

# The Centre for Social Justice

## Family Justice Review: Response of the Centre for Social Justice

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THE CENTRE FOR  
SOCIAL  
JUSTICE

The Centre for Social Justice Family Justice Review: Response of the Centre for Social Justice

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## Overview

1. This is the response of the Centre for Social Justice (CSJ) to the Review of the Family Justice System. Our response directly refers to and introduces our report, *Every Family Matters*,<sup>1</sup> published in July 2009.
2. We welcome this Review, but contend that it cannot be a substitute for a proper consideration of the substantive law and policy for families. Issues of substantive law can often have a significant impact on the organisation of the family justice system.
3. Driving the need for better processes is the relentless rise in family breakdown (what Mr Justice Coleridge has described as ‘a ceaseless river of human distress’<sup>2</sup>).
4. We are concerned that the remit of the Ministry of Justice Review (much of which was inherited from the last Government) fails to recognise prevention of relationship breakdown as the key policy priority. We believe this Review could fall short in effecting the magnitude of change desired and required.

## Summary

5. This document introduces the CSJ report and explains why, following the publication of its report *Breakthrough Britain*<sup>3</sup> in 2007, the CSJ commissioned a wide ranging and fundamental Review on family law reform.
  - a) The research findings and recommendations of *Breakthrough Britain* emphasised that strong families can provide a route out of poverty as well as the need to tackle family breakdown. Similarly, the common thread running through *Every Family Matters* is how the law, legal procedures and processes, and ancillary functions might better support and encourage stability and commitment in relationships.
  - b) The report works from an underlying assumption that marriage should be supported both in government policy and in the law, and that well-functioning, two-parent families tend to provide the best environment for both children and adults.
  - c) Family law influences both public opinion and personal expectations and commitment to family relationships. It can do so positively and supportively. Yet it can (unintentionally) discourage commitment and willingness to engage in marriage and family life.
6. The document summarises the specific areas we covered, then addresses the specific questions posed in the Review’s Call for Evidence. Whilst directed much more towards law reform and cultural/policy changes than to the family justice system itself, our report covered some of the areas of this present Review.

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1 Centre for Social Justice, *Every Family Matters*, London: CSJ, 2009

2 Mr Justice Coleridge, *Speech to Resolution National Conference*, 2008

3 Centre for Social Justice, *Breakthrough Britain*, London: CSJ, 2007

7. Additionally, this paper draws attention to where public and private costs savings could be made by changes in law and practice, given the very difficult economic climate in which any social and legal change must now be considered.

### Introduction to *Every Family Matters*

8. There is much to be proud of in our English family law and family justice system. It has many benefits and advantages, and has been much copied abroad. However, in the face of a substantial relationship breakdown culture across the country, and with significant Parliamentary neglect over almost 40 years, the time has now come for a wholesale overhaul of English family law, to support our families and strengthen marriage.
9. The importance of the family cannot be overstated. A child's physical, emotional and psychological development occurs within the family environment. It is a building block of society and where the vast majority of us learn the fundamental skills for life. However, family stability in Britain has been in decline for decades.
10. The emotional and personal cost to individuals is high. It is a cause of much adult and child poverty. The direct and indirect costs to government in terms of employment, housing, crime, health and other areas are very high and are calculated conservatively at £24 billion, with other research stating a staggering £37 billion. The culture of relationship breakdown must change for economic as well as social reasons: our nation simply cannot afford the cost.
11. Accordingly in 2007 the CSJ set up a Family Law Review to see how the law, legal procedures and processes might better support and encourage stability and commitment in relationships, reduce poverty and improve family life in our society.
12. Its report, *Every Family Matters*, published on 13th July 2009 contains 130 recommendations covering broad policy and specific detail of law reform. The Review group comprised lawyers, academics, policy specialists and experts involved with family life and was chaired primarily by Dr Samantha Callan and latterly by David Hodson, an English and Australian solicitor and mediator, a part-time family court judge (DDJ at the PRFD) and consultant at The International Family Law Group, London. It engaged with 150 consultees, received many written submissions and considered the family law in other countries.
13. The report is probably the most far reaching and comprehensive review of family law for several decades. Its recommendations, taken together, should profoundly challenge the culture of family relationship breakdown, improve family life and support marriage.
14. This Response does not detract from the Report itself or its Executive Summary. Paragraph numbers are to its recommendations in Appendix 1 (pp242-254). Fundamentally, given the very difficult economic realities the country is now facing, this paper draws attention to where public and private expenditure savings could be made by changes in law and practice.

