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Family Law

Second Edition

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Preface to the Second Edition

Since the first edition of this book, radical statutory changes have taken place in family law. Some of these have already come into force, but some are due to come into force shortly or in the next few years. Fundamental changes to divorce law have been made by Part II of the Family Law Act 1996 (expected to come into force in 1999) and to the law on domestic violence and the family home by Part IV of the same Act (expected to come into force in October 1997). The Pensions Act 1995 has made changes to pensions on divorce and further changes are proposed. The Marriage Act 1994 has increased the choice of wedding venues. The Child Support Act 1995 has made changes to the law on child support by introducing a limited element of discretion into the system. The Housing Act 1996 has made important changes to the homelessness legislation and the Trusts of Land and Appointment of Trustees Act 1996 has made radical changes to land law. The incorporation of all these statutory changes has resulted in almost a complete rewriting of the first edition.

Family law continues to produce a constant spate of new cases. There have been important case-law developments since the last edition, notably on the Children Act 1989, and all these have been included. I have also given greater coverage to international aspects of family law, because family lawyers are increasingly having to deal with such issues.

Readers who are familiar with the first edition will notice that the structure of the book has been changed as well as some of the chapter titles. These changes were largely made because of the increasing importance of cohabitation. Thus, instead of relegating cohabitation to the end of the book as in the first edition, it is dealt with at the beginning of this edition alongside marriage in order to highlight the differences and similarities between marriage and cohabitation. Another change resulting from the increasing importance of cohabitation is that certain chapters have been renamed and amended because the law is largely the same whether the parties are married or cohabiting. Thus, instead of chapters on matrimonial property and children on divorce, there are chapters on family property and children on family breakdown.

I must once again thank my husband, John, for his assistance in reading the drafts of this edition and for his helpful comments. I would also like to thank Stuart Connal, solicitor, for looking over the short section on legal aid.

My aims in writing this second edition remain the same as they were in the first, namely to provide an up-to-date, succinct and readable account of family law. Many of my students have told me that they find it one of the clearest and most useful textbooks they have read. I hope other readers will find the same.

The law has been updated to take account of the law up to 23 March 1997.

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AA 1976	Adoption Act 1976
CA 1989	Children Act 1989
CAA 1984	Child Abduction Act 1984
CACA 1985	Child Abduction and Custody Act 1985
CCA 1984	County Courts Act 1984
CSA 1991 and 1995	Child Support Acts 1991 and 1995
DPMCA 1978	Domestic Proceedings and Magistrates' Courts Act 1978
FLA 1986	Family Law Act 1986
FLA 1996	Family Law Act 1996
FLRA 1969	Family Law Reform Act 1969
FLRA 1987	Family Law Reform Act 1987
HA 1985	Housing Act 1985
HA 1996	Housing Act 1996
HFEA 1990	Human Fertilisation and Embryology Act 1990
IA 1986	Insolvency Act 1986
I(PFD)A 1975	Inheritance (Provision for Family and Dependants Act) 1975
LAA 1988	Legal Aid Act 1988
LPA 1925	Law of Property Act 1925
LP(MP)A 1970	Law of Property (Miscellaneous Provisions) Act 1970
LP(MP)A 1989	Law of Property (Miscellaneous Provisions) Act 1989
MA 1949–94	Marriage Acts 1949–94
MCA 1973	Matrimonial Causes Act 1973
MFPA 1984	Matrimonial and Family Proceedings Act 1984
MWPA 1882	Married Women's Property Act 1882
MWPA 1964	Married Women's Property Act 1964
SCA 1981	Supreme Court Act 1981
TLATA 1996	Trusts of Land and Appointment of Trustees Act 1996
WA 1837	Wills Act 1837

Abbreviations of Academic Journals

CFLQ	<i>Child and Family Law Quarterly</i>
CLJ	<i>Cambridge Law Journal</i>
Conv	<i>Conveyancer</i>
Fam Law	<i>Family Law</i>
Fam LQ	<i>Family Law Quarterly</i>
ICLQ	<i>International and Comparative Law Quarterly</i>
IJL & F	<i>International Journal of Law and the Family</i>
JCL	<i>Journal of Child Law</i>
JSWL	<i>Journal of Social Welfare Law</i>
JSWFL	<i>Journal of Social Welfare and Family Law</i>
LQR	<i>Law Quarterly Review</i>
LS	<i>Legal Studies</i>
MLR	<i>Modern Law Review</i>
NLJ	<i>New Law Journal</i>
Oxford J Legal Stud	<i>Oxford Journal of Legal Studies</i>
Yale LJ	<i>Yale Law Journal</i>