



Ministry
of Justice



Easy
Read

Making divorces and cohabitant separations fairer for everyone



Easy Read

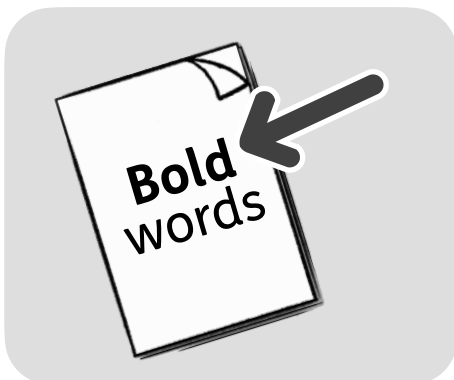


This is an Easy Read version of some information.

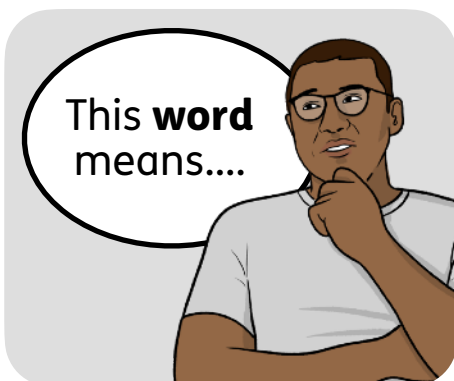
It uses easier words and pictures.



Some people may still want help to read it.



Some words are **bold** to show they are important.



We explain bold words if they are hard to understand.

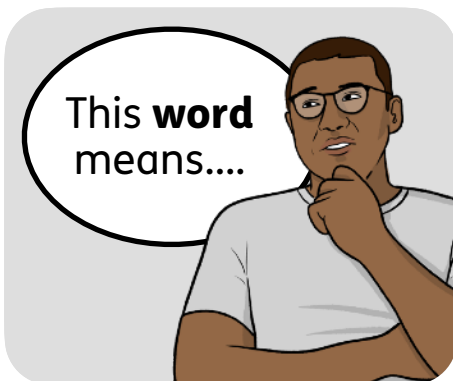
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Important words and what they mean



This booklet uses some hard but important words.



We will explain them in this section of the booklet so that you know what they mean.



If you find a **bold** word in this booklet, you can come back to this section to see what it means.



Assets are the things that you own that are worth money.



Cohabitants are people in a relationship who live together but who are not married.



Cohabitant separation is when cohabitants decide to end their relationship.



Divorce is when a married couple decides to legally end their marriage.



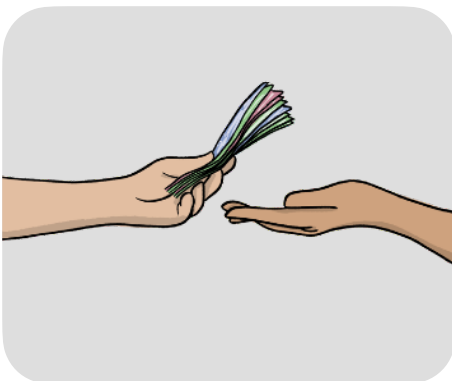
Domestic abuse is when you are harmed by a family member, someone you are in a relationship with or someone you live with.



Financial orders are legal orders made by a court that must be followed.



Income is the money a person regularly gets, usually from work.



Maintenance means regular payments from one partner to the other.



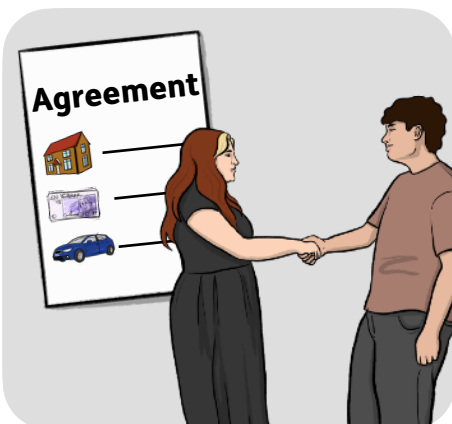
Matrimonial assets are assets that are shared or built up during a couple's marriage.



Misconduct is when 1 or both people in a couple have behaved badly.



Non-matrimonial assets are assets that are not built up or shared during the marriage, such as things owned before the marriage, or gifts given to 1 person.



A **nuptial agreement** is an agreement made by a couple before or after they get married, which sets out what should happen to their money and assets if they get divorced.



A **pension** is a pot of money that you, your job and the government pay into while you are working.

You can use it to live on after you retire.



A **will** is a legal document that says what you want to happen to your assets after you die.

About this booklet



This booklet is from the Ministry of Justice.



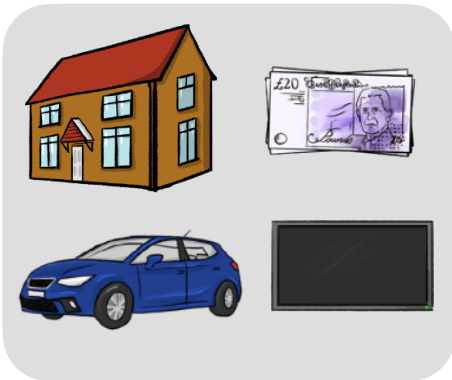
It is about how we want to make sure that **divorces** and **cohabitant separations** are fair for everyone involved.

About divorces and cohabitant separations

Divorces



When a couple gets married and lives together, they often share **assets**.



Assets include money, houses, cars and belongings.



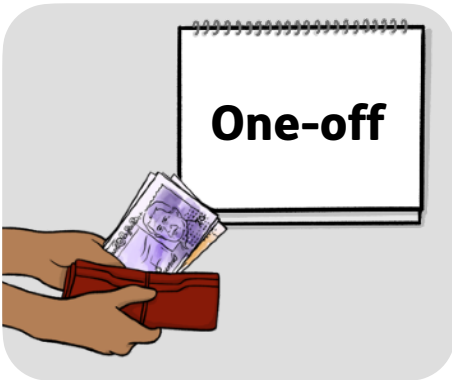
When a married couple decides to end their marriage it is called **divorce**.

They can get **financial orders** from the courts.

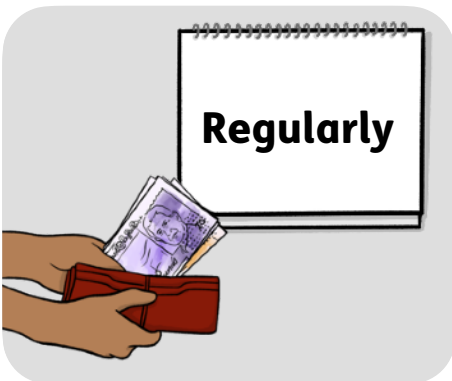
Financial orders include:



- How a couple's assets should be shared after a divorce.



