



FILE SW
Cabinet

10 DOWNING STREET

From the Private Secretary

MR. WRIGHT
Cabinet Office

I have seen Sir Robert Armstrong's letter of 13 April to Sir Wilfrid Bourne about the Lord Chancellor's intention to set up a Committee to review the procedure of the courts in matrimonial cases.

This is just to say that Clive Whitmore has already shown Sir Wilfrid's letter to the Prime Minister, and she has noted what is proposed without comment.

I am copying this to Jeremy Colman (Sir Douglas Wass' Office) and Diana Dalgliesh (Sir Wilfrid Bourne's Office).

W. F. S. RICKETT

13 April, 1982

B

C A Whitmore Esq



CABINET OFFICE

With the compliments of
Sir Robert Armstrong KCB, CVO
Secretary of the Cabinet

70 Whitehall, London SW1A 2AS
Telephone: 01-233 8319



CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 8319

From the Secretary of the Cabinet: Sir Robert Armstrong KCB, CVO

Ref. A08100

13 April 1982

Thank you for your letter of 7 April about the Lord Chancellor's intention to set up a Committee to review the procedure of the courts in matrimonial cases. I am grateful to you for drawing this to my attention. I agree that the financial and other consequences of recent legislation on divorce are matters which are increasingly the object of public interest. Paragraph 88 of Questions of Procedure does not specifically cover committees of enquiry presided over by members and judiciary, apart, of course, from Royal Commissions. But as this is a matter of considerable public interest, I think that it would be appropriate for the Prime Minister to be informed of what is proposed. Perhaps Clive Whitmore could look after that, on the basis of his copy of your letter to me.

I am sending copies of this letter to Douglas Wass and Clive Whitmore.

ROBERT ARMSTRONG

Sir Wilfrid Bourne KCB QC

HOUSE OF LORDS,
S.W.1

*With the Compliments of the
Permanent Secretary
to the Lord Chancellor*



From Sir Wilfrid Bourne, K.C.B., Q.C.

2/

Cabinet

HOUSE OF LORDS,
SW1A 0PW

7th April 1982

163/256/04

From: Minister.
AK
8/4/82

see Pt. 1

The Lord Chancellor has it in mind to set up a Committee which might conceivably (though I think it probably does not) fall within paragraph 88 of "Questions of Procedure for Ministers" and in order to be on the safe side, I thought I had better write to you now.

Last December there was published a report by the Law Commission on the Financial Consequences of Divorce (Law Com. No. 112) in which the Commission recommended, among other things, a review of the procedure of the courts in matrimonial causes. The Lord Chancellor accepted this recommendation and wishes the review to be conducted by an ad hoc Committee.

His intention is that the Committee should be presided over by a High Court Judge (he would like Mrs. Justice Booth to undertake this task) and that the membership should include a Circuit Judge, a Registrar, representatives of the Bar and the solicitors' profession and a substantial lay element with experience of probation and court welfare services, etc. The Terms of Reference he has in mind are something like this:-

"To examine the procedure and practice of the High Court and county courts in respect of proceedings under the Matrimonial Causes Act 1973, and to recommend reforms which might be made:-

Sir Robert Armstrong, K.C.B., C.V.O.

- (a) to mitigate the intensity of disputes;
- (b) to encourage settlements; and
- (c) to provide further for the welfare of the children of the family,

having regard to the desirability of achieving greater simplification and the saving of costs."

Obviously, the proposed Committee would deal mainly with technical matters of court procedure; the nature of the subject is, however, such that it may attract a certain amount of public interest. Even so, I would not myself have thought that it did fall within paragraph 88; nevertheless, I have thought it right that you should know of the Lord Chancellor's proposal in case you think I should take any more formal steps on the Lord Chancellor's behalf.

I am sending copies of this letter to Douglas Wass at the Treasury and Clive Whitmore at No. 10.

J.W. BOURNE