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PETER WOODHULLS FOR THE TIMES

Top judge's charter for unmarried couples

Women worst hit by lack of rights over assets

Frances Gibb Legal Editor

Millions of unmarried couples should get new rights to share property and money when they split up, the country's most senior family judge says today.

Women lose out most because of the absence of any law on the division of cohabiting couples' assets, Sir Nicholas Wall believes. The president of the Family Division told *The Times*: "I am in favour of cohabitantes having rights because of the injustice of the present situation."

His remarks, while welcome to family lawyers, may enrage traditionalists who fear that rights for unmarried couples would weaken the institution of marriage. But Sir Nicholas, in his first newspaper interview since becoming head of the family justice system last year, insisted that the reform would not undermine marriage.

Judges would retain discretion to safeguard justice in each case, he said. "Marriage undoubtedly remains the most stable relationship for bringing up children and for support." But at

present couples must resort to other laws to try to sort out their finances and assets when a relationship breaks up, which can be costly and work unfairly for both partners.

The subject has far-reaching consequences because the shape of the modern family has changed beyond all recognition. There are an estimated two million couples living together in England and Wales, while one in four children is born to unmarried parents.

Sir Nicholas said: "Women cohabitantes, in particular, are severely disadvantaged by being unable to claim maintenance and having their property rights determined by the conventional laws of trusts."

The backing of the most senior family judge will fuel the case for reform and put pressure on ministers to bring in new legislation. The last Government failed to act on recommendations from the Law Commission, which called in 2007 for new legal rights for people living together in a long-term relationship. A sixth of couples in Britain live together and do not

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A supporter of President Mubarak who plies his trade at the Pyramids in Giza charges protesters in Tahrir Square, Cairo. Three died and 1,500 people were injured as the White House threatened to cut off Egypt's \$1.5 billion aid. News, pages 6-8

Cairo's fighting camel joins battle

IN THE NEWS

Forest disease threat | MI5 missed 7/7 clues

Millions of trees will be threatened by disease under government plans to cut forestry funding and privatise woodland. News, page 3



Three intelligence teams were trying to identify an Islamist fanatic but failed to link leads before the 7/7 suicide attacks. News, page 5

New solar system

The Kepler space telescope has discovered the presence of six orbiting planets in a solar system which lies about 2,000 light years away in the plane of the Milky Way. News, page 12

Cyclone hits coast

Thousands of Australians were sheltering away from their homes as the biggest cyclone to hit the country in almost a century tore into the country's northeast coast. World, page 31

Amazon film debut

Amazon is preparing to join the battle for millions of people who want to watch films on the internet with a competitive service in the lucrative online market. Business, page 39

Inside today

Carol Midgley Blagging the upgrade, a 21st-century obsession Times2, page 3



Paxman routs another adversary: 'fatuous' BBC e-mails

Patrick Foster Media Correspondent

Never one to mince his words, Jeremy Paxman turned his acerbic wit on his *Newsnight* bosses yesterday, dismissing their innovation of sending a daily e-mail to the show's viewers as an "exercise in fatuousness".

The presenter was given the job of telling viewers of the BBC Two programme

'The reason for killing off the *Newsnight* e-mail is straightforward. It's c**p'

that the daily missive, which contained a rundown of the evening's show, was being axed because of technical problems with delivering it on time.

Instead, he sent a typically sardonic appraisal of the message, dismissing it as "crap". Mocking the fact that errors with the BBC's systems had led to the e-mail being frequently delayed, Paxman wrote: "Good morning. And good afternoon. Or

possibly, good evening. Welcome to positively the last *Newsnight* daily e-mail. The time has come to put this exercise in fatuousness out of its misery. It gives me no pleasure to say that it should have happened years ago.

"Actually, I lie. There is more joy in heaven, etc. etc. The reason for killing it off is pretty straightforward. It's crap. Conscientious readers may have noticed that Monday's e-mail this week was actually promoting a programme which went out last week. A carrier pigeon would have been quicker."

Referring to the executives who came up with the idea, Paxman said: "The daily e-mail was dreamed up — like so many other utterly brilliant initiatives (anyone recall the *Newsnight* podcast, for people who preferred their television without pictures?) — by visionary senior management at the BBC.

