

British Woman Must Remain Married to Her Husband After Judge Rules that Unhappy Marriage Is Not Grounds for Divorce

A woman who has been trying to divorce her husband for three years was recently denied the right to do that by the UK's highest court, which ruled that an unhappy marriage that had broken down for years was not grounds for divorce.



68-year-old Tini Owens had been hoping to finally end her 40-year marriage to Hugh Owens, 80, but the five judges at the UK's highest court unanimously upheld rulings by a family court and the court of appeal that the two must stay married at least until 2020, when they will have been separated for five years and Tini will be eligible for a divorce without consent or evidence of fault. The decision has been met with criticism from divorce lawyers who believe it makes people more likely to falsely blame their partners and come up with embellished and inflammatory causes for divorce, to make sure they don't suffer the same fate as Tini.

Tini and Hugh Owens got married in 1978 and lived together in Broadway, Worcestershire, where they raised two kids together. The woman first contacted solicitors about a divorce in 2012, but despite her already having an affair with another man, the couple continued to live together for three more years.

In May of 2015, Tini finally petitioned for divorce, citing her husband's focus on his job rather than his home life, his lack of love and affection toward her, the fact that he was always moody and argumentative, that he had disparaged her in front of others, and that she had simply grown apart from him, as primary causes for her desire to end the marriage.

Her husband always denied these allegations, telling judges that while their marriage had never been emotionally intense, they had learned to "rub along" (get along in a satisfactory way) over the years. The 80-year-old man added that he hoped his wife would change her mind and come back to him, which she apparently never did.

Still, judges always seemed to side with Hugh over Tini in the matter of their divorce. In the initial petition hearing, in October 2015, the judge dismissed the woman's case as flimsy and exaggerated, adding that while her husband was "somewhat old-school", she was more sensitive than most wives.

Tini didn't give up though, appealing the judge's decision at the court of appeals, where a panel of three judges again dismissed her case, arguing that she had failed to establish, in the legal sense, that her marriage had become irreparably broken down. How does one even do that?

So she took her case to the UK Supreme Court, which, on Wednesday upheld the ruling of the previous two courts. This was Tini's last chance to have her request for divorce approved. According to UK law, she will now have to stay married to her husband until 2020, when they will have been living apart for five years, and she will be able to divorce him without consent or evidence of fault.

One of the judges admitted that this divorce case was troubling, but added that it wasn't judges' job to change the law. Unfortunately, UK legislation makes even consensual divorce difficult if, in the absence of a period of at least five years living separately, one of the parties doesn't provide evidence of adultery or unreasonable behavior.

English divorce lawyer Simon Fisher told The Guardian that the ruling in this case could lead to "a rise in divorce petitions containing embellished and inflammatory grounds for divorce to ensure that applications proceed without any issues as in the Owens' case".