

Chapter 7: Guidance on answering the self-test questions

Question 1: Your client claims that since her husband moved out of the house six years ago, she has become very short of money. She wishes to defend the divorce on the basis of exceptional hardship. Advise your client on whether she can do this.

Your client could attempt to rely upon s5 Matrimonial Causes Act 1973 (MCA 1973) and plead that should the divorce be granted she would suffer grave financial hardship. This may not succeed depending on whether your client has pursued a claim in ancillary relief and the evidential hurdle of showing that the dissolution of the marriage will cause the hardship.

Sarah may also attempt to rely upon s10(2) MCA 1973 as a bargaining tool in order to secure a more advantageous financial settlement.

Question 2: Your client is Jewish. He wishes to delay the 'get' as he believes he can use this to force his wife into agreeing to a poorer financial settlement than she is entitled to. Advise your client of the consequences of this course of action.

The consequence of delaying a Jewish decree of divorce, a 'get', is that the client's wife may use s10A MCA 1973 to delay the grant of the decree absolute. This would mean that the client would be unable to remarry.