- Whether 1 person in the couple needs to pay a one-off amount of money to the other.



- Whether 1 person in the couple needs to regularly pay money to the other.

1 person in the couple may be ordered to give the other money if:



- The other person would not be able to pay for their living needs with their own **income**.



- The other person will be looking after the children more than the other.

Cohabitant separations



When cohabitants decide to end their relationship, we call this **cohabitant separation**.



Cohabitants also often share assets while they are in a relationship.



But they do not have the same legal rights as married couples.



When cohabitants separate, they do not get financial orders from the court in the same way as married couples do.



Instead, the law treats them as having separate assets, unless they can legally prove that the assets are shared.

What we want to change



We want to make sure that divorces and cohabitant separations are fair for everyone involved.

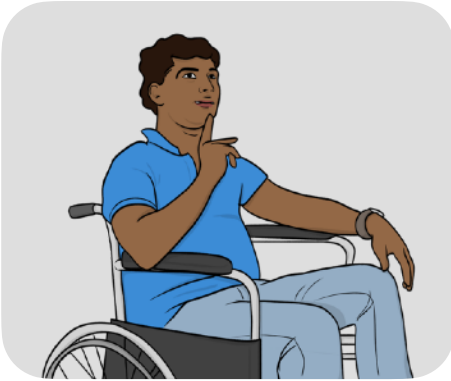


This includes the children of couples who are divorcing or separating.



To do this, we want to make some changes to the law.

What do you think of our changes?



We want to know what you think of our changes.



Knowing what people think will help us to make final decisions about which changes to make.

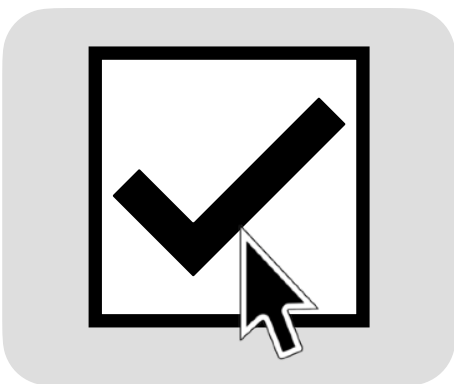


In the next part of this booklet, we will explain the changes and ask you what you think of them.

If you are going to answer these questions on your computer:



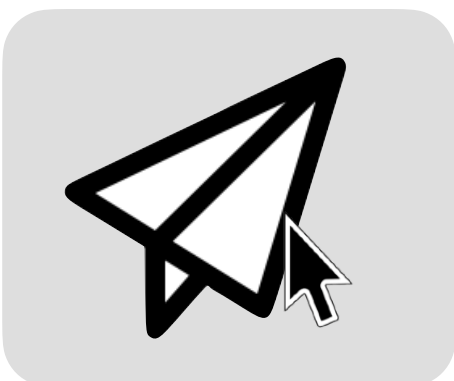
1. First, you will need to download this booklet to your computer.



2. Then open it on your computer. You will be able to click or write in the answer boxes.



3. When you have finished answering the questions, save the booklet to your computer.



4. Then email a copy to: frcohabconsultation@justice.gov.uk

If you are going to answer these questions on paper:



1. Tick and write in the answer boxes.

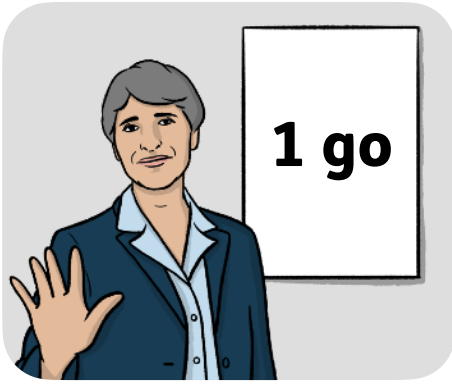


2. Then post this booklet to:

Family Justice Policy Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ



You have until 14 August 2026 to send us your answers.



You do not have to answer all the questions in 1 go.

You can take breaks if you need to.

The changes - sharing and needs



This part of the booklet is about couples who are married or in a civil partnership.

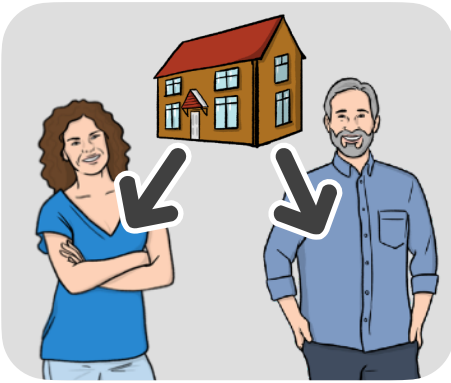


We think that the law needs to be clear about how courts should make decisions about financial orders.



To do this, we want the law to say that courts must think about sharing and needs.

Sharing assets



We want the law to say that courts should always try to split a divorced couple's assets between them equally.



But they should also think about the needs of the couple.



For example, the court needs to think about things like whether 1 person in the couple is ill or disabled and so has extra needs.



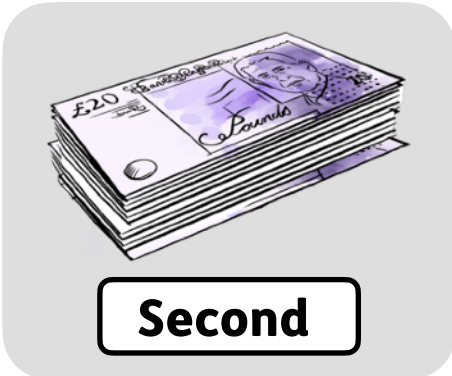
In these sorts of cases, the couple's assets may not be split equally.

Looking at needs

We want the law to say that when looking at a couple's needs, courts should think about 3 things:



1. The needs of any children who are involved first.



2. Capital, income and pension needs second - this means how much money each person needs for living.



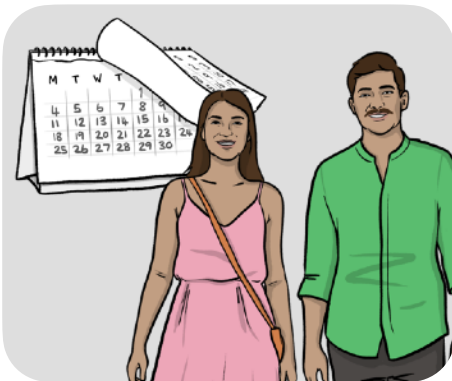
3. Luxury needs last - this means any needs that are not essential to living, like designer clothing.



We call the 3 things courts should look at a 3-stage approach to looking at needs.



We also want the law to say that courts must look at a list of information about the couple to make decisions about financial orders.



This information would include things like the ages of the couple and how long they have been married.



Knowing these types of things will help courts to make fairer decisions.



1 important bit of information courts must look at is whether 1 person in a couple earns less income than the other because of a reason related to the marriage.

