Standish v Standish: When Should Assets be Shared?

The landmark judgment of *Standish v Standish* was handed down by the Supreme Court on 2 July 2025; it provides clarity on which assets should be shared on divorce and strengthens the position of non-matrimonial property such as wealth brought into the marriage, inheritance and gifts.

Mr and Mrs Standish had a marital partnership of 16 years (one year of cohabitation and 15 years of marriage). During their marriage, to save inheritance tax, Mr Standish transferred c. £80 million to Mrs Standish. They intended for Mrs Standish to place these assets in trust for the children, but she did not do so, and they remained in her sole name. Her position was that this was matrimonial property. Mr Standish said these funds were not matrimonial property: they were acquired before marriage, and the scheme was for the children's benefit rather than his wife's.

The Supreme Court held that of these assets, 25% was matrimonial property (earned by Mr Standish during the marriage) and 75% non-matrimonial property (acquired before marriage). The sharing principle applied only to 25% of the funds classified as matrimonial.

Key points of the judgment:

- Whether an asset is non-matrimonial or matrimonial depends on the source, not on whose name it is held. Non-matrimonial assets are acquired before marriage or from inheritance/gifts; matrimonial assets are the product of a common endeavour.
- The starting point is for matrimonial property to be shared equally. Non-matrimonial property is not subject to sharing, subject to the parties' needs and compensation.
- An asset can change from non-matrimonial to matrimonial (matrimonialisation). This would require the parties to demonstrate that, over a sufficiently long period of time, they have treated the assets as shared.
- Tax planning schemes do not normally show that the asset is treated as shared.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

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Need advice?

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