

House of Lords Judgment sets a new precedent in assisting wives who give up their careers

In the recent judgment of the House of Lords in the divorce case of *Macfarlane*, a new precedent has been set assisting wives. This specifically relates to those wives who have given up their jobs after they have got married in order to look after their children. The wife in this case was a highly-paid professional and had broken her career to stay at home and care for her children. Like many professionals in this position, Mrs Macfarlane is very unlikely to be able to rebuild her career to the level it was before she gave up work. In contrast her husband went on to develop his career and become a highly paid City accountant.

Whilst the contribution married mothers make in looking after the children is already recognised as a continuing contribution after divorce, this case has broken new ground in making a **compensation** award to the child carer to take account of the loss of career. It is now anticipated that compensation claims for loss of earnings will figure largely in the divorces of professional couples and increase the value of maintenance claims against their spouses in the future.

In appropriate cases, it is now thought that maintenance claims will be broken down into two categories:-

- (a) the Claimant's needs in discharging day to day expenses
- (b) a figure as compensation for loss of earnings.