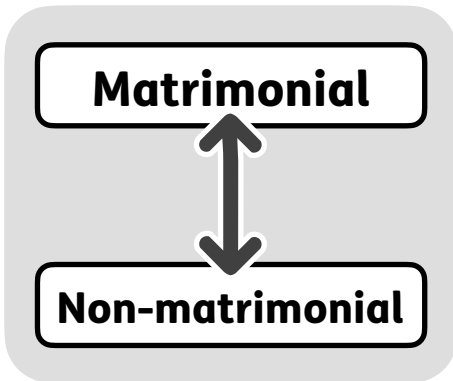


For example, if 1 person stopped working to look after the children.



We also want the law to say that courts should make decisions that will help each person in the couple move towards independent living.

Matrimonial and non-matrimonial assets



We want the law to be clear about the difference between **matrimonial** and **non-matrimonial assets**.

Being clear about this difference will help courts to:

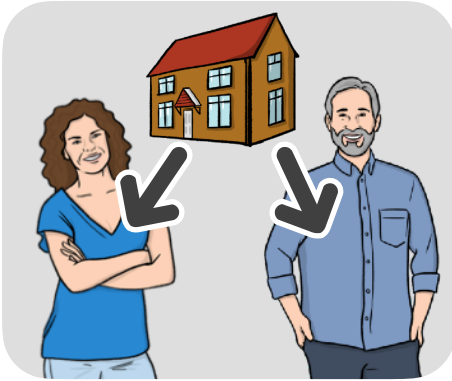


- Split assets between divorced couples more fairly.



- Decide whether any non-matrimonial assets have now become matrimonial assets during the marriage.

Questions for you to answer



Question 1: Do you agree that when a married couple divorces, their assets should be shared equally between them?

Yes

No

I am not sure

Please give us reasons for your answer here:



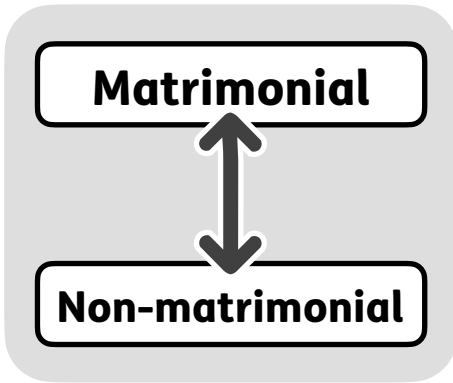
Question 2: Do you agree that when a married couple divorces, courts should also look at the needs of the couple?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 3: Do you agree that the law should be clear about the differences between matrimonial assets and non-matrimonial assets?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 4: Do you agree that courts should be able to look at how assets have been used, shared and treated by couples when making decisions?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 5: Do you agree that the main goal for courts should be to reach a fair decision for everyone by looking at sharing and needs?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 6: Do you agree that courts should make decisions that will help each person in the couple move towards independent living?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 7: Do you agree that courts should look at the needs of a couple using the 3-stage approach?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 8: Do you agree with the 3 stages in the 3-stage approach, and the order that they are in?

Yes

No

I am not sure

Please give us reasons for your answer here:



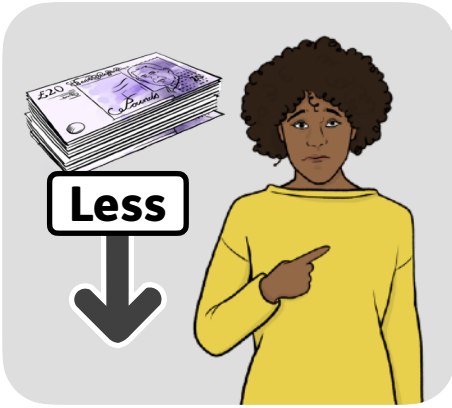
Question 9: Do you agree that courts must look at a list of information about the couple to help make decisions?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 10: Do you agree that courts should look at whether 1 person in a couple earns less income than the other because of a reason related to the marriage?

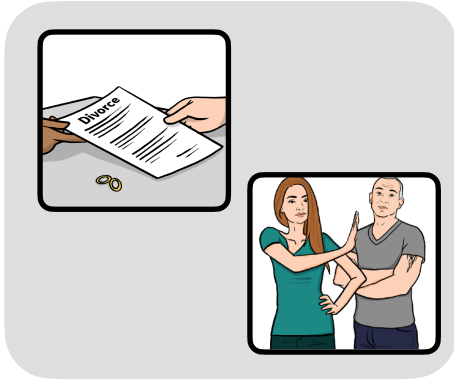
Yes

No

I am not sure

Please give us reasons for your answer here:

The changes - misconduct

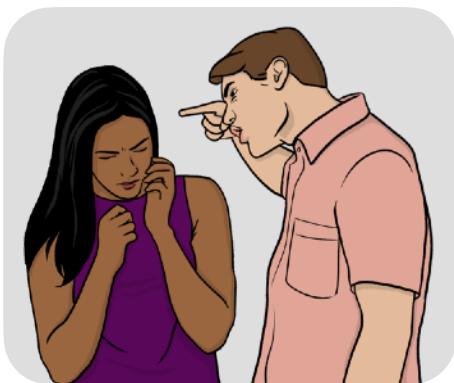


This part of the booklet is about both divorces and cohabitant separations.



We want to know what people think about the law needing to be clear about how courts should think about misconduct when making decisions about financial orders.

Domestic abuse



Domestic abuse is a type of misconduct.



We want to know whether victims of domestic abuse are being treated fairly during divorces and cohabitant separations.



We want to know whether people feel the courts need to think more about any abuse that has happened in a relationship when making decisions about financial orders.

Language



We also think that the law needs to use kinder language when talking about misconduct.



At the moment, courts use the phrase **gasp factor** when talking about misconduct.



They are using this phrase when deciding whether something counts as misconduct.



But we think this is not the right phrase to use when something serious like domestic abuse is being talked about.



We want to know more about what people think of this before we make any suggestions for what phrase could be used instead.

Other misconduct

Other types of misconduct are when someone:



- Wastes, hides, or gives away assets, so that their partner does not get as much after the divorce.



- Makes their financial orders case harder, more expensive or less fair on purpose.



- Lies about how much money they have.



We are looking at whether the law should be clearer about what misconduct is and how courts should think about it when making decisions.

