

Radmacher offers hope on pre-nups German heiress divorce may have “decisive” impact on UK family law

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Pre-nuptial agreements could enter the “mainstream” of UK family law following the Court of Appeal’s finding in *Radmacher*, say family lawyers. In *Radmacher v Granatino* [2009] EWCA Civ 649, the court ruled that a pre-nup could be “decisive” in the divorce of wealthy German heiress, Katrin Radmacher, who is said to be worth £100m, and her French husband, Nicolas Gramatino. The husband’s initial divorce award of £5.4m was reduced to a one-off lump sum of £1m plus a loan for the cost of a home, which must be repaid when the youngest child reaches 22. Sarah Anticoni, a partner in the family team at Charles Russell, says: “Until now pre-marital agreements have not been legally binding in England. However, the future of these agreements is not set in stone and, in the short term at least, their impact will lie with other judges who are asked to decide similar cases. “This decision should be the catalyst for Parliament and the Law Commission to take up the baton. The profession has been clamouring for reform for years but no statutory change has been forthcoming as it is not seen as a vote winner. “This decision is particularly important for non-English couples who have entered into pre-marital agreements overseas before they marry. It demonstrates that the English court is going to be far less willing to interfere with such agreements in the future.” Zoe Bagg, senior associate, McGuireWoods, says: “Many of our clients come from civil law jurisdictions where pre-nuptials (or other protection of assets under the civil code) are commonplace. “This is a progressive move towards the harmonisation of laws in Europe in this area and will hopefully give encouragement to those working towards the harmonisation of European succession laws.” Christina Blacklaws, senior partner of London family law firm Blacklaws Davis, says: “We are still a little way off knowing whether the ruling will be upheld. Mr Granatino is said to be considering appealing to the House of Lords. However, this is a very significant movement in favour of pre-nuptial agreements and one which will be welcomed by many middle-income families, for whom it has enormous potential significance.”

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