

design plan was drawn up for the house in August 2011 entitled “AAZ and BBZ-Presentation”. H accepts that W was involved in the interior design of these properties. It is surprising that H would have wanted W to have been actively involved in this significant building project in his homeland if, as he contends, the marriage had ended some 7 to 12 years earlier. W was also primarily involved in choosing their art collection worth many tens of millions of pounds (“the Modern Art Collection”).

47. In his dealings with third parties, H referred to W as “my wife” in e.g. H’s emails in 2011 and 2012 to the organisers of an art fair, his solicitors, Amex, Sotheby’s and Knight Frank. H accepts that he discussed the sale of the Russian company with W in 2012. Further, on his application form to Surrey Police to renew his shotgun licence in 2012, H put the English property as his home address for the previous 5 years (i.e. 2007 – 2012). This assertion was certified by his English solicitor of long-standing as being true. This solicitor has, until recently, been advising H in these proceedings.
48. The fact that the parties did not spend every night under the same roof does not mean that there was not a subsisting marriage. Many married couples spend time apart. Being physically apart for much of the year does not mean that a marriage does not exist. The court does not undertake a prurient assessment of the quality of the marriage in considering financial provision. The reason for this is obvious: there is no yardstick that can be used; there is no legal definition of what constitutes a ‘normal’ marriage; marriages come in all shapes and sizes; and, the law rightly does not encourage “a general rummage through the attic” of a marriage (per Coleridge J in *G v. G (Financial Provision: equal division)* (supra)).

The broad picture

49. The broad picture is that, during the marriage, W and the children lived in Surrey and H, as an international businessman, travelled frequently for his work, principally to Russia. However, the family base was always the English property and H would return there to be with his family within the time permitted by the Revenue for non-resident taxpayers. Family holidays were always spent abroad: in the Maldives, in ski resorts, but principally in the holiday property in France.
50. For these reasons, on the evidence before me, I am satisfied and find as a fact that, notwithstanding the temporary hiatus described above, H and W’s marriage lasted over 20 years from 1993 to October 2013 when W issued her petition; and the marriage only finally came to an end, after a failed attempt at reconciliation, in late 2014.

(3) Did H make a special or ‘stellar’ contribution?

51. H asserted in his statement of issues that he made a special or stellar contribution to the wealth creation which would justify a departure from a 50:50 division of the assets in his favour. However, save for explaining the difficulties of doing business in Russia and the legal problems he encountered with a large multi-national company (“the MNC”) in holding onto his Russian company shares. H did not explain in his statements precisely why he could be said to have made a ‘stellar’ contribution. It is not clear, therefore, whether this line of argument would in fact have been pursued by H at the trial. However, *ex abundante cautela*, I summarise the basic facts of his business dealings as set out in his witness statement.