Questions for you to answer



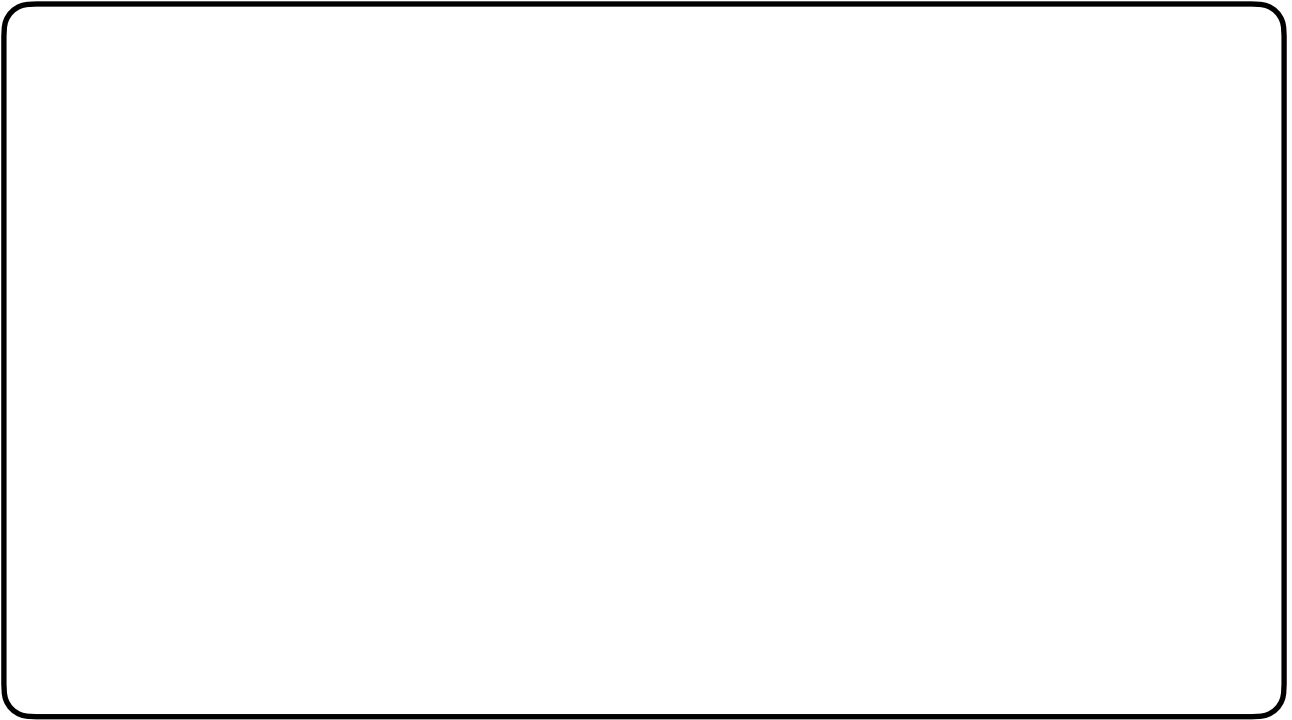
Question 11: Do you think that courts should think about domestic abuse more than they already do when making decisions about financial orders?

Yes

No

I am not sure

Please give us reasons for your answer to question 11 here:

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Question 12: How do you think courts should think about domestic abuse when making decisions about financial orders?

- It should only be thought about in very serious cases

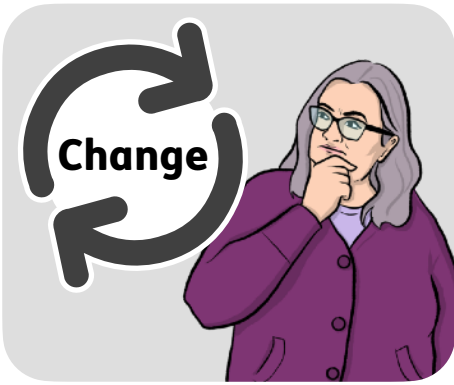
- It should be thought about when it has had a clear effect on the victim's money

- If it has taken place, then it should be thought about, no matter the type of effect it has had on the victim

- It should not be thought about at all

There are more answers on the next page.

Other - please explain how you think it should be thought about:



Question 13: If courts were to think about domestic abuse more, how do you think this should change the way assets are shared?



Question 14: If courts were to think about domestic abuse more, how do you think this would affect financial order cases?

For example, you could think about whether:



- Courts would need more time than usual to make decisions about financial orders.



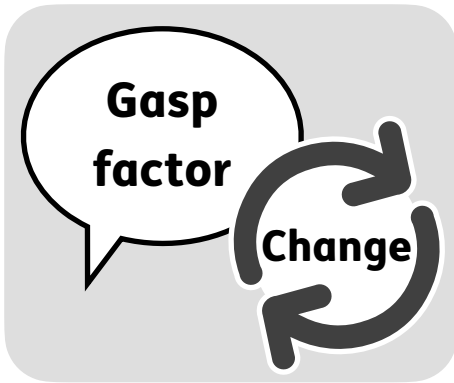
- Courts would need more information than usual to make decisions about financial orders.



- The couple would have to pay more money because the case would take longer.

Please write your answer to
question 14 here:





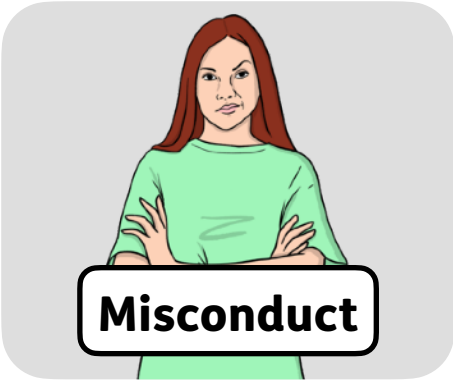
Question 15: Do you agree that the phrase **gasp factor** should be changed?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 16: What kinds of behaviour do you think should count as misconduct?

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Question 17: How do you think misconduct should change the way assets are shared?

A large, empty rectangular box with rounded corners, intended for the user to provide their answer to the question.



Question 18: Do you think misconduct which has affected how much money someone has should be thought about in the same way as other misconduct?

Yes

No

I am not sure

Please give us reasons for your answer here:

The changes - pensions



This part of the booklet is about couples who are married or in a civil partnership.



Pensions built up during a marriage can be a big asset.



We think courts do not think enough about pensions when making decisions about financial orders.

We want the law to say that courts must:



- Think about pensions that have been built up during the marriage when making decisions.



- Think about how much money both people in the couple will need after they retire.

Questions for you to answer



Question 19: Do you agree that courts should think about pensions when making decisions about financial orders?

Yes

No

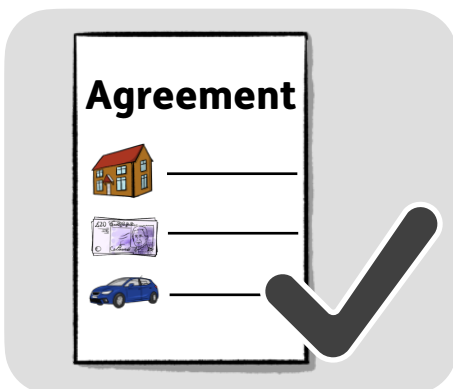
I am not sure

Please give us reasons for your answer here:

The changes - nuptial agreements



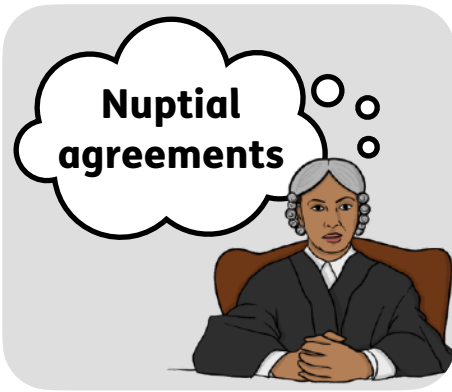
This part of the booklet is about couples who are married or in a civil partnership.