## Summary of Recommendations

15. The Review argues for a holistic, joined-up set of reforms, from education through commencing a relationship, during the relationship, at a time of any relationship breakdown and the process of resolving breakdown issues. It says that there should be certain principles for all family law (1), and not piecemeal, *ad hoc* changes.
16. The Review looks at ways to support couples before the marriage takes place (15-20). Pre-marriage information and education increases the quality of a relationship, improves parenting skills, alerts crisis points and shows where and how couples can then get help, reducing the likelihood of an early relationship breakdown. Without making this mandatory there should be strong government encouragement of high-quality, standardised and accredited pre-marriage preparation, with discounts on the marriage licence fee. Much relationship education is from the not-for-profit sector, funded by charities and others. The actual public cost will be limited. The net cost gain, public and private, will be material.
17. There are many excellent family support services across the country, yet some are overlapping and some areas have no services at all. Accordingly the Review recommends creating Family Relationship Hubs (28-34), which will build on existing infrastructure and services. They will be branded, accredited and visible and become the central core service for families at all stages. It is accepted that in the present financial climate, their introduction may need to be scaled, and co-located for example with Children's Centres.
18. One constant theme from the consultees to the Review, especially those in the legal profession, was that too many people began court proceedings without being fully aware of the practical, financial and emotional implications for themselves and their children. They were unaware of the direct and wider costs and of the opportunity for alternative forms of dispute resolution such as mediation. There had been a partial attempt at increasing awareness of these alternatives in the 1996 legislation. The Review recommends that before starting any family law court application, there must be the opportunity to receive and consider certain information (35-44). The usual exceptions for urgent orders and protection apply throughout the proposals.
19. Going to a final court hearing should be the last resort: few can afford it and litigation scars families and destroys prospects of future co-parenting. Alternative Dispute Resolution (ADR) such as mediation should be regarded as the primary means of resolving family disputes, the first resort. The Review makes various proposals to encourage this (45-50).
20. The Review found that the law of divorce and financial settlements affects the way people view marriage, marital commitments and sacrifices, and the very fact of getting married. Divorce cannot be looked at in isolation

- from support for marriage, which throughout was the anvil test for its recommendations. The Review does not recommend no-fault as the sole basis of divorce (2). It is still highly divisive outside family law circles and there are much greater priorities of reform. Crucially it sends the wrong signal about the importance of marriage.
21. Nevertheless many consultees felt the divorce process was too quick with insufficient opportunity to consider the consequences. As Parliament intended in 1996, the Review recommends an initial three-month 'cooling off' period, for reflection and consideration, before the divorce proceedings fully get underway (3-6). Information can be obtained which might result in saving the relationship, or give both parties better understanding of what lies ahead. It is a 'pause for breath' before the full proceedings. The divorce would commence with a relatively neutral notice, stating the intention to go ahead with a divorce, with the 'fact' but no particulars. Crucially this would be the commencement for Brussels II purposes. At the end of three months either spouse could then formally petition on any available fact. Save for protective and preservation orders, no other applications could be made. Children matters are freestanding. Legal aid would however be available for ADR. At worst, this is cost neutral. At best it will save private and public costs for the parties, for the family court service and for related public and private services.
  22. The Review makes other long-overdue recommendations such as opportunity for joint petitions, shortening the period after the *decree nisi* to four weeks, allowing either party to apply for the decree absolute and improving circumstances to delay the final decree where there may be financial prejudice (7-11).
  23. Contrary to reports, this does not make divorce harder or tougher. Instead it gives every opportunity to consider reconciliation, and how to work out post separation arrangements more amicably. It is giving marriage a chance on divorce.
  24. The law on divorce financial settlements also sends signals about marriage. A law should give respect for marital sacrifices and commitments. It cannot be a 'gold digger's charter', when after a short marriage with little personal hardship, a substantial settlement is received. Our family justice system should not perpetuate the current situation in which the personal and emotional distress of relationship breakdown is made much worse by sorting out the financial fallout. The financial disentangling often creates more disillusionment about marriage than does separation and divorce. Moreover the private and public costs of disputes about financial outcomes are immense. More certainty and predictability will materially save costs at various points in the family breakdown process. Whilst it may produce harder outcomes in some cases, it is argued that the greater certainty, predictability and saving of private and public costs justifies this.

