

Simon Beccle, Family partner specialist family lawyer and his team, including **Charlotte Skea-Strachan, Associate** in the leading Family Department at Payne Hicks Beach led their client, Hayat Alireza to victory at the Court of Appeal on 12 October 2017. The Times Law Report first published online on 30 October 2017 and is reproduced with kind permission <https://www.thetimes.co.uk/article/a-prospective-inheritance-can-be-a-financial-resource-i2bjbkk89>

THE  **TIMES**



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Partner, Family

LAW REPORT

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A prospective inheritance can be a financial resource



Alireza v Radwan and Others

Before Lady Justice Gloster, Lord Justice Lewison and Lady Justice King

[2017] EWCA Civ 1545

Judgment October 12, 2017

A prospective inheritance which had the certainty brought to it by the laws of forced heirship was capable of being a financial resource which could be taken into account in an application for financial relief in divorce proceedings.

The Court of Appeal so stated, inter alia, when allowing the appeal of the wife, Hayat Youssef Alireza, against a decision of Mrs Justice Roberts in the Family Division in divorce proceedings issued against the husband Hossam Youssef Ibrahim Radwan. Hosamco Ltd, the company which owned the leasehold of the former matrimonial home and Faizah Al-Sultan and Rana Radwan, members of the husband's family, were joined as parties but took no part in the appeal.

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Mr Robert Peel, QC, and Ms Amber Sheridan for the wife; **Mr Richard Todd, QC, and Mr Max Lewis** for the husband.

Lady Justice King said that the parties were both dual nationals of the United Kingdom and the Kingdom of Saudi Arabia. Both families were, by any ordinary standards, extremely wealthy.

The wife appealed on the ground, inter alia, that the judge had been wrong to take account of the wealth of the wife's father and her potential future inheritance from him.

The husband's case was that that the wife's father was a man of extraordinary wealth and that under Saudi Arabian "forced heirship" laws, his daughter would undoubtedly receive a very substantial sum (measured in tens of millions of pounds) upon his death. That, he said was a resource under section 25(2)(a) of the of the Matrimonial Causes Act 1973.

In the ordinary course of events uncertainties both as to the fact of inheritance and as to the times at which it would occur, would make it impossible to hold that an inheritance prospect was property which was "likely to be had in the foreseeable future" within section 25(2)(a) of the 1973 Act.

The present case was different. The wife's inheritance prospects did not have the inherent uncertainty found where a will was made in a country such as England where there was no concept of forced heirship. A prospective inheritance which had the certainty brought to it by the laws of forced heirship, was capable of being a "financial resource" which the wife "has or is likely to have in the foreseeable future".

However, all that such a finding did was to conclude that the prospective inheritance was a section 25(2)(a) resource; it did not mean that it was inevitably appropriate for the court to make an order whereby the meeting of the needs of the wife in any way depended on the prospective inheritance. Prior to making any order the judge had to consider all the section 25 factors.

Lady Justice Gloster and Lord Justice Lewison agreed.

Solicitors: **Payne Hicks Beach; Grosvenor Law.**