

**Divorce, Dissolution and Separation (Isle of Man) Bill 2020 –  
Third Reading approved**

Mrs Poole-Wilson to move:

*That the Divorce, Dissolution and Separation (Isle of Man) Bill 2020 be read a third time.*

**The President:** Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Thank you, President.

Thank you, Mr President, and Hon. Members of Council, for your agreement to allow this Bill to have its Third Reading today.

Mr President, in moving the Third Reading of the Bill, I want to recognise that this Bill represents a significant milestone in work by the Family Court Users Group, in particular those advocates whose job it is to advise and support people as they end their marriage or civil partnership. Our advocates, judges and others who work within the family courts, are the people who have seen the damaging consequences of our present system. For too long, the fault-based system we have operated has caused unnecessary pain and acrimony in too many cases with consequent stress, upset, emotional strain and cost for those involved.

This Bill will allow a couple to end their relationship by applying jointly as well as singly, and even where it remains the case that one party decides that the union is over. Allowing the divorce process to proceed without the need to cite one of the current facts, particularly fault, provides a more honest approach that reduces the scope for additional pain. The 'no fault' principle was supported by 94% of respondents to the public consultation. Just as powerful as that statistic were the personal comments based on experience, people who have gone through traumatic separations and who wanted to see an improvement to the present system.

Hon. Members, I would like to thank you all for your contributions, for your reflections, for the thought-provoking discussions we have had in this Council, and for your consideration of this Bill. To echo the Hon. Member for Garff, I would also like to recognise the work of those who have significantly contributed to this Bill, in particular, Mrs Hazel Smith, Mr Howard Connell, the legislative drafter, and of course, Mrs Caine, for her work to bring forward the legislation. Finally, I would like to thank my seconder, Mrs Lord-Brennan, for her insight and support.

With that, Mr President, I beg to move that the Divorce, Dissolution and Separation (Isle of Man) Bill 2020 be read for a third time.

**The President:** Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

The only possible thing I could add is just really to thank the mover for her diligence and thoughtful handling of this important Bill. I think that everybody whose lives will be touched by it will be grateful of the thought and care that has gone into this, not just in this place and in the other place, but through the time spent by the lawyers that have absolute insight into what needs to happen. So I am grateful for her work in bringing this to us in the way that she has.

Thank you.

**The President:** Miss August-Hanson.

**Miss August-Hanson:** Thank you, Mr President.

I will make this very brief, simply because I think that everything that has been said was what was needed.

I think that it was probably about six months after being elected to this place that our divorce between myself and my ex was finalised, and this was exactly the type of thing at that point in time that I was thinking of was needed. From the point when I had my very first conversation with Mrs Caine about this subject matter, to the point where we have it before us now for Third Reading, I would just like to say that the way that the legislation has been dealt with, through principles, into consultation, by drafters, by people advising on it, with Mrs Caine bringing it through Keys, eventually, and Mrs Poole-Wilson bringing it through Council now, it has been articulated exceptionally well, in a very eloquent, honest and a very empathetic manner. The detail of it, the presentations that we have had, the questions that have been asked have been answered brilliantly.

In terms of Hazel Smith's contributions, as well as advising on this Bill, she also advised me at the very start of the divorce proceedings that I was going through with my ex-partner, and she was *very* open with me about my options. We talked about it being an imperfect system, we talked about advocacy, we talked about mediation, we talked about so many different things. But she did talk about this imperfect system, and I think that her having advised this Bill and you bringing it before this place and me having the opportunity to sit down in this Council with Hon. Members to be able to discuss this now is actually quite moving and humbling.

So I would just like to say thank you to everybody who was involved in bringing this forward, because you have done some incredible work here.

Thank you, Mr President.

**The President:** Lord Bishop.

**The Lord Bishop:** Thank you, Mr President.

I think at this stage, there are just a few final reflections I would like to add. I would like to thank the hon. mover again for her work in promoting this Bill, not just, as has been commented on, for diligence and other things, but I think for clarity and for what I would call humanity, because to promote legislation as complex as this, dealing with such issues, requires humanity in the highest degree. I thank hon. colleagues also, because I think in this debate we have had great wisdom which in some cases derives from significant professional expertise and we have also had great wisdom that derives from personal experience. It is not easy to articulate that, and we all acknowledge that, and we can only be grateful for it and for the opportunity to work through this legislation in such depth.

At the First and the Second Reading, Mr President, I raised four concerns. I do not want to go back over those now, I just summarise them simply for the record. They were to do with a care for the spouse who has been left, the lack of an incentive to repair a relationship, the removal of security within the marriage contract and the issue of the children involved. I think I would like to offer also a final reflection on what is sometimes known as the 'Goods' of marriage – goods with a capital G, probably. That is a traditional concept and my hon. colleague, Mr Henderson, rightly referred to tradition when we spoke at Second Reading. But tradition derives from an understanding that there are certain things that are inherent in human beings, and we can believe them to be inherent because they have been perceived in most or all of the human civilisations of which anthropological history is aware.