At the moment, the law says courts should do what a **nuptial agreement** sets out, unless it is unfair.

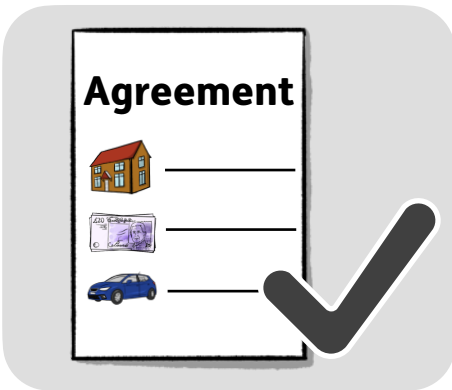


This can be confusing sometimes, as it is not always easy to know whether a nuptial agreement is fair or unfair.



We want the law to be clear about how courts should think about nuptial agreements.

Looking at needs



We want the law to say that courts should always do what a nuptial agreement sets out.

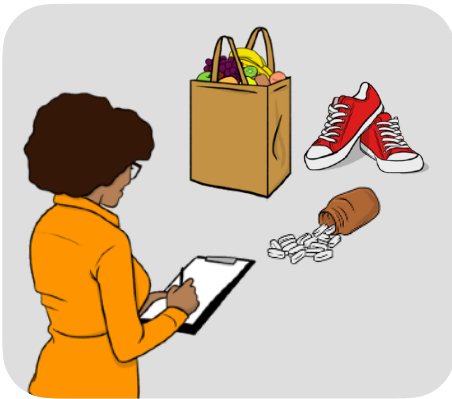


This is unless certain rules are not followed or the agreement does not meet one person's money needs.

We think the law should clearly say:



- What 'needs' means when thinking about nuptial agreements.



- Which types of needs courts should look at when deciding whether a nuptial agreement meets one person's money needs.



We want the law to say that courts should only look at essential living needs, not luxury needs.

Rules for nuptial agreements



We think nuptial agreements must meet some rules to make sure people are protected from being forced to sign nuptial agreements.

We want the law to include these rules:

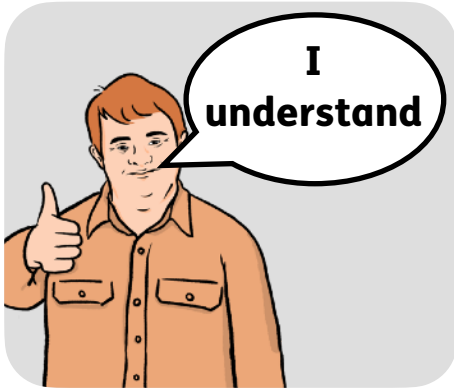


1. Nuptial agreements must be properly and fairly made.

Neither person can be pressured or tricked into signing it.



2. Nuptial agreements must be signed as a legal document.



3. Both people must say that they understand a nuptial agreement may stop the courts from sharing assets differently in the future.



4. Nuptial agreements must not be signed within 28 days before the wedding.



5. Each person must honestly share important information about how much money they have before signing a nuptial agreement.



6. Each person should have their own lawyer to explain what the nuptial agreement means.

Questions for you to answer



Question 20: Do you think that the rules we have suggested will help to make sure that people are protected from being forced to sign nuptial agreements?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 21: Do you agree that when courts look at a couple's needs to decide whether a nuptial agreement is fair, they should only look at essential living needs, not luxury needs?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 22: What needs do you think courts should look at when deciding whether a nuptial agreement is fair?

This is other than housing, saved money, income and pensions.

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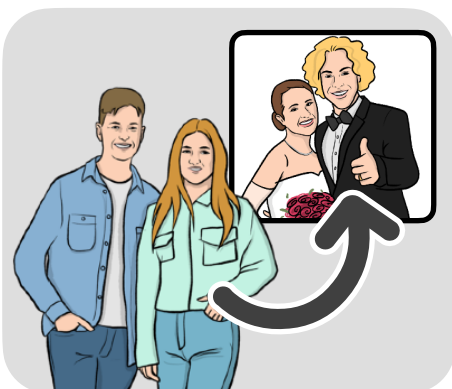
The changes - living together before marriage



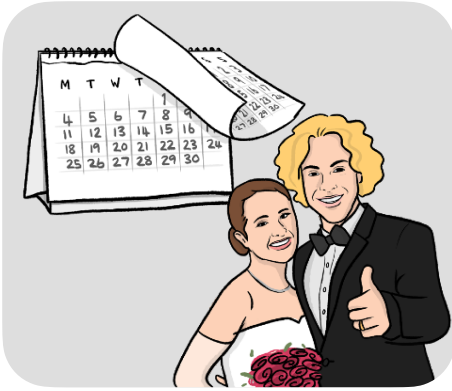
This part of the booklet is about couples who are married or in a civil partnership.



If a couple lives together before getting married, courts may sometimes count this time as part of the marriage.



This is only when a relationship has moved smoothly from being cohabitants to marriage.



The length of a marriage can affect how assets are split during divorce.



So, counting years spent living together before marriage can change the sharing of assets.



We want to add a clear rule to the law that says when courts should count years spent living together before marriage.



We also want the law to include a list of things that courts should look at when deciding whether the move from being cohabitants to marriage was 'smooth'.

This list could include:



- How long the couple lived together.



- Whether the couple shared money.



- Whether the couple had children together.

Questions for you to answer



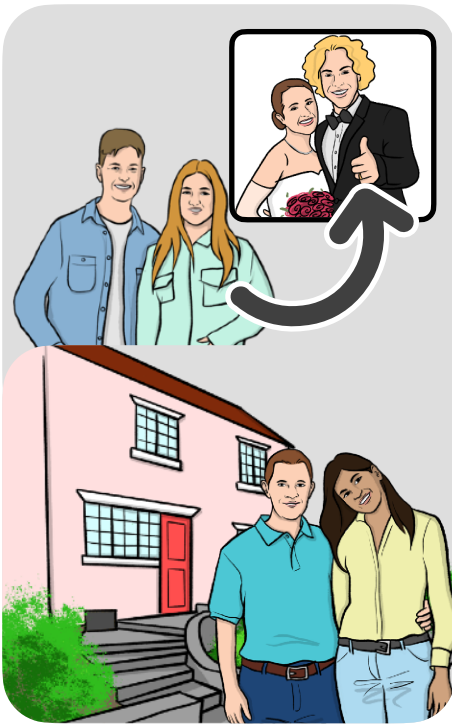
Question 23: Do you agree that courts should count time spent living together before marriage as part of a marriage?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 24: Which of these things do you think courts should look at to help decide whether a couple's move from being cohabitants to marriage was 'smooth'?

