

Justice Committee**Family Law (Scotland) Act 2006****Written submission from Lynne Collingham, Partner, TC Young Solicitors**

I think most family lawyers will agree that post-legislative scrutiny should relate to Section 28 and Section 29. These are the sections that give solicitors most difficulty when advising clients and it is simply not possible to assist a client at the outset, whether they are pursuing or defending a claim, by giving an indication of how the court might exercise its discretion in interpreting and applying the provisions of these two sections. I note that the focus was to be on areas where the Act had perhaps not fully met expectations. I suspect that the intention behind the Act was that cohabitants would know when splitting up what their entitlements would be and that has simply not been the case. Having read through all the reported cases on Section 28 and Section 29 I cannot see that there is any guidance in them that can be universally applied when advising a client.

I hope this is of some help.

Lynne Collingham
Partner
TC Young Solicitors
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