Within that, there has always been a sense that the human relationship which has crystallised itself in many civilisations into marriage is dependent upon those things which are called 'Goods', what I have called moral Goods. They would include, for example, responsibility, kindness, faithfulness, steadfastness, peacefulness. Those are qualities that marriage has traditionally cultivated and which it has used to the benefit of wider society. I believe that those have about them something that is so precious and so profound that it concerns me when they are reduced to a level of disposability. I understand why this legislation has to do that, because that is the way that law works. Law works in a practical and pragmatic way. I understand that fully. I also understand fully that the current process is anything but ideal, and I understand how

damaging and how bruising that can be. So, in principle, I applaud an attempt to replace it with something that is less unwieldy. I acknowledge that too.

I confess, I think, to be being slightly surprised at one further anomaly, which is that when in every other walk of life, and particularly in professional life, we speak of 'holding people to account', precisely within the context of the human relationship the idea of personal accountability can actually be disregarded in this way. But in making my case, I have of course focused on certain aspects of the Bill. I know that I have focused on some more than I have on others, and perhaps my role has been to encourage a greater breadth of reflection, and I hope I might have achieved something along those lines.

I would also want to go back to the very positive aspects of this Bill that I raised at the First Reading, when I spoke of someone who is – before speaking of the abandoned or deserted spouse – trapped, as it has been described today. That is a terrible situation to be in and with people who, through this legislation, will now be able to be released from that sort of oppression, with those people I rejoice – I rejoice with them unequivocally and I am delighted for them.

But I also do mourn with those who will be sorrowful. I will continue to mourn with a spouse who has been deserted against her will, with the person who no longer feels that they have that sense of security in their marriage, or with children whose world is liable to fall apart sudden and without warning. We speak of irretrievable breakdown, and perhaps my concern is that this Bill allows irretrievable breakdown to be judged subjectively. In the end, that perhaps is the only way it can be judged. We cannot know objectively and factually when two people agree that they have reached irretrievable breakdown. Perhaps in the end one person simply has to say, 'This is it', and this legislation allows that. But my question would be, have they, in every instance, really thought long and hard about it? Have they really asked themselves, 'Is there anything more that I could here?'

I am interested, just finally from the consultation, that the no fault concept was approved by 94% of people. That nonetheless means there were 6% of people who did not approve it. And perhaps if all I can achieve at the moment is to speak for those 6%, then I think I would willingly do that. In the end, it is not that I oppose this proposed Bill – I do not think I do oppose it – it is just that I cannot in conscience vote for it. And if that is only for those 6% of people who felt in the consultation that this concept was not sufficiently broad and encompassing, then so be it.

I think, Mr President, I leave it there. It is clear that I have mixed feelings about this Bill, I hope. I believe that it does seek to do good, but I also believe it allows for too much consequential and collateral damage, and I would wish to see it really accompanied by a clearer message or statement of support for relationships. In the absence of that message or statement, Mr President, I will need to vote against the Bill again at this Third Reading.

Thank you.

**The President:** Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Thank you, Mr President; and thank you for the contributions at this Third Reading. To Mrs Lord-Brennan again for her support, to Miss August-Hanson for her recognition again of her personal situation; and I suppose finally to the Lord Bishop for his reflections and comments. I think, absolutely, his contribution has encouraged and enabled this Council to have full reflection on what this Bill does, how it does it and the potential for perhaps other unintended consequences of the type that he has raised.

I think the areas that he covered at First Reading and today at Second Reading, sadly, those are all realities today. I think what is so difficult for us is, as he talked about the 'Goods' of marriage – which I wholeheartedly support – how do you legislate for each one of us to exercise full responsibility; to be kind; to do good? This is something that as a society we need to foster in all relationships. Marriage, yes, civil partnership, yes, but in all relationships, and it is much wider than anything that this Bill could possibly achieve. What I do hope, and what I do believe, is that

this Bill does not add to the devastation and the impact and the conflict where a relationship has broken down.

I also am interested by his point on accountability, and I think the point he has made about the subjective nature of relationships and breakdown is the reason it is so difficult. In many other walks of life, we are held accountable to some objective measure. Somebody can come along and judge us on whether we have delivered against what we were supposed to deliver. How do we do that in matters of the heart; in matters of the home? It is incredibly difficult. I also value the fact that he does speak for the 6%. In our discussions in this place, absolutely, we need to be reflective and mindful of all perspectives.

My own view is I do believe that what we should be doing is supporting relationships, and I do think there is probably other work that can be done in other areas to provide better counselling, to support people, to help them through the difficulties that they encounter. What this Bill will do though, is where all of that may not have achieved the saving of a relationship, it at least will allow for the civilised handling of the end of that relationship through the legal process.

And with that, Mr President, I beg to move.

**The President:** Thank you, Hon. Member.

I put the question that the Bill be read for the third time. Those in favour, say aye; against, no. The ayes have it. The ayes have it. Thank you, Hon. Members. That concludes the clauses and all stages of the Divorce, Dissolution and Separation (Isle of Man) Bill.

In relation to the suspension of Standing Orders, I may have said six votes required to suspend Standing Orders. Of course, it should have been five, which is the quorum, just for the record and for avoidance of doubt.