

Where do our clients now Stand(ish)

 familylawweek.co.uk/articles/where-do-our-clients-now-standish



By [Kate Brett](#), Senior Associate, [Dawson Cornwell LLP](#).

Published: 26th August 2025

The decision

On 2 July 2025 the UK Supreme Court handed down judgment in a case that sent the Family Law world into a LinkedIn frenzy (for at least 10 minutes). The race among the usual suspects to be the first to interpret the judgment's implications was on!

Beyond the headlines, the UKSC did provide some helpful and clear guidance, as well as reminders of the law and principles. The highlights were:

- The sharing principle applies only to matrimonial property.
- Transferring property between spouses does not, in itself, convert non-matrimonial property into matrimonial property.
- The treatment of property and the parties' common intention—whether express or implied—are central to determining the categorisation of an asset.
- The legal title of the property is less relevant when categorising property.
- If property is transferred for the purpose of minimising tax / careful tax planning, the court must not assume or conclude that the transfer is made with an intention to matrimonialise that property. Instead, investigation of the intention and effect of the transfer is necessary.

The total asset base in *Standish* was in the region of £130million. The parties could afford the protracted litigation and to argue their cases, but this is not a standard case. Should practitioners be worried about the impact that this decision is going to have on the majority of people getting divorced or is the impact going to be limited?

Sharing

The sharing principle is the starting point when considering the division of assets ancillary to a divorce or dissolution of a civil partnership. The UKSC judgment in *Standish* reaffirms that the assets to which this principle applies should, at the outset, be identified, particularly in high-net worth cases. I worry, however, that a disproportionate amount of time and money may be spent on arguing about and attempting to prove the parties' respective intentions, and importantly their joint intention, in respect of property which may or may not be matrimonial. In the absence of clear documentation of the parties' intention in a pre-nuptial agreement, or retrospectively in a postnuptial agreement, the scope for dispute seems vast.

Even if parties do document their common intention, what if the intention changes over time or is no longer shared? The UKSC made it clear that it is not only their formal declarations that matter but whether they treat the asset as shared during the marriage. That joint treatment, over time, could contradict the intention recorded in the pre or post nuptial agreement or other documentation on which a party seeks to rely on dissolution of the marriage.

Needs cases

In what are often termed as 'needs cases', non-matrimonial property can justifiably be invaded to meet the parties' and the children's needs. The court must first determine the character of the property before it can commence the assessment of how it should be applied to meet those needs. This sequence adds a further evidential and legal burden to cases and families which do not have funds to spare to pay solicitors and barrister to assist whilst that exercise is conducted.

Impact

In reviewing my own caseload and the advice I have given since the judgment, the immediate impact of *Standish* has been limited. I anticipate that this will change as first-instance courts apply and will be asked to apply the guidance of the UKSC, which offers welcome certainty in principle but in practice may lead to additional contests and costs.

26/08/2025