25. Parliament has failed to intervene in this law despite many calls to do so from judges and others for example the *Charman* postscript and calls for reform pre-*White*. Financial settlements now follow judge-made law, leading to uncertainty, lack of clarity and predictability and making it more difficult to settle out-of-court. Unless Parliament intervenes now, Europe will impose its own laws on our system: a EU Green Paper on marital property regimes is expected this autumn. Many divorce settlements across Europe are perceived in England as very unfair.
26. The Review looked at the many benefits of the English ancillary relief law and procedure and at its disadvantages as a law and in practice. It looked at the systems in many countries abroad and at models of resolution in other aspects of English law.
27. The Review therefore recommends a new ancillary relief law (94-111). There would be two categories of assets; marital and non-marital, following the New Zealand model. Marital assets would be divided equally. Non-marital assets would not be shared unless there is a good reason to do so. There would be three priority calls on all assets of the couple; to provide a home for the children with each parent, to recognise and provide for sacrifices and commitments to the marriage, and for basic needs. These calls are capable of being converted into a computerised model to assist couples reach a settlement themselves. Discretion would be fettered but still exist at key stages in the resolution process. There would be more Meshers but the Review calls for Capital Gains Tax (CGT) on Meshers to be abolished (119).
28. It makes other ancillary relief recommendations. Some child maintenance should be brought back into the family courts and out of CSA/CMEC (112-113). Higher court reported decisions should be categorised into those judgements which develop or guide as to the law and those which are merely illustrative of the application of the law (116), to increase certainty of what the law is and lessen encouragement to litigation. Maintenance should be index-linked (115). There should be stronger powers to obtain more reliable third-party financial disclosure and make punitive orders when there is clear non-disclosure (121-122). There should be interim lump sums for costs to create greater equality in representation and also save some recourse to public funds (120).
29. Amongst the Review's great concerns in respect of legal aid (51-61), it urges immediate specialist dialogue with the banks to ascertain the circumstances they need for more litigation loans to be made available, including in present circumstances where legal aid is granted. In contrast to England where litigation loans are rare, Australia has extensive litigation funding and minimal legal aid in financial dispute cases. Lessons must be learned here for cost savings.
30. But not everyone will consider this new ancillary relief law to be fair for their marriage. The Review therefore recommends binding prenuptial, marital, separation and civil partnership agreements, with preconditions

- and a narrow discretion to review (97-100). The prenuptial agreements will sit alongside the Review's recommended information at the start of a relationship. A binding separation agreement will mean couples do not feel the need to use the immediate (but often relatively artificial) fault basis for divorce. The Law Commission is expecting to make recommendations in late autumn 2010 following the Supreme Court judgement being handed down in *Radmacher*, now anticipated in October.
31. The intention for fair divorce financial provision is to give support for marriage and marital commitments whilst respecting personal autonomy to reach agreement and taking account of assets arising outside the marriage.
  32. Children, as ever, are the first priority with the impact of parental separation on their lives while young, and then later as adults of paramount concern. Although some consultees considered that the Children Act, now 20 years old, was out of date, the Review disagreed that radical change was needed.
  33. Nevertheless it recommends statutory recognition that it is usually in the best interests of children for each parent to have a significant involvement in their lives (65) and that parental responsibility carries an equal status. This significant involvement will carry through to contact applications, to relocation proceedings (where a major shift is needed) and other issues concerning children (72-73) but is not presumption of equal time or shared care.
  34. Contact centres are short-term opportunities to allow one parent, usually the father, to have some form of contact with the child, often whilst other issues are being sorted out through the court system. Without them, many parent-child relationships would suffer badly. Many centres are cheap to run, with considerable assistance from the not-for-profit sector. We made several recommendations (66-71). Whilst carrying some funding implications, they are a vital part of ensuring children have a significant relationship with both parents.
  35. The CAFCASS service is failing the children whom it was set up to serve. As it straddles public law and private law, the demands have greatly increased particularly since the Baby Peter case. Many excellent members of the service are disheartened and feel they have often little more than a tick-box functionality. Their regulatory functions have grown at the cost of their real work. Yet much more public funding is not available. Ultimately, the importance of the service stands as an illustration of the overall family breakdown culture and family poverty with its attendant aspects of substance abuse, crime, domestic violence etc and the service has to be reviewed in this overall context. If improvements can be made elsewhere for example family support, mediation and pre-court information, there may well be less or different need for the service. Community-based 'Family Relationship Hubs', mentioned earlier, which would extend the work of many existing Children's Centres, could have a significant preventative effect on family conflict and reduce the need for CAFCASS services.

