

## WRITTEN MINISTERIAL STATEMENT

Friday 6 July 2012

### MINISTRY OF JUSTICE

#### *Presumption of Death*

**The Parliamentary Under-Secretary of State, Ministry of Justice (Jonathan Djanogly):**

I have today laid before Parliament a command paper setting out the response of the Ministry of Justice to the report of the Justice Committee on Presumption of Death (HC 1663)[Cm 8377].

In its report the Committee criticised the present law in England and Wales. The Committee recommended that better guidance should be made available to those left behind. The Committee also recommended that legislation should be introduced to create both a single statutory process to obtain a certificate of presumed death broadly equivalent to a death certificate and a new status of guardian of the affairs of a missing person.

The Ministry of Justice acknowledges the difficulties faced by those left behind when a person disappears; accepts the Committee's recommendation that better guidance should be issued, and is working with others to prepare this. The Department also accepts the Committee's proposal that a certificate of presumption of death should be created. The Government will introduce legislation to achieve this when Parliamentary time permits. In relation to the Committee's recommendation on guardianship, the Department considers that this area is complex and that further examination of the issues is required before any decision to legislate can properly be taken. The Department intends to ask the Law Commission to conduct a detailed project considering how best to effect this reform and is in discussions with them.