"For a while we even sent out a morning e-mail, as well, detailing the mental anguish of the editor on duty that day, and soliciting suggestions as to what people would like to see on air that evening. This,

too, often arrived after the show had been broadcast.

"Like a dodgy plumber skulking away from a flooded bathroom, those responsible are blaming the tools of their trade. In this case, they're right. The piece of kit (the "gizmo", to give it its technical name) which sends out the e-mail is completely useless and we can't afford to fix it."

It is the second time in a week that Paxman has raised eyebrows at the BBC. On Monday night he accidentally inserted an "n" into the word "cuts" while introducing a piece on government spending.

The presenter has a history of sending forthright e-mails. In 2009, after being



Jeremy Paxman wrote to viewers about the change

asked by *The Times* to comment on an article in the *Radio Times*, he mistakenly hit the "reply" button while trying to forward the e-mail to a colleague, writing: "I've no intention of responding to this w*****. But you might like what I believe is called 'a sneak preview' of the dross in tomorrow's *Radio Times*."

A BBC spokeswoman said: "The readers of the daily e-mail will be familiar with Jeremy's inimitable style and won't be surprised of news of its demise being delivered in this manner. The e-mail has come to the end of its life and been succeeded by other services such as the *Newsnight* Twitter feed, our Facebook page and blogs."

Top family judge's charter for unmarried couples

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narry, predicted to rise to one in four by 2031. But more than half wrongly believe that they have legal rights as "common aw" spouses, a myth with no legal foundation since the 18th century.

Pressure has been mounting to overhaul the law since the passage of the Civil Partnership Act 2004, which provides equal rights to gay couples on inheritance, tax benefits and next-of-kin recognition, similar to those enjoyed by married couples. Unmarried couples are denied such rights.

Labour ministers in the previous Government, nervous of being seen to undermine marriage, delayed any action and said they would await the outcome of research being undertaken in Scotland on the impact of similar proposals that have been implemented there.

But Sir Nicholas, 65, who is married with four children, said he was "disappointed" that the Government had not pledged to implement the reforms. His plea would mean judges would retain discretion: "If cohabitation has been short and the contribution minimal, judges would not be sympathetic to a claim."

In one recent case, now going to the Supreme Court, a house was bought by an unmarried couple in joint names.

"They had lived together for ten years, had two children and the judge divided 90 per cent to the man and 10 per cent to the woman. We [in the Court of Appeal] reversed it and said it should be 50-50." Any

law change would have to strike a delicate balance: to give cohabitants who break up protection similar to those for married couples who divorce but to stop short of automatic rights to a financial share.

That means that the courts would have the same discretion to award maintenance payments, a lump sum or a share of the property. Claims after short relationships would be likely to fail and those with children would be most likely to succeed.

David Allison, chairman of Resolution, the association of 5,500 family lawyers in

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England and Wales, said the need to bring in protection for the growing group of unmarried couples "was overwhelming".

He added: "The majority of people don't understand that living together does not give them any financial protection should the relationship end, which leaves countless people vulnerable."

The coalition Government has not made any commitment to reforms on cohabitants' rights. Last night a spokesman for the Ministry of Justice said it would make an announcement "in due course".

Case study

Dehra Dowden and Barry Stack lived together for 20 years and had four children. When they split up, they embarked on a costly legal battle to determine their share of their £770,000 home in Willesden Green, northwest London.

The case went all the way to the House of Lords, giving the first guidance on dividing assets when a couple is not married.

Mr Stack had challenged the decision of the Court of Appeal that his former partner should get 65 per cent of the proceeds of the sale of the home. The purchase had been funded by the sale of a previous property in Ms Dowden's name, her savings, and a

mortgage in both their names. Mr Stack paid the mortgage interest and endowment policy premiums and they both paid off the capital, with Ms Dowden paying a bigger share.

Law lords said that unmarried couples were entitled to equal rights to a share in a home as long as it was in both their names. With Mr Stack, however, this was not the case, as Ms Dowden, then earning twice as much as him, had contributed more.

Where a couple owned the house in joint names and had a "declaration of trust", they should be deemed to own it equally. Otherwise one of them would still have to argue in court for a share.

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