Family Law – Financial Provision on Divorce

Instructions

Read the Supreme Court’s judgment in Vince v Wyatt. You should focus in particular on the following paragraphs: [1]-[18], [26]-[27], [29]-[34], [36]-[37], [41].

To help you navigate through the judgment, you can use the Supreme Court’s press summary of it, as well as this video summary. You could also read some news articles concerning the case, including the ones in The Guardian and on the BBC News website.

Now, read section 25 of the Matrimonial Causes Act 1973, which is the statutory provision that will ultimately be applied to the case of Vince v Wyatt.

Having read through those resources, answer the following questions:

1. In your own words, explain what the case of Vince v Wyatt was about.

2. Why did the Supreme Court decide that Ms Wyatt’s claim for financial provision should not be struck out before a full hearing?

3. What arguments, or ‘submissions’, do you think i) Ms Wyatt; and ii) Mr Vince might make about the financial provision application if and when their case is heard in full by a court?

4. To what extent should the property of spouses be redistributed on divorce? What principles, if any, should be used when doing so?

5. Consider the factors that courts are instructed have regard to when redistributing a divorcing couple’s property, which are contained in section 25 of the Matrimonial Causes Act 1973. In your view, are all of those factors appropriate, and are they all equally important?

6. In light of your answers to the previous questions, do you think Mr Vince should be expected to make financial provision for Ms Wyatt? Give reasons for your answer.

7. What does Vince v Wyatt tell us about the Supreme Court’s view of the nature of marriage, and the appropriate role of the law in relation to it? Do you agree with the Court’s position?

In the video on Vince, which can be found on the HE+ website, Dr Brian Sloan describes the case and considers some of the answers to the questions above.

Further Resources

There are some scholarly resources available, which provides further analysis of Vince v Wyatt. These include a case note in the Cambridge Law Journal, and longer articles in the Child & Family Law Quarterly.