- Owning and living in a house together
- Having a stable relationship
- Sharing money
- Having children
- Having a sexual relationship
- Other people understanding that they are in a relationship

The changes - understanding cohabitants

This part of the booklet is about cohabitants.

We want the law to be clear about:



- Which relationships count as cohabitants.



- How and when cohabitants can ask the courts for financial orders.

We want the law to say that:



- Cohabitants are a couple who have been in a relationship for a long time and live together.



- Cohabitant laws only apply to a couple if they are over the age of 18.



- Cohabitant laws only apply to a couple if they have been in a relationship for 3 years, unless they live together and have children.



- If cohabitants want to ask the courts for financial orders after a separation, they must do this within 2 years after their relationship ended.



We also want the law to include a list of things that courts should look at when deciding whether couples are cohabitants.



We think the laws for cohabitants should not apply to these couples:

- Married couples.



- Couples in a civil partnership.



- Couples who are family members, who cannot get married.

Questions for you to answer



Question 25: Do you agree with our understanding of cohabitants and that this is how the law should describe them?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 26: Which of these things do you think courts should look at to help decide whether couples are cohabitants?

- Living together
- Having a stable relationship
- Sharing money
- Having children
- Having a sexual relationship
- Other people understanding that they are in a relationship



Question 27: Do you agree that the laws for cohabitants should not apply to married couples, couples in a civil partnership and couples who are family members?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 28: Do you agree that the laws for cohabitants should only apply if the couple is over the age of 18?

Yes

No

I am not sure

Please give us reasons for your answer here:



**3
years**

Question 29a: Do you agree that the laws for cohabitants should only apply to a couple if they have been in a relationship for 3 years, unless they have children?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 29b: If you answered no to question 29a, how many years do you think a couple needs to be in a relationship before they count as cohabitants?

- None
- 1 year
- 2 years
- 4 years
- 5 years
- More than 5 years
- Other - please tell us how many years you think:



Question 30: Do you agree that if a couple lives together and has a child together, they should count as cohabitants, no matter how many years they have been together?

Yes

No, but I think the rule about the number of years should be lower than for couples without children

No

I am not sure



Question 31a: Do you agree that cohabitants must ask the courts for financial orders within 2 years after their relationship ended?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 31b: If you answered no to question 31a, how many years do you think cohabitants should get to ask the courts for financial orders after separation?

- As long as they need
- 1 year
- 3 years
- 4 years
- More than 5 years
- Other - please tell us how many years you think:

The changes - cohabitant separations and needs



We think courts should look at couples' needs when making decisions about financial orders.



We do not think the court should look at sharing assets equally for cohabitants.



We want the law to say that the main goal for courts should be to reach a fair decision by meeting needs.

We also want the law to say that:



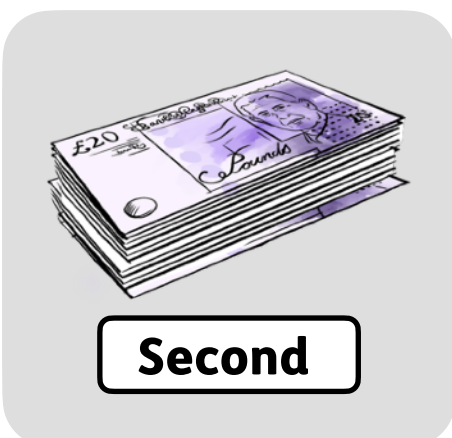
- Courts should make decisions that will mean any regular payments will end as soon as possible.



- Courts should not think about luxury needs, only essential needs for living.



- When looking at a couple's needs, courts should think about the needs of any children who are involved first.



- When looking at a couple's needs, courts should think about capital, income and pension needs second - this means how much money each person needs for living.



We also want the law to say that courts must look at a list of information about the couple to make decisions about financial orders.

Questions for you to answer



Question 32: Do you agree that courts must think about needs when making decisions about financial orders for cohabitant separations?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 33: Do you agree that the courts should make decisions that will mean any regular payments will end as soon as possible?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 34: Do you agree that courts should only think about essential needs for living, not luxury needs?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 35: Do you agree that courts should also look at needs that are not related to the relationship, like if 1 person is ill or disabled?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 36: Do you agree that courts must look at a list of information about the couple to help make decisions about needs?

Yes

No

I am not sure

Please give us reasons for your answer here:

The changes - cohabitant separations and maintenance



In divorce cases, maintenance is often used when 1 person in a marriage relies on the other person's money during the marriage.



Less often

We think that for cohabitant separation, maintenance should sometimes be possible, but much less often than in divorce cases.



We want the law to say that maintenance should only happen in special situations, for example, if someone has a serious illness or disability.

Questions for you to answer



Question 37: Do you agree that courts should only give maintenance in special situations?

Yes

No

I am not sure

Please give us reasons for your answer here:

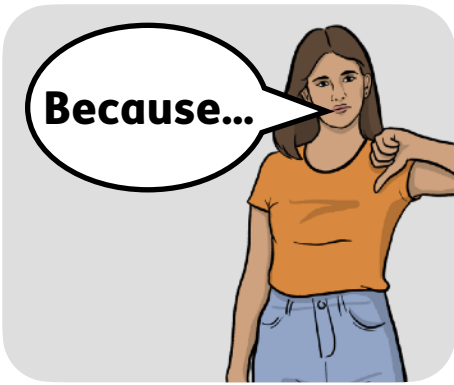


Question 38a: Please tell us whether you agree with any of the following sentences by ticking the box next to them:

Maintenance should only be given in special situations

If maintenance is given, courts should say how long maintenance will go on for

If maintenance is given and the court sets how many years it will go on for, this time cannot be increased at a later date



Question 38b: If you do not agree with any of the sentences on the last page, please tell us why:

A large, empty rectangular box with a black border and rounded corners, intended for the user to provide their response to the question.



Question 39: Do you agree that cohabitants who separate must never get more maintenance than they would have got if they had been married?

Yes

No

I am not sure

Please give us reasons for your answer here:

The changes - choosing not to follow cohabitant separation law



We want the law to say that cohabitants can choose whether they want to follow the rules in cohabitant separation law.



They can make their own decisions about their money and assets.

This is only if both people in the couple agree.