36. The Review emphasised the importance of the extended family, recommending changes in the law to support grandparents (74-80). Within days of publication, both the then Government and the Conservative party had supported the proposals. They now need to be converted into legislation.
37. The Review looked at special guardianship in the context of local authority care and made recommendations (81-86) which also take advantage of the opportunities of the extended family. The Review was anxious at key stages to use the wider family wherever possible and appropriate.
38. Domestic abuse including domestic violence remains too prevalent across the social spectrum. The Review found the reforms of the Domestic Violence, Crimes and Victims (DVCV) Act 2004 still too recent for reliable conclusions to be drawn. Whilst the police supported the reforms and the criminalisation of domestic abuse, many family lawyers and family court judges were worried that victims were now less likely to come forward to seek protection. The subject must always be at the forefront of all aspects of family law reform. Early 2011 might be the appropriate time to analyse the impact of the legislation.
39. The family courts in England and Wales deal with international aspects more frequently and extensively than any other country and have taken a very active part in the development of law internationally. Yet the EU is pursuing a vigorous and extensive family law reform programme based significantly on continental family law principles, striking at the heart of perceptions of fairness and justice here. Much family law reform now comes automatically from the EU. A major Green Paper is to be published in autumn 2010. Some reforms for example Brussels II constitute the most anti-family legislation on the statute book. The Report makes clear (131) that government must play an active part in maintaining traditional English family law values whilst supporting international families based here.
40. In the reforms, civil partnership is treated in the same way as marriage. However, the Review specifically rejects moves to give couples living together similar rights as married couples (12-14). Many studies reveal the fragility of cohabitation, with adverse consequences for children. The Review cites new primary evidence to refute the accepted notion that higher rates of non-marital cohabitation have been a recurrent trend within English history. There have never before been such high rates of cohabitation, births outside marriage and, their corollary, single parenthood.
41. The Review makes 131 recommendations, covering many other areas. Some can be converted immediately into primary or secondary legislation. They are a blueprint of reforms across the whole spectrum of family law and family life; informed by the same principles and working seamlessly together. The CSJ is naturally understanding of the public finance implications and is presently arguing for and endorsing those recommendations which are either public cost neutral or which will create public and private costs savings.



## Addressing Specific Questions of the Family Justice Review

42. There are a number of questions which were not addressed in the CSJ Report so we concentrate here on the policy and recommendations contained therein. References to page numbers are to the Report and references to paragraph numbers of proposals are those set out in the summary in Appendix 1.

### 43. OVERARCHING ISSUES AND THE CASE FOR CHANGE, QUESTIONS 1 – 3

- a) We dealt substantially with the role of the state, including policy initiatives and the role of the law, in the context of family life, at and before its inception, during intact family life and on relationship difficulties. This is set out in chapter 2 of our report, with issues of family breakdown set out in chapter 2.2. We also highlighted the cost to the state as well as the wider cost of relationship breakdown at 2.2.2.
- b) In chapter 3 we dealt with issues of family life support. Whilst we anticipate these may be outside your Review, we strongly encourage you to recommend much greater commitment than has hitherto been the case by government to improving family life, thereby removing some need for access to the family justice system. One fundamental element to our entire Report was that better services and assistance at the time of commencement of relationships and during relationships would lead to less relationship breakdown and less need for courts and other elements of the family justice system directed to family disputes. We have set out in chapter 3 various ways in which this could be accomplished.
- c) You ask to what extent the state should fund family-related disputes which do not concern the protection of children or vulnerable adults. Whilst of course the latter two areas must be paramount in provision of the family justice system, there is the need for adjudication of disputes conventionally found in a justice system. However, in several places in our Report we argue for simpler, clearer and more certain law, perhaps at the cost in certain ways of the discretionary element hitherto at the heart of English family law. This should lead to less need for some elements of the family justice system. Uncertainty of judge-made law undoubtedly increases significantly the reference to the justice system and thereby material public costs. Whilst of course changes in the law themselves bring short-term uncertainty, there must be significant reforms of the substantive law in respect of family disputes to create a system leading to more certainty and predictability and less requirement for state funding in the medium and longer term.

