

'Claudia's law' to lift families of missing people out of legal limbo

New law will allow families to take over the affairs of missing loved ones.



Peter Lawrence OBE

- Previously there was no legal recourse to deal with someone's affairs if missing
- The new regulations will come into effect on 31 July 2019

The financial and administrative burdens faced by families of missing loved ones will be eased after legislation was laid today (28 June 2019) to pave the way for 'Claudia's Law'.

Named after Claudia Lawrence who went missing in 2009, the law creates a new legal status of guardian of the affairs of a missing person, allowing families to act in their best interests after they have been gone for 90 days or longer.

It will mean that families can step in and safeguard their loved one's assets in their absence – for example, suspending direct debits for mobile phone and utility bills or making mortgage payments.

Previously there was no mechanism in England and Wales to specifically protect the property and affairs of a missing person. Instead families could only take over the financial affairs of a missing person if they declared them dead, adding emotional pressure to families during an already difficult time. This also meant they could be left unable to pay debts or prevent repossessions or insolvency

Officially known as the Guardianship (Missing Person's) Act 2017, the new provision was introduced as a Private Members' Bill by Kevin Hollinrake MP and backed by Claudia's father Peter Lawrence OBE, who has been tirelessly

campaigning for the change since her disappearance, together with the charity Missing People and other families affected.

Justice Minister Paul Maynard said:

No family dealing with the despair of a loved one going missing should have to endure the additional stresses of administrative problems.

This government is committed to helping families cope as best they can in these incredibly difficult circumstances and today's legislation is an important part in that.

Claudia's law will mean families can oversee the financial and property affairs of their missing loved one – removing a huge burden at such a traumatic time.

Families in England and Wales can apply to be a guardian following a number of statutory instruments being laid in Parliament today to bring forward provisions within the Act – with the new regulations coming into force on 31 July 2019.

Successful applicants for the guardian role will be able to look after their loved one's affairs for up to 4 years with the option to renew. The scheme will be operated and supervised by the Office of the Public Guardian.

Susannah Drury, Missing People's Director of Policy and Research, said:

This is a triumph for all the family members who have campaigned with us over the past decade and shown so powerfully why Guardianship is needed.

This regulation will mean that families who face the emotional distress of a disappearance will not be blocked from handling the financial and legal affairs of their loved ones.

Peter Lawrence OBE, father of missing York chef Claudia Lawrence said:

I am delighted that Claudia's Law is coming into force at the end of July.

This will make such a difference to the lives of the hundreds of families who have been waiting so long for it, enabling them to deal with their missing loved one's financial and property affairs in the same way as everyone else is able to on a daily basis.

One less burden at a time when families are at their emotional lowest ebb will help enormously.

Notes to editors

The Guardianship (Missing Persons) Act 2017

- Introduced as a Private Members' Bill the Act received Royal Assent on 27 April 2017.
- The Ministry of Justice launched a public consultation on 19 December 2018 to seek views on the proposals for bringing the legislation into force.
- Specifically the new legislation will:
 - Set out rules of court and related practice directions for guardianship proceedings;
 - Detail the regulations relating to the registration and supervision of guardians by the Public Guardian, which will provide safeguards to both the missing person and the guardian;
 - Introduce fees payable to the court and to the Public Guardian including relevant remissions and exemptions; and
 - Publish a Code of Practice to provide guidance to guardians and persons making applications under the Act.
- The Presumption of Death Act 2013 let families take over the financial affairs of a missing person, but required families to declare a missing person dead.