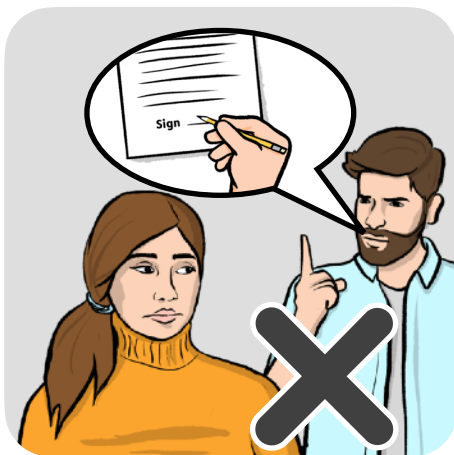


Couples may choose to do this because they want to keep their money separate.



But we want there to be rules around choosing to do this to make sure people are protected from being forced to sign an agreement.

These rules would include:



- Both people in the couple must agree to this choice.

There should be no pressure, bullying, or lies to force 1 person in the couple to agree to this choice.



- To prove both people agree, they must both sign a legal document.

These rules would also include:



- Both people must be honest about how much money they have and the assets they own.



- Both people must get legal advice from a lawyer so that they both understand what they are agreeing to.

Children



We want the law to say that, even if a couple chooses not to follow the rules in cohabitant separation law, this does not mean they can ignore laws around looking after children.



For example, a parent would still legally have to pay child maintenance.



This will help to make sure that the rights of children are being thought of first.

Questions for you to answer



Question 40a: Do you agree that the rules we have suggested will make sure people are protected from being forced to sign an agreement?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 40b: If you answered disagree for question 40a, what rules would you add or change, and why?

A large, empty rectangular box with rounded corners and a black border, intended for the student to write their answer to Question 40b.



Question 41: Do you agree that if a couple chooses not to follow the rules in cohabitant separation law, this does not mean they can ignore laws around providing for children?

Yes

No

I am not sure

Sharing our changes



If our changes to the law are made, we will need to tell the public about them.



Question 42: How do you think we could share our changes and explain new laws with the public?

The changes - when 1 person in a couple dies



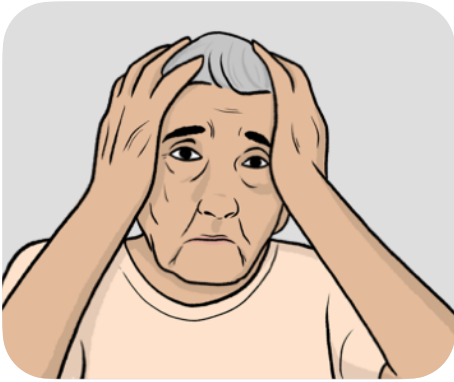
At the moment, if 1 person in a cohabitant couple dies without a **will**, their partner usually gets none of their assets automatically, no matter how long they were together.



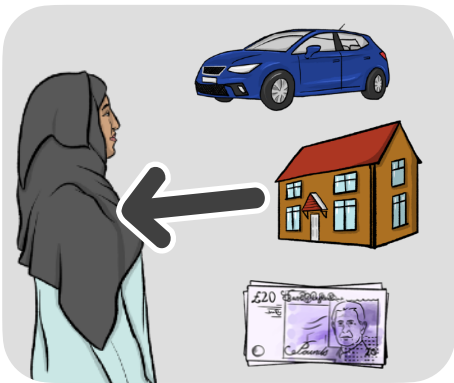
Instead, the living partner has to go to court to ask for support.



However, the living partner can only get support if they lived with their partner like a married couple for at least 2 years before the person died.



Going to court for support can cost a lot of money and be very stressful.



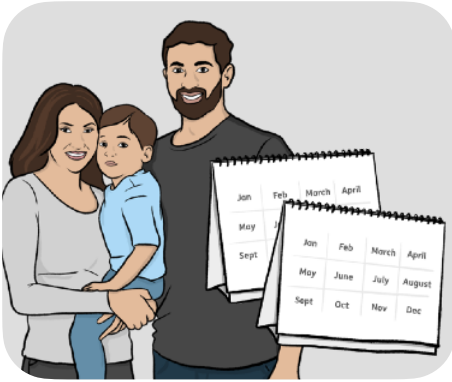
So we want the law to say that some cohabitants would automatically get assets if their partner dies.



But this will only be if the couple have been cohabitants for a certain amount of time.



We have not decided on a length of time yet.



The length of time may be different if the couple have children together.



We also want the law to say that if 1 person in a cohabitant couple that lived together like a married couple with children dies, their living partner can ask the courts for support.

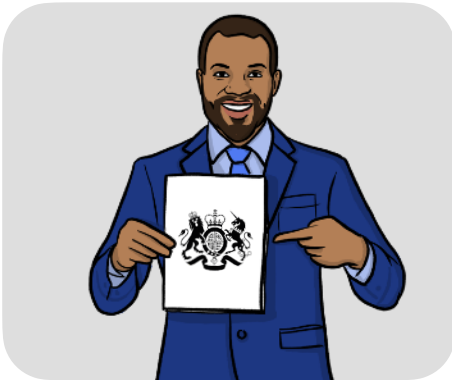


This is no matter how long they were together.

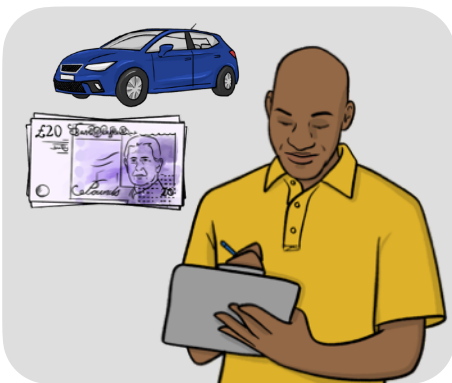


We are thinking about giving cohabitants the same rights as married couples when 1 person in the relationship dies.

Grant of Letter of Administration



When a person dies without a will, someone close to them has to apply for a legal document called a Grant of Letter of Administration.



This document shows that this person is legally allowed to manage the person who has died's assets.



At the moment, close family members, like a parent or child, are legally allowed to apply for this document first.



We want the law to say that cohabitants also have the same rights as close family members when 1 person in the couple dies.



This means cohabitants are also legally allowed to apply for a Grant of Letter of Administration first.

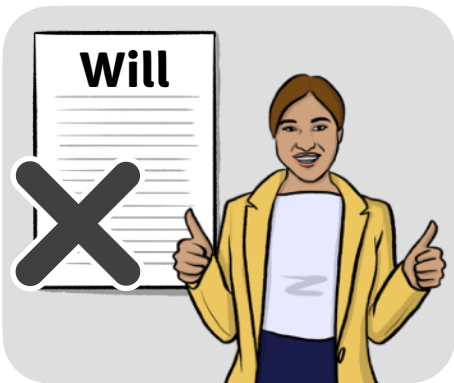
Understanding what cohabitant means



We are deciding how to describe 'cohabitants' when someone dies without a will.

