

**FAMILY MATTERS: IMPROVING FAMILY LAW IN SCOTLAND**  
**CONSULTATION RESPONSE FORM**

**Part 1 – Personal details**

Reference Number (allocated on receipt)	
Title:	
First Name:	
Surname:	
Are you responding as:	
An individual	<input type="checkbox"/> (go to section 1 and 3)
On behalf of a group or organisation	<input type="checkbox"/> (go to section 2 and 3)
<b>SECTION 1 - RESPONDING AS AN INDIVIDUAL</b>	
Address:	
Town/City:	
Postcode:	
Telephone number:	
E-mail address	
Do you agree to your response being made available to the public (in SE library and/or on SE website)?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
<b>Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)</b>	
Yes, make my response., name and address etc all available	<input type="checkbox"/>
Yes, make my response available, but not my name or address etc	<input type="checkbox"/>
Yes make my response and name available, but not my address etc	<input type="checkbox"/>
<b>SECTION 2 - RESPONDING ON BEHALF OF A GROUP OR AN ORGANISATION</b>	
Job Title/position:	
Type of Group or Organisation:	
Group or Organisation:	
Address:	
Town/City:	
Postcode:	
Telephone number	
e-mail address	
Your name and address as respondees will be made available to the public (in the SE library and/or on the SE website). Are you content for your response to be made available also?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
<b>SECTION 3 – FUTURE CONTACT</b>	
We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the SE to contact you again in the future for consultation or research purposes?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

## Part 2 Discussion points

### General

It would be helpful to us when we plan future exercise of this nature to know where you heard about this consultation exercise.

I was sent a copy of the consultation document as part of the initial distribution list

Yes   
No

If the answer is no please complete the following section:

I heard about the consultation exercise from \_\_\_\_\_

I obtained a copy of the consultation document from \_\_\_\_\_

### Section 3 – Firm Proposals for the Family Law Bill

#### Summary

On the basis of previous consultations, there are a number of **firm proposals** which the Executive plans to include in a future Family Law Bill. The major provisions are:

- conferring parental rights and responsibilities on unmarried fathers who jointly register the birth of their child with the mother following commencement of new legislation; and
- reducing the periods of non-cohabitation required to constitute grounds for divorce from 2 years to 1 year with consent and 5 years to 2 years without consent.

Other firm proposals for the Bill are updating domestic abuse provisions, and some minor technical amendments to existing family law.

Ref	Question	Comment
1(a)	Are there any views you want to record in relation to these firm proposals?	

## Section 4: Legal Rights for Cohabitants

### Summary

The Executive thinks that there should be **legal safeguards for cohabiting couples** and that the Scottish Law Commission recommendations strike the balance between addressing the legal vulnerability of many cohabiting couples in Scotland and not creating an unjustified and unwieldy legal framework which interferes unduly with the private lives of individuals and which fails to acknowledge the special place of marriage in society.

Ref	Question	Yes	No	Comments
2(a)	Do you agree that cohabiting couples should have legal protection?			
2(b)	Do you consider that the objective is to create legal safeguards rather than a comprehensive package of rights and responsibilities like marriage?			
2(c)	Do you agree that there should be a presumption of equal shares to household goods and money/property from housekeeping acquired during the period of cohabitation?			
2(d)	Do you agree that a former cohabitee should have the right to apply to the court for financial provision where they have suffered undue financial hardship on the termination of their cohabitation arrangement?			
2(e)	Do you agree that on the death of one party to a cohabiting partnership, the surviving cohabitee should be able apply to the court for a discretionary provision out of the deceased's estate?			
2(f)	Do you agree that legal safeguards should be for people who live together as a couple?			
2(g)	Are there any other points that you would like to make in relation to the law and cohabiting			

## Section 4: Parental Responsibilities and Rights: Stepparents

### Summary

A proposed change in the law is that where a married step-parent wishes to secure PRRs for their step-child and both birth parents are in agreement, that **Step-Parent Parental Responsibility and Rights Agreement** (SPPRRA) can be completed and registered in the Books of Council and Session and that that action will confer PRRs on the step-parent

Ref	Question	Yes	No	Comments
3(a)	Do you agree that provision to create SPPRRAs should be introduced?			

Ref	Question	Comment
3(b)	How can the views of children be factored into SPPRRAs ?	
3(c)	As an alternative, what improvements could be introduced to step-parents going to court to secure PRRs to make this less daunting?	

## Section 5: The Law in context

### Summary 1

There has been pressure to introduce a **right of contact** for grandparents. The Executive does not consider this to be appropriate but is keen to canvass all views on how the difficult area of promoting contact with wider family can best be achieved where voluntary agreements cannot be reached.

Ref	Question	Yes	No	Comments
4(a)	Do you agree that a <b>right of contact</b> to a child is not appropriate for grandparents and other wider family members?			

Ref	Question	Comment
4(b)	How can the Executive best promote continued contact between children and wider family where voluntary agreements prove elusive?	

### Summary 2

There are a number of dimensions to **making the law work in practice** and your views are sought on these.

Ref	Question	Comment
4(c)	An <b>information campaign</b> will accompany changes in family law since a basic prerequisite for family law to be effective is that people understand their rights and responsibilities. What are your views on the issues to be covered in information on family law and how can this best be disseminated.	
4(d)	A range of <b>support</b> is available <b>for families in difficulties or transition</b> such as mediation and counselling. We would be interested to know if consultees see ways in which the voluntary sector contribution to securing good outcomes for families can be strengthened; and in suggestions for further ways in which the complementary skills of counsellors and mediators can be mobilised locally to support families in transition.	

## The Law in context con't

Ref	Question	Comment
4(e)	When people do have cause to interact with the law, we believe that legal remedy should be accessible and easy to comprehend. We would be interested in hearing consultees <b>experience of using the law</b> in relation to family matters and ideas for improvements which can be made.	

### Part 3 – Additional Comments

Do you wish to make any additional comments on the proposals for improving Family Law in Scotland?

Thank you for taking the time to complete the consultation response paper. You should now send the completed document as an attachment in an e-mail to:

[familylawreform@scotland.gsi.gov.uk](mailto:familylawreform@scotland.gsi.gov.uk)

Alternatively by post to:

Family Law Team  
Scottish Executive Justice Department Civil Law Division  
2WR  
St Andrew's House  
Edinburgh  
EH1 3DG

Or by fax to: 0131 244 2195