### 44. BETTER COURTS AND ALTERNATIVES TO LEGAL PROCESSES, QUESTIONS 4-10

- a) We start by dealing with ADR, question seven. We ourselves have entirely endorsed much greater reference to ADR. In chapter 4.2. we recommended the reintroduction, with suitable updating, of the power in

the 1996 legislation to adjourn court cases for ADR and the introduction of binding family law arbitration. A small group has been working on this over the past few years in conjunction with the Chartered Institute of Arbitrators and the first group of family law arbitrators will be trained by middle 2011. This is adjudication outside the (cost of the) court system although part of the family justice system.

- b) Other common law countries have introduced ADR and primary legislation should be brought forward quickly. We recommended that all parties commencing family court proceedings should be required to attend a meeting with an ADR professional to learn about the benefits of ADR before proceedings are commenced. This complements our recommendations for compulsory pre-issue information as set out at chapter 4.1. This is not compulsory mediation. It does, however, extend the present requirements on legal aid parties to all applicants. In respect of children proceedings we recommend in due course there should be mandatory attendance at some out-of-court resolution before issue although we recognise this may require putting in place some infrastructure when in fact much was created after the 1996 legislation. This is at chapter 4.1.6.
- c) Of course we were aware of the potential shortcomings of ADR. We were aware of the unrealistic hopes in the 1996 legislation. No one model of ADR is appropriate for all parties and all cases. Sometimes ADR is only appropriate after some initial court proceedings and investigations. Safeguards are naturally needed and the mediation profession is generally very alert. We were also aware that ADR can be seen as second rate justice, for instance that legal aid clients need to see a mediator before getting public funding to issue proceedings whereas private parties do not; one reason for our recommendation to require both public and private parties to have this compulsory information. We strongly endorse the use of ADR as set out in our report.
- d) We deal with greater contact rights to non-resident parents and grandparents, question 6. We consider that we highlighted this issue in our report which was then picked up by both political parties. We deal with the position of grandparents and extended family members at chapter 5.4 making recommendations at 5.4.7 including in respect of contact.
- e) We spent considerable time in consultation about the position of non-resident parents. This is chapter 5 generally and specifically 5.1. We looked at the Children Act 1989 and examined and rejected the recent Australian changes. We did not support new presumptions. However we felt that within the paramountcy principle there was the opportunity for additional principles and made recommendations for an amendment to section 11, although we are fully comfortable with our recommendations being found in other forms of legislation reform. We wanted all those with parental responsibility to have equal status in the children's lives and that children

- are most likely to benefit from a substantial involvement with both parents in their lives subject to need for protection from abuse, violence or continuing high conflict.
- f) Overall we felt that post separation parenting was changing so fast that the nomenclatures of non-resident parent etc was in some instances becoming obsolete. Moreover they were becoming obstacles for the best interests of the children. Whilst children may have a primary home with one parent, very many now spend good amounts of time with the other parent. The titles given to parenting arrangements of even five years ago are now increasingly dated and significantly unhelpful.
  - g) In respect of the knowledge of users of the family justice system, consultees were clearly anxious about ignorance of the family justice system, the court process, the legal costs likely to be involved and the wider implications of invoking the courts system. See the remarks made at pages 109 and 110. We looked at the information meetings piloted after the 1996 legislation and at subsequent information provision for example FAINS. We were certain that we had to put much more and better information into the hands of parties before they commenced the proceedings. Hence our recommendations at 4.1.7. Of course this must be a continuing process after the proceedings had been commenced. We directed our recommendations at what we believed was the most important element namely before proceedings.
  - h) In respect of elements which could be considered outside of court setting, we have made reference already to the introduction of binding family arbitration, chapter 4.2.4. We set out the perceived benefits of family law arbitration.

#### 45. GOVERNANCE AND MANAGEMENT QUESTIONS 11-16

- a) For reasons stated earlier, our report did not cover these issues. Whilst we have some opinions, we do not wish to detract from the centrality of the substantive recommendations and proposals in our report.

#### 46. FINANCE AND FUNDING, QUESTIONS 17 AND 18

- a) We refer to our comments in respect above of questions 11-16.

#### 47. WORKFORCE DEVELOPMENT, QUESTIONS 19-21

- a) We refer to our comments in respect above of questions 11-16.

