needs and agreements, and property rights for cohabitants up to January 2017.**

The Law Commission Act 2009 includes a number of provisions aimed at increasing the implementation of Law Commission proposals by the government.

### **MoJ report**

The report sets out implementation progress over the period 12 January 2015 to 11 January 2016. It has been subsequently been updated to reflect further progress made between January 2016 and January 2017.

#### *Marriage law*

The previous government consulted on whether the law should be changed to allow non-religious belief organisations to conduct legal marriages. They concluded there were broader implications for marriage law and asked the Law Commission whether it would conduct a review of the law on marriage ceremonies. The Law Commission undertook a preliminary scoping study and published a report.

The government is considering the report and will respond in due course.

#### *Matrimonial property, needs and agreements*

In February 2014, the Law Commission published its final report, 'Matrimonial Property, Needs and Agreements'. The report made recommendations to clarify the law of financial needs on divorce or dissolution of a civil partnership. In addition, it investigated whether an aid to calculation of spousal support could be devised. Finally, it recommended the introduction of qualifying nuptial agreements in England and Wales, which would be enforceable contracts.

The government has accepted and taken action on the two main proposals in the report which do not require legislative reform. The government is considering the recommendation on qualifying nuptial agreements as part of a wider consideration of private family law reforms and will respond in due course.

#### *Property rights for cohabitants*

In July 2007, the Law Commission published its report, 'Cohabitation: the Financial Consequences of Relationship Breakdown'. This report recommended the creation of a statutory scheme giving property rights to qualifying cohabiting partners against each other on relationship breakdown.

In December 2011, the Law Commission's report, 'Intestacy and Family Provision Claims on Death', recommended giving qualifying cohabitants the same entitlement as a spouse or civil partner on intestacy and giving cohabiting partners more rights under the Inheritance (Provision for Family and Dependents) Act 1975.

The coalition government announced in September 2011 that it did not intend to take forward the recommendations in the Law Commission's 2007 report in the 2011-15 Parliament because of reforms already planned for the family justice system. In March 2013, the coalition made a similar announcement regarding the cohabitation-related recommendations in the 2011 report.

The MoJ report confirms the government is still considering the proposals.

Source: Report: The implementation of Law Commission proposals--Family