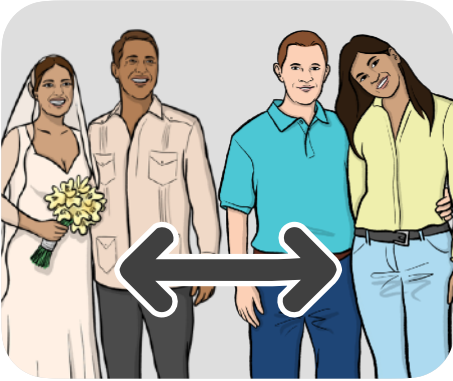


1 idea is to treat cohabitants like married couples if they live together in a serious, long-term relationship.



This would make it easier for everyone to understand what happens after someone dies without a will.

Questions for you to answer



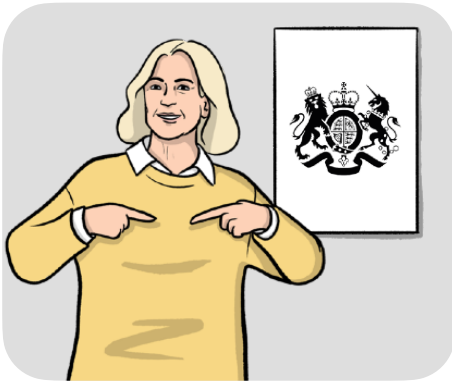
Question 43: Do you think that cohabitants should have the same rights as married couples when 1 person in the relationship dies?

Yes

No

I am not sure

Please give us reasons for your answer here:



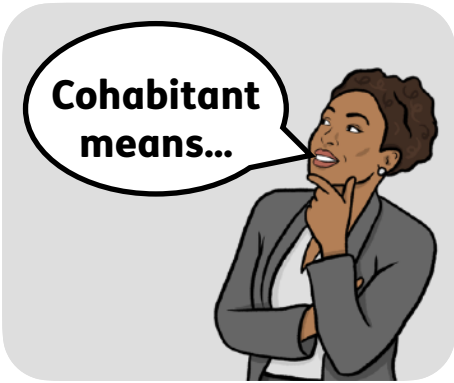
Question 44: Do you think that cohabitants should also be legally allowed to apply for a Grant of Letter of Administration first?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 45: What should we think about when deciding what the word cohabitant means when someone dies without a will?

A large, empty rectangular box with a black border, intended for the user to provide an answer to the question.



Question 46a: How long do you think couples without children need to have been cohabitants before 1 person would automatically get assets if the other died?

Less than 5 years

5 years

More than 5 years

I am not sure

Please give us reasons for your answer here:



Question 46b: What effect do you think a shorter or longer number of years would have?

A large, empty rectangular box with a black border, intended for the user to write their answer to the question.



Question 47a: How long do you think couples **with** children need to have been cohabitants before 1 person would automatically get assets if the other died?

I do not think there should be a minimum number of years

2 years

More than 2 years

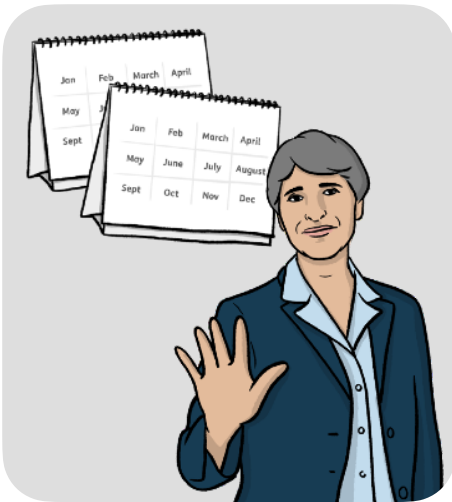
I am not sure

Please give us reasons for your answer here:



Question 47b: What effect do you think a shorter or longer number of years would have?

A large, empty rectangular box with a black border, intended for the user to write their answer to the question.



Question 48: Do you agree that living partners in a cohabitant couple with children should be allowed to ask the courts for support no matter how long they were together if they had lived together like a married couple?

Yes

No

I am not sure

Please give us reasons for your answer here:



Question 49: Do you think there would be any effects if we were to allow living partners in a cohabitant couple with children to ask the courts for support?

This is no matter how long they were together, if they had lived together like a married couple.

About you



We would also like you to answer some questions about yourself.



This will help us to know that we are listening to people from different backgrounds.



Any information you give us will be kept safe.

Questions for you to answer



Question 50: Please tell us your full name:



Question 51: Please tell us who you answered these questions as:

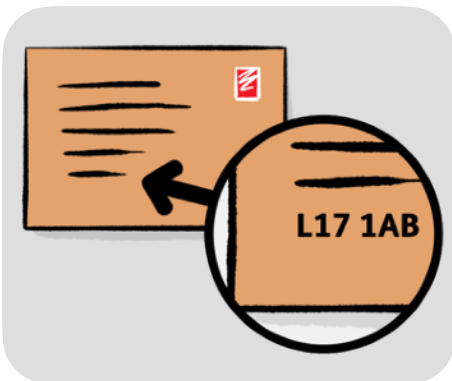
For example, as yourself or for an organisation.



Question 52: Please write today's date:



Question 53: If you answered these questions for an organisation, please tell us the organisation's name:



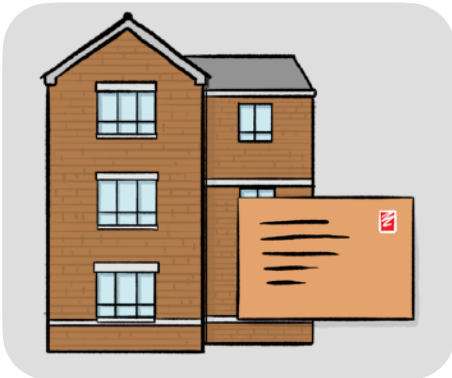
Question 54: Please tell us your address and postcode:



Question 55: Would you like us to let you know that we got your answers?

Yes

No

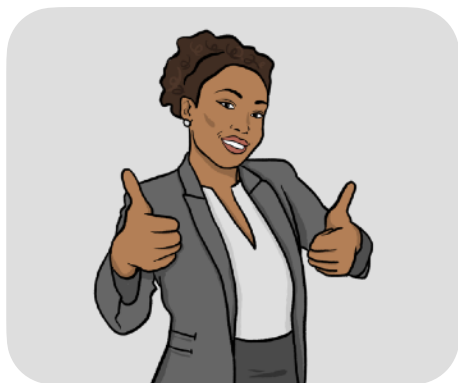


Question 56: If you said yes to question 55, please tell us the address we should post to:



Question 57: If you answered these questions for a group, please tell us the name of the group and describe the group:

Find out more



Thank you for answering these questions.



For more information, you can look at our website here:

www.gov.uk/government/consultations/a-fairer-end-to-relationships

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