

# Predatory Marriage

## What is 'predatory marriage'?

Predatory marriage, (a term which originated in Canada), is generally defined as when a younger person marries a much older person in order to inherit their money and property. Although the term uses the word 'marriage', the same issues apply in relation to civil partnerships. In some cases, the older person may lack capacity to consent to marry – which would make it a forced marriage, as defined in the [Anti-social Behaviour, Crime and Policing Act of 2014](#) and, therefore unlawful. However, not all victims of predatory marriage will lack capacity to consent to marry, thus making it difficult to address as the [Mental Capacity Act 2005](#) gives all people who have capacity the right to make 'unwise decisions'.

Predatory marriages often involve older people who owns a house or other assets. In many cases the older person will have previously made a [Will](#), often leaving their estate to family members. Under current UK law a marriage revokes any previously made Will, in favour of the new spouse. This provides a huge incentive for predatory marriage. Family members may only become aware that their loved one has been the victim of a predatory marriage after that person's death. As a result, not only do family members not inherit as may have been intended, but they may also be prevented from planning or attending the funeral. It is not possible to [annul](#) a marriage after one spouse has died, so there is no legal means for family members to contest the marriage or contest the Will.

## What has this got to do with safeguarding?

Predatory marriage is a safeguarding issue. Vulnerable adults can be groomed or tricked into marriage. They may not have the capacity to consent to marriage and may not understand the financial implications of marriage, including how it changes any previously made Will.

After a marriage has taken place it can be almost impossible to prove that it was unlawful. This is because no evidence is kept of the ceremony itself and it is



therefore difficult to prove that the person lacked capacity at the point the marriage took place. Further, even if the marriage could be proved fraudulent and [annulled](#), any pre-marriage Will would remain revoked; the person would therefore be [intestate](#) unless or until they made another Will. In addition to the financial abuse, which is common in predatory marriage, victims may also be deliberately isolated from family and friends and subject to other forms of emotional, physical and sexual abuse. Preventing predatory marriage from taking place is therefore vital.

### **Power of Attorney**

Power of attorney is a means by which decisions can lawfully be made on behalf of a person who lacks the capacity to make that decision for themselves. There is currently no link between marriage and either [Enduring Power of Attorney](#) (which allows a person to take control of another adult's financial affairs) or the newer [Lasting Power of Attorney](#) (which allows another person to take control of financial and/or health and welfare decisions). Someone who holds power of attorney, for a relative who lacks capacity, will not be informed if that person [gives notice to a registrar](#) that they intend to marry. This means that a person who lacks the capacity to make even the simplest financial decision for themselves can, by marrying, make a decision that revokes any previous Will.

If someone with power of attorney discovers that a predatory marriage has taken place it is possible – during the lifetime of the victim – to apply for a [statutory Will](#) to be made. This is a process which enables a new Will to be made in respect of someone who lacks capacity. In practice, however, this may prove difficult because any new Will could be opposed by the predatory spouse and, as predatory marriages typically take place in secret, family members are seldom aware of the need to apply for a statutory Will. It is not possible to apply for a statutory Will after a person has died.



## Challenges to recognition and understanding

Predatory marriage is currently little understood and therefore seldom recognised as a safeguarding issue. Practitioners working in adult safeguarding, in health and social care and in marriage registry may need additional guidance and training to identify and support people who are at risk of predatory marriage. Such guidance is currently being developed by the *My Marriage My Choice* team, in conjunction with representatives from the Registration service and will be made available upon completion.

### Justice for Joan

Joan Blass was 91 years old and suffered with severe dementia and terminal cancer. After her death in March 2016, her family discovered that a much younger man, age 68, had secretly married her five months previously. The man who married her had spent time isolating her from family and friends; Joan never knew that she was married and nor did her family. After her death, the discovery of Joan's marriage had a devastating effect on her family, both emotionally and financially. The man who married Joan inherited her estate and took charge of the funeral. This meant that none of Joan's wishes, outlined in a Will she had made prior to the marriage, were adhered to. Family members were prevented from arranging or attending Joan's funeral. Joan is buried in a town with which she had no connection, in an unmarked grave. Joan's daughter, Daphne, set up [Justice for Joan](#) to campaign for changes to the law in order to prevent this from happening to anyone else.

You can hear Daphne talking about her experiences here:

<https://www.anncrafttrust.org/predatory-marriage-safeguarding-matters/>