#### 48. A MORE USER-FRIENDLY AND CHILD FOCUSED SYSTEM, QUESTIONS 22-15

- a) Although not directly within the family justice system, we found that contact centres play a crucial role in parenting post-separation. They enable and assist one parent to have ongoing contact and relationship with a child, particularly during fraught periods for whatever reason. They provide a wider range of options to courts to facilitate ongoing significant

involvement of parents in the lives of children, yet are significantly under-funded and under-resourced. We refer to this at chapter 5.2 with recommendations at 5.2.3.

- b) Although we did not deal in any material way with public law children issues, we made observations in respect of local authority care and special guardianship at chapter 5.5 and highlighted the discrete issue of the benefits of the Family Drug and Alcohol Courts at 5.6.
- c) The family court must of course be a place of safety. In our report we found that domestic abuse was simmering under the surface in many families across the social, ethnic and income spectrum. We looked at the DVCA Act 2004. It is still in its early stages after introduction although already in the perception of practitioners and judges as having certain worrying trends. We dealt with this at 4.4 with recommendations at 4.4.7.

#### 49. AND FINALLY, QUESTIONS 26 - 30

- a) You ask, question 26, what has guided our response. This is set out at chapter 1, the need for family law reform, incorporating concerns about family relationships in the UK today as set out in chapter 2. At chapter 1.2 we set out a number of principles which informed our thinking. We noted that section 1 Family Law Act 1996 no longer had any active existence as it referred to Parts of the Act which were originally not introduced and then repealed, primarily no-fault divorce. We recommended that section 1 should be reintroduced as guiding principles.
- b) You record that you are examining the processes involved in awarding ancillary relief although not the amounts which should be awarded. A significant part of the family justice system is committed to ancillary relief issues on divorce and other financial consequences of relationship breakdown. We have dealt elsewhere in this note with references to ADR including arbitration and the greater provision of information. Moreover the ancillary relief *procedure*, still perceived as relatively new, is generally one of the recent success stories in English family law.
- c) However our ancillary relief law is neither new nor a success story. The legislation derives from 1969. Modifications such as the clean break provisions in 1984 have not had the success anticipated at the time. Fundamentally we have judge-made law. This has undoubtedly had some successes for example *White* has transformed the culture and thinking of financial matters on divorce across the common law world. However there has been too much contradictory case law leaving parties and family law practitioners completely uncertain as to what *is* the law. This has been a direct encouragement to litigation on top of the inherent encouragement within any discretionary based system. In the years after *White* there was much uncertainty which was moderately assisted by *Miller* and then particularly by the very good judgement of the Court of Appeal in *Charman*.

- d) Yet the last couple of years have seen us sinking again into contradiction and confusion as identified in chapter 6. A new ancillary relief law is essential and overdue. Changing the family justice system without changing the substantive law will have no major benefit. We identified that much greater certainty and predictability is needed, without moving wholesale to a formula or community of property regime. We specifically looked at models abroad, your question 29. We made detailed proposals for a new ancillary relief law at 6.2.16. We could have just made some general comments but felt the need for the introduction of a new law was now so pressing that we should boldly propose the structure and some detail of that possible new law. It has met generally with much support and acclaim. Of course it would be subject to debate and refinement. Nevertheless we commend this for urgent reform which in turn would lead to savings and other benefits for the family justice system.
- e) We made ancillary recommendations. To overcome the utter confusions arising from contradictory judge-made law, we recommended a case reporting obligation on the President to distinguish between those reported decisions which were intended to define, change or vary the law and those which were simply illustrative of an application of the law. This could be introduced now and would reduce uncertainties. We recommended there should be much greater reference to computerised opportunities for ascertaining fair outcomes although we recognise that unfortunately this is more limited under our present law. We made recommendations about the disclosure process and other reforms to enable the court to carry out its obligations on adjudication.
- f) We are conscious that there is pressure from Europe to introduce the concept known as applicable law whereby local courts apply not necessarily local law but the law of the country with which the couple have the closest connection. We have opposed this. One primary reason is that costs would undoubtedly increase significantly if judges across the country had to grapple with what was the law of other EU and perhaps non-EU countries before they could come to a final decision. For cost reasons alone, this should not be introduced.
- g) We commend strongly our proposals regarding family law and finance in chapter 6.

## Conclusion

- 50. In this paper we have given a Response by way of a guide to where we have already dealt with some of the areas under consideration in the Family Justice Review and would be pleased to meet with you to discuss any particular aspects.

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