

*These notes refer to the Equality Act 2010 (c.15) which received Royal Assent on 8 April 2010*

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 15: Family Property**

#### *Section 198: Abolition of husband's duty to maintain wife*

#### **Background**

622. The husband's common law duty to provide his wife with the necessities of life was a consequence of now obsolete rules of law which prevented the wife from having capacity to hold property and to enter into contracts. There is no equivalent common law duty for a wife to maintain her husband. There are, however, now adequate statutory provisions requiring both spouses to maintain each other. The common law duty to maintain has little if any practical application.