SPEAR'S

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Potanina v Potanin: Landmark decision in favour of wife 'reinforces London's reputation as the divorce capital'

The case centred on Mrs Potanina's claim for financial relief in England and Wales following her divorce from Vladimir Potanin, one of Russia's wealthiest businessmen, with an estimated fortune of £20 billion

BY SUZANNE ELLIOTT

Russian billionaire Vladimir Potanin was successful in his bid to stop his ex-wife from bringing a claim to London courts / Image: Shutterstock

The Court of Appeal's ruling in favour of Natalia Potanina in the 'blockbuster' *Potanina v Potanin* case could reaffirm London's reputation as the divorce capital of the world, leading legal experts have told *Spear's*.

Potanina v Potanin is the latest installment of a years-long divorce case involving Vladimir Potanin, one of Russia's richest men, and his former wife, Natalia Potanina.

The hearing centred on Mrs Potanina's claim for financial relief in England and Wales following the couple's divorce in Russia in 2014, where she was awarded just 1 per cent of the marital assets in the courts.

Thursday's ruling confirms that Mrs Potanina has a sufficient connection to England to pursue a Part III claim under the Matrimonial and Family Proceedings Act 1984, despite only coming to the UK after the couple's Russian divorce in 2017.

[See also: Potanin v Potanina Supreme Court judgement will test London's status as the UHNW divorce capital of the world]

Potanina's representative, Frances Hughes, partner at Hughes Fowler Carruthers, said her client was 'delighted' with Thursday's judgment, and hoped the long-running case could now be resolved.

Frances Hughes

'The decision of the Court of Appeal is a second vindication of our client in making her application in 2019. Our client is grateful for the consideration given by the court to her case and is delighted that the Court of Appeal has recognised, for the second time, the merits of her application,' Hughes said after the ruling.

Legal experts believe the ruling could pave the way for one of the most valuable financial remedy claims ever heard in England and Wales, and could have significant implications for cross-border divorce law.

Hayley Trim, partner at Irwin Mitchell, said the 'landmark decision' would reinforce 'the role of the English courts in international divorce proceedings.

'It highlights that the jurisdiction remains open for business when it comes to complex, cross-border financial disputes and while the specifics of Mrs Potanina's case are unique, the ruling signals a broader willingness to engage with claims where foreign outcomes may raise questions of fairness,' Trim said.

Sarah Jane Lenihan, partner at Dawson Cornwell, said the verdict was one 'few had expected', and warned it could put further pressure on already overstretched family courts.

'The question now is whether it will open the door for others who have divorced overseas to seek a second bite at the cherry in England. Our family courts are already stretched to capacity. However sympathetic one may be to her position, we cannot become the family court of the world.'

Sital Fontenelle, head of the family law team at Kingsley Napley, said the case had been closely watched by 'all lawyers to international HNWs', describing it as the 'latest determined example of a wife testing England's reputation for being a fair and generous forum'.

'Although today's decision is, of course, fact specific, the key point is that the door is still open; it reinforces our reputation for being the divorce capital of the world and importantly there was no narrowing of the test for other potential claimants who have the appetite to bring litigation here.'

Potania v Potaniana: the long-running divorce case

The couple are both Russian citizens. They met and married in Russia and spent the majority of their 30-year marriage in the country until it was dissolved by a Russian Court on 25 February 2014.

Mr Potanin, whose wealth is estimated at $20 billion, was ordered to pay his ex-wife between $41.5 million and $84 million by the courts in their native Russia in 2014.

As almost all of Potanin's assets were held through companies and other business entities, where he was registered as a beneficial owner, they were not considered by the Russian court when dividing up the family's wealth.

As a result, Mrs Potanina received less than 1 per cent of the wealth and sought more (up to $5 million) in England under Part III of the Matrimonial and Family Proceedings Act 1984.

Since 2017, the wife has been based in London while the husband continues to reside in Russia.

The six-year case has played out like a game of tennis, with the latest hearing following a previous one that centred on whether Natalia Potanina should be allowed to bring a $6 billion claim for financial relief against her former husband in the English courts, despite having already litigated widely in Russia.

The court found in her favour.

Despite dragging on for nearly seven years, today's ruling is unlikely to be the end, Fontenelle said, suggesting that Mr Potanin may ask the Supreme Court to consider the substance of the case, as their original review was procedural.

'This is a blockbuster case in financial terms – with considerable £s at stake in the billions rather than millions – so we can expect it will continue to be hard fought for several years to come.'

Suzanne Elliott
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