

Marriage and divorce

Lawyers get ready for 'Divorce Day'

This year is expected to see the introduction of a 'no-fault divorce' bill



Campaigners believe the legislation will make divorce less acrimonious © Getty, FT montage

Lucy Warwick-Ching JANUARY 3 2020

Lawyers are preparing for a spike in divorce inquiries from unhappy couples following the festive break.

Monday 6 January has been dubbed '[Divorce Day](#)'; the first day back at work for many professionals, and traditionally the time many people call a solicitor to discuss ending their marriage.

The stress of trying to create the perfect Christmas and money troubles are cited as the main reasons why couples decide to break up at this time of year.

However, the need for couples to apportion blame for their split could become a thing of the past, as 2020 is expected to see the introduction of legislation for "no-fault divorce".

Announced in the [Queen's Speech](#) in December, the Divorce, Dissolution and Separation bill proposes the first change to divorce law for almost 50 years. If enacted, couples will no longer need to cite 'faults' such as adultery or unreasonable behaviour to end their marriage, but can separately or jointly file a statement of irretrievable breakdown.

The bill is supported by bodies including the [Law Society](#), which says no-fault divorce "will [reduce conflict](#), allowing couples to focus on important issues like children, property and finances."

"The bill, once enacted, will allow for much easier separations without a requirement to point the finger of blame," said Stuart Jacobs, partner at law firm RIAA Barker Gillette. "It will allow

couples that separate amicably to do so within a 20-week timeframe. It is welcome and long overdue.”

The legislation would also apply to the dissolution of civil partnerships, which are now available to [mixed sex couples](#) following December’s law change.

Campaigners believe the bill will make divorce less acrimonious, but experts warn it can still be financially problematic if couples rush into it without planning.

“It’s not uncommon for people to focus solely on the bigger financial assets, such as the family home, during a divorce,” said Zoe Bailey, director of financial planning at Tilney.

“Often people forget, or worse still are unclear, about what to do about their pension pots - which in some cases can turn out to be worth more than the family home.”

Interactive Investor’s Great British Retirement Survey of 10,000 investors found numerous cases where divorce resulted in adverse financial consequences for individuals in or approaching retirement.

“Women in particular need to be aware of how important it is to discuss pension provision when divorcing,” said Moira O’Neill, head of personal finance at Interactive Investor. “Statistically speaking, women live longer than men, meaning there is an even greater burden on them to plan for retirement income that comfortably tides them over for life.”

As women’s pensions are smaller than men’s, on average, Ms O’Neill said they may not realise how valuable an asset their partner could have.

When a marriage or civil partnership ends, courts currently deal with the pension arrangements in one of three ways. One person could get a percentage share of the former partner’s pension pot which is called pension sharing; the value of a pension can be offset against other assets, called pension offsetting; or part of one person’s pension can be paid to the other person, known as a pension attachment order.

Lawyers say all three options have been affected differently by the advent of pension freedoms in 2015 which allow greater flexibility and access to defined contribution pension schemes.

“Pension considerations in divorce are complex and the advent of the pension freedoms have exacerbated matters so it is important to seek professional advice for a clearer understanding,” said Myron Jobson, personal finance campaigner at Interactive Investor.

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