**Draft letter for Soroptimist Clubs to send to local MPs**

NAME & ADDRESS of Constituency MP

[DATE] 2020

Dear [MP]

**Predatory Marriage Bill – Reforming marriage laws and procedures to protect people with dementia**

I am writing on behalf of my local Soroptimists Club to request that you support amendments to the Predatory Marriage Bill proposed by Fabian Hamilton MP and endorsed by an impressive range of individuals and organisations: [https://www.justiceforjoan.com](https://www.justiceforjoan.com/)

MP Fabian Hamilton (Leeds North West) raised the issue in Parliament in a [Private Member’s Bill](https://services.parliament.uk/Bills/2017-19/marriageandcivilpartnershipconsent.html) in November 2018. It was passed unanimously for a second reading, but then ran out of Parliamentary time last year. This Bill needs to be brought back to parliament. If a marriage no longer revoked a will, it would remove much of the incentive for predatory marriage.

The Campaign aims to...

* Change the law such that a marriage does not automatically annul a Will
* Create an offence of Predatory Marriage.
* Publish Notices/Banns on the Internet.
* Train Registrars to look for signs of insufficient mental capacity to marry.
* Ensure Registrars will stop a marriage ceremony if there are any doubts.
* Add "The marriage was fraudulent" to the permitted reasons to annul a marriage after one party has died.

With an ageing population and consequent rise in dementia, procedures need to be put in place now before many more people are affected.

Please think about anyone that might be affected by this and let them know. Many people do not know about these issues: the rise in dementia and the newness of the Law (Anti-Social Behaviour Act, 2014) means that it's new territory to most, even to professionals. If we can prevent even one case it will all be worthwhile.

Yours etc

**Frequently Asked Questions**

**But surely you can get that marriage annulled?**

No, because you can only annul a marriage after one party has died if it was bigamous or incestuous. We think “fraudulent” should be added to that.

**But surely your mother had made a Will?**

Yes, she made a Will in 2004 leaving everything to myself and my brother. The marriage supersedes the Will – as marriage always does - and her husband inherits her entire estate. As a matter of fact, the mental capacity “bar” for marriage is set much lower than that for making a Will – so it’s theoretically possible for someone to have mental capacity to marry, and then decide to change their Will afterwards, but not have mental capacity to do that.

**But surely she wouldn’t be allowed to marry if she had a medical diagnosis of dementia?**

There is no requirement to check medical records at marriage no matter how old the parties may be (my mother was 91). Decisions with dementia are time-specific and decision-specific anyway – so some people with dementia might be capable of understanding enough to get married on the day of the wedding, though we are certain that my mother was not one of them.

**But surely the dementia would be in her notes at the GP?**

Yes, it is referred to repeatedly. There is no obligation to get any kind of medical report before marriage.

**But surely your mother was not capable of giving informed consent to marriage?**

We are certain that she was not. In contrast, in order to have any kind of medical procedure you need to be able to give informed consent – so understanding all the implications. But the Crown Prosecution Lawyer told us that “there is no requirement for informed consent at marriage”. Many people, for example, get married not knowing that a marriage would supersede any Will, and that, unless a new will is made, the new spouse will inherit everything.

**But surely the parties have to have separate interviews at the notification of marriage?**

Yes, they do. However, we have found several instances just amongst our friends and relatives where this has not happened. The Register Office said in a letter “please remember that they will have had separate forty-five minute interviews”. But I saw my mother every day and I know that at that time she was not capable of speaking for more than a couple of sentences. We know that the man who married her had told the registrars that she was deaf (true), that she had memory problems (true) and that she’d had a stroke (true). He did not mention that she had vascular dementia.

**But surely those registars should be sacked for not doing their job properly?**

Registrars have no training in assessing mental capacity. The simple questions that they have to ask are supposed to be enough. But the man who married my mother is very persuasive and plausible and dominant. We know that in fact one of the registrars asked if she was fit to marry as she could not remember her address or her date of birth, but the wedding went ahead anyway. There are no procedures in place where a marriage has to be stopped if one registrar is concerned. It is not the registrars’ fault: it is lack of procedures. There were plenty of “red flags” on the day – a ninety-one year-old woman marrying a sixty-seven year old man with none of her family present, and the only witnesses were his son and a lady from the pub. But a mixture of the registrars’ lack of training and – I suspect – his persuasive and forceful personality meant that these were not picked up.

**But surely the Register Office should have taken your complaint seriously?**

Again, they do not appear to have proper procedures for dealing with complaints. It was five months after the wedding that my mother died. In response to a complaint from our son, I received a phone call from the register office: the tone was “why are you making all this fuss?” and she alleged that my mother was “fine on the day, totally compos mentis”. When I mentioned the “red flags” detailed above, she said “Ah well, we can’t judge” meaning “it’s not our job to judge”. Their approach has always been that it was all fine. We know it was not. The underlying assumption that our mother simply didn’t want us at her wedding was extremely distressing to us even though we knew that this could not possibly be true.

**But surely you had Power of Attorney?**

I did indeed have a registered Enduring Power of Attorney for Finance – this is the old-fashioned kind which was superseded by Lasting Power of Attorney in 2005. My mother was able to do something, in marrying, which overturned all her financial decisions. But there is no obligation at marriage to check whether there is any kind of Registered Power of Attorney in place.

**But surely you could have got the Local Government Ombudsman to investigate?**

I did try to do that: I wrote a long and detailed letter. She rang me and said she couldn’t investigate because they don’t keep any evidence – once the marriage is over, and the marriage certificate is signed, there is no way of finding out what actually happened on the day.

**Why didn't you take action before it was too late?**

We did! We asked the Police to investigate under Clare's law; we took legal advice, which was that Joan could not change her Will or marry due to her dementia; we talked at length with Social Services; and we even talked with Joan's GP. Can you be sure Joan's dementia was so bad she didn't have capacity to marry on the day? This is only asked by people who didn't know Joan. Those who did have no doubts at all.

At the time of the wedding, she wasn't able to follow a television programme (she didn't notice if the channel was changed halfway through). She answered questions by repetition: "Did you go out today?" got the response "..out today, yes" (a common effect of dementia, where the person doesn't want to admit they don't understand). She no longer read books, newspapers or magazines. She only recognised her children as people she vaguely knew and liked. She tended to do as she was told (which was definitely not in her old character).

It is inconceivable that she understood what she was doing when she got married; and she never had any memory of it afterwards.