



# ST JOHNS BUILDINGS

**SAMANTHA HILLAS QC – WHITE PAPER CONFERENCE – MAY 2022**



**What is the secret to arguing that  
future earning capacity, bonuses and  
inheritance prospects are relevant for  
a financial settlement?**

[samantha.hillas@stjohnsbuildings.co.uk](mailto:samantha.hillas@stjohnsbuildings.co.uk)

## ❖ MCA 1973

s25(2)MCA 1973: the court shall in particular have regard to the following matters –

(a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future, including in the case of earning capacity any increase in that capacity which it would in the opinion of the court be reasonable to expect a party to the marriage to take steps to acquire...

## ❖ Future earning capacity

- ❖ *Waggott v Waggott* [2018] 2 FLR 406
- ❖ *O'Dwyer v O'Dwyer* [2019] 2 FLR 1020
- ❖ *Jones v Jones* [2011] 3 WLR 582
- ❖ *CR v CR* [2008] 1 FLR 323

## Bonuses

- ❖ <https://financialremediesjournal.com/content/a-beginners-guide-to-deferred-compensation-and-other-forms-of-remuneration.0fe4a637fa63430e8ea856618005e850.htm>
- ❖ *O'Dwyer v O'Dwyer* [2019] 2 FLR 1020
- ❖ *Rossi v Rossi* [2007] 1 FLR 790
- ❖ *Hart v Hart* [2018] 1 FLR 1283
- ❖ *N v N (Financial Provision: Sale of Company)* [2001] 2 FLR 69
- ❖ *H v H* [2007] 2 FLR 548
- ❖ *Waggott v Waggott* [2018] 2 FLR 406
- ❖ *E v L* [2021] EWFC 60
- ❖ *Cowan v Cowan* [2002] Fam 97
- ❖ *H v W* [2015] 1 FLR 75
- ❖ *SS v NS (Spousal Maintenance)* [2015] 2 FLR 1124

## ❖ Inheritance Prospects

- ❖ *L v L* [2008] 1 FLR 142
- ❖ *Michael v Michael* [1986] 2 FLR 389
- ❖ *K v K* (financial provision: conduct) [1990] 2 FLR 225
- ❖ *H v H* (financial provision: capital allowance) [1993] 2 FLR 335  
*HRH Tessy Princess of Luxembourg v HRH Louis Prince of Luxembourg and Another* [2018] EWFC 77
- ❖ *C v C* (ancillary relief trust fund) [2010] 1 FLR 337
- ❖ *Alireza v Radwan* [2018] 1 FLR 1333
- ❖ *WC v HC* [2022] EWFC 22
- ❖ *Morgan v Morgan* [1977] Fam 122
- ❖ *K v L* [2010] EWCA Civ 125
- ❖ *Hardy v Hardy* (1981) 2 FLR 321
- ❖ *MT v MT* [1992] 1 FLR 362



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