

iFLG responds to government on Brexit

The UK Government has recently conducted a consultation on the impact of Brexit on the justice system. The International Family Law Group LLP (iFLG) have responded to this consultation, limited to family law aspects.

Our response is here [\[2\]](#). It has also been published on the government website.

iFLG is one of the world's leading law firms working with international families. We regularly deal with complicated elements of EU family laws and have a very good knowledge and understanding.

We are strongly committed to improving the law, to make it fairer and more accessible. We regularly lobby for reforms and respond to reform consultations.

England is one of the most innovative and leading family law jurisdictions in the world. This includes areas such as forced marriage, surrogacy, FGM, alternative dispute resolution, financial disclosure obligations and many other aspects.

As the UK reviews its future relationship with the EU, we believe it is an exciting opportunity for the UK to play a much greater role in the development of global laws across the world. This is for families in relationship difficulties, the children of international families, for those vulnerable because they are in a country with a different justice system or are the financially weaker party.

One of our strongest concerns in respect of our relationship with the EU is that the UK has been unable to enter into bilateral or multilateral agreements with other countries around the world on family law matters unless both the EU itself and all other EU member states do so at the same time. The EU now consists of so many different countries with different agendas and different priorities that this has been a major stumbling block to the UK in its international. In the Brexit discussions, the opportunities for the UK on the world stage must be centre place. We refer to this in our response.

There are elements of EU family law that would be beneficial to be part of UK national law. We want to continue to recognise each other's orders. This needs an urgent debate, for which we have been pressing since the summer.

However there are some EU family laws that we must not include within English law. Primary is the “rush to court” in order to secure proceedings in the country most advantageous to one spouse. It favours the financially wealthier spouse and the one making the break in the marriage relationship. It discourages mediations and reconciliations. These are the wrong priorities and this law has had many adverse consequences.

We believe strongly there should be good continuing dialogue and relationship with EU member states. But the result of the referendum should be respected and should not bring about having EU law within national law by the back door. We look forward to the UK taking its place on the world stage, innovating and developing family laws, policies and practices

We will continue as lawyers within the practice to work within the family law community and with government to find the best solutions for family law clients in the context of Brexit.

Posted by David Hodson OBE MCI Arb [8]

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