

130. W particularly wishes to be able to enforce any order which this Court makes against P Ltd in Switzerland under the Lugano Convention. The Lugano Convention is, however, only concerned with maintenance and not the ‘property consequences’ of divorce (*Traversa v Freddi* [2011] 2 FLR 272). Accordingly, it is necessary to separate out from the award of the lump sum order those elements that constitute “*maintenance*” and those that comprise of a share of the matrimonial assets. “*Maintenance*” is given a wide definition for the purpose of enforcement under the Convention (*Van den Boogaard v. Laumen* [1997] QB 759 ECJ).

W’s ‘needs’ and maintenance case

131. W’s ‘Needs Calculation’ is set out in a schedule comprising the following figures:

(1) The purchase of an English Property:	£	39,268,750
(2) The purchase of a Foreign Property:	£	27,885,630
(3) A “Duxbury Fund” to meet W’s capitalised future annual living needs (£5,359,354 <i>per annum</i>):	£	157,101,608
(4) Outstanding Professional Costs:	£	<u>174,520</u>
	£	<u>224,430,508</u>

132. W explained that she needs a house in London close to her sons and that H had previously tried to buy a suitable property. W explained that she needs a villa in the South of France close to the holiday property in France so that she can see her sons during their vacations. W explained that her future income needs are £5,359,354 *per annum* comprising (a) her future income needs in England of £3,689,975 *per annum* and (b) her future income needs abroad of €1,671,379 *per annum*) which capitalised require a Duxbury Fund of £157,101,608. The total value of W’s maintenance claim is, therefore, £224,430,508.
133. In the absence of any countervailing evidence, I find that these figures are justified on the evidence before me, given the lifestyle which to which W has become accustomed during her married life and leads. It is to be noted that H puts his current income needs at US\$25 million *per annum* (see above). Accordingly, for the purposes of enforcement under the Lugano Convention, I find that W’s total “*maintenance*” claim requirements amount to £224,430,508.

CONCLUSION AND ORDER

134. In conclusion, for the reasons set out in this judgment, I find and hold that the Applicant’s claim for ancillary financial relief succeeds in the sum of £453,576,152, comprising 41.5% of the total marital assets.
135. W already holds assets of £10,165,162 in value. I order the transfer to her of the contents of the English property (£2,479,125), the Aston Martin (£350,000) and the Modern Art Collection (estimated value £90,581,865). Accordingly, to meet the balance, I order BBZ to pay to AAZ the sum of £350,000,000 (three hundred and fifty million Pounds sterling) and, for the reasons given in this judgment, P Ltd shall be jointly and severally liable to pay this sum.
136. I shall hear submissions from Counsel on the form of the Order.