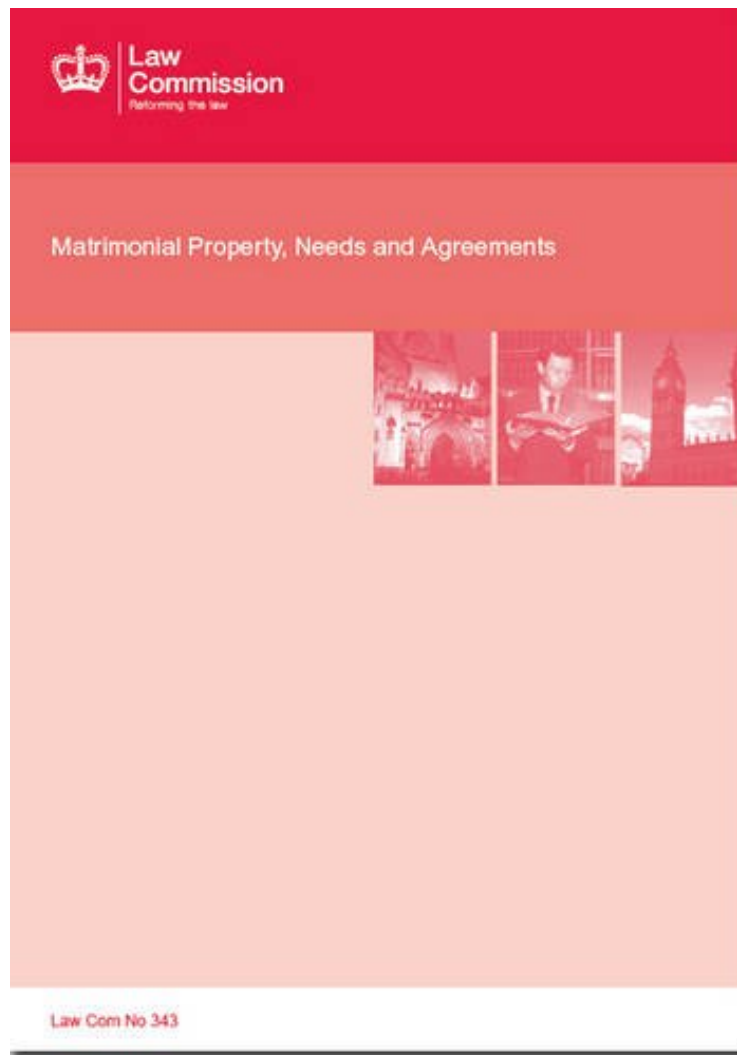


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The law gives the courts a wide discretion to make appropriate financial orders when marriages and civil partnerships

are dissolved. An important element of those awards is meeting both parties' 'financial needs'. There is evidence of regional inconsistencies in how the courts approach awards for needs which creates unpredictability. And while the law is largely well-understood by family lawyers, it is not clear to the general public. This report recommends that the Family Justice Council produce authoritative guidance on financial needs which would also help to reinforce consistency to how the law is applied in the courts. Some jurisdictions have gone beyond explanation and verbal clarification, producing formulae that generate guideline amounts for payment from one former spouse to another. This report recommends that work be done with a view to assessing whether such an aid to reaching financial settlements could be devised. Pre-nuptial and post-nuptial agreements (referred to together here as 'marital property agreements') cannot be enforced as contracts and they cannot take away the courts' powers to make orders. This report recommends that legislation be enacted to introduce 'qualifying nuptial agreements'. These would be enforceable contracts, not subject to the scrutiny of the courts, which would enable couples to make binding arrangements about the financial consequences of divorce or dissolution. In order for an agreement to be a 'qualifying' nuptial agreement, certain procedural safeguards would have to be met. This report includes a draft Bill, the Nuptial Agreements Bill, which would introduce qualifying nuptial agreements