

City courts more generous to divorcing wives

Recent research conducted by a North West firm of solicitors has found that the wives of couples who have their divorce and financial claims heard in city centre courts, e.g. London, Manchester, Birmingham, Bristol and Leeds receive more generous settlements than those who use provincial courts.

In particular, the research found that judges in city courts are far more likely to award ongoing spousal maintenance to a wife, in addition to a share of the marital assets, than many of their provincial colleagues who expect wives "to stand on their own two feet".

The picture that has emerged is that of a "maintenance map", illustrating significant differences in the way in which courts interpret how couples should divide their assets on divorce. The result is that many wives want their cases heard in London as they feel that they will have a better chance of securing ongoing maintenance, in addition to a share of the assets, than if their claim is decided by their local court.

It is difficult to explain the reason for this trend. It may be because there is a concentration of wealth in city centres and thus bigger money cases where the income of the wealthier spouse is large enough to facilitate the payment of ongoing maintenance. However, it may also be that the judges in the provincial courts (who generally deal not just with divorce cases but also with all forms of civil dispute) are more in favour of ordering a 'clean break' or 'limited maintenance' than their city centre colleagues.

Family law is discretionary and that means that it is ultimately for the individual judge to decide how to apply the law to the particular facts of a case and therefore the regional variations around the country still represent good law.

If you have a question about the issues dealt with in this article or would like advice on your relationship breakdown generally then please contact Camilla Thornton or another member of the family team.

Camilla Thornton

Partner

+44(0)207 440 4844

Camilla.Thornton@russell-cooke.co.uk

This material does not give a full statement of the law. It is intended for guidance only and is not a substitute for professional advice. No responsibility for loss occasioned as a result of any person acting or refraining from acting can be accepted by Russell-Cooke LLP. © Russell-Cooke LLP. May 2013.