

The value of hidden wealth

Caroline Ford practises collaborative law and is an experienced family lawyer at Vanderpump & Sykes Solicitors. Caroline looks at why divorcing couples will no longer be able to use illegally obtained evidence of their former spouse's assets

Often one spouse believes that, in an attempt to keep assets out of the matrimonial pot, their partner has hidden possessions. The case of *White v White* established the principle of a 50/50 starting point, which meant that there is much to be gained by proving that assets have been hidden/not disclosed. This basic principle meant that, where there is suspicion of hidden wealth, private investigators, computer experts and forensic accountants have been hired in an attempt to find the hidden treasure.

In *Young v Young*, the husband had given his computer to his wife for the purposes of helping their children do homework and study for exams.

He thought that he had deleted his financial data. However, his wife hired an expert to recover the information and alleged as a result that his approximate wealth was £4 million.

Recent decisions

But recent decisions of the court have made these types of investigation far more difficult. In the early part of 2010, celebrity Chef Marco Pierre White was given leave to sue his former wife's solicitors. This was on the basis that they had told his wife to seize his personal papers.



Just weeks ago Vivian Imerman, often called “the man from Del Monte” as he made a fortune selling a stake in the fruit juice firm, obtained a ruling from the Court of Appeal that the use of documentation obtained in such a way has “no legal basis”. His wife's brothers, with whom he shared offices in Mayfair, had obtained and passed to Mr Imerman's wife Lisa financial documents from a computer. This decision has been branded a “cheat's charter” as it gives

incentive to hide wealth. Judges in the Court of Appeal recognised that the “lack of candour on the part of spouses determined to conceal the true value of their assets from the courts was a very real problem”. They said that parties should seek remedies through the court but this has been condemned by divorce specialists. Whereas the Court of Appeal admits that dishonesty is a real problem in the family courts, they are suggesting remedies

which have evolved in commercial courts that would be impossibly expensive for ordinary people. Everyday cases are not about ex-spouses seeking millions in settlement, they are often about a single parent trying to secure support for their children from an unwilling ex-partner.

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