

Wives are the losers as Brexit derails the Eurostar divorce dash

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The wives of Thierry Henry and David Ginola both won UK divorces

Thierry Henry and David Ginola were fleet of foot during their football playing days but neither was as nippy as their ex-wives have been over divorce proceedings.

Both of the French stars' marriages were terminated in London after their spouses moved swiftly to file for divorce before British courts, which tend to be far more generous to women than their continental counterparts.

The practice has become so common that it is now known as the "Eurostar divorce". Brexit, however, will tear up the rules of the European divorce race, with the result that wives from France, Germany, Spain, Italy and elsewhere in the EU risk losing the benefits of a UK settlement.

“It can change a lot of things,” Alexandre Boiché, a Paris-based family law specialist who is familiar with courts on both sides of the channel, said. He recently represented a French woman divorcing her husband, a banker with a job in the City, who is also French.

“She got a £16 million settlement in London. If the divorce had gone through in France I reckon she would have got €1 million or €2 million,” he said.

Under EU law, couples who have links to more than one member state — typically a French husband and wife in London, or Britons in the Dordogne — can ask for a divorce in either country.

The first country to receive a divorce petition handles the case, which means that there is often what Julian Lipson, partner in family law at the London-based firm Withers LLP, called an unseemly rush to get to court. “The divorce systems in France and England are fundamentally different. France operates a rigid system differentiating between pre- and post-marital money and treating as utterly sacrosanct anything that is inherited,” he said.

“England has a discretionary award system, where everything is up for grabs and the starting point is 50/50. So if you are the richer party, the stakes are high to get in first in France, if you can. And if you are the poorer party, it’s the other way round and England will almost always give you a much more substantial settlement.”

It can come down to a matter of hours, and wealthy British-based French men divorcing their wives are usually advised to get on the first Eurostar to Paris to file a petition there, Stacey Nevin, a senior associate at Kingsley Napley law firm in London, said.

After Brexit, however, Britain will no longer be bound by the regulation stipulating that the first country to receive a divorce petition should deal with the case, ending the race to get in first.

No one appears to know exactly what rules will apply, although lawyers say that the courts will probably seek to decide which country has the strongest ties to the divorcing couple. Delphine Eskenazi, a partner at Libra Avocats in Paris, said that this may not be a bad thing. “The disadvantage with the present situation is that people end up filing for divorce much faster than they would have done and that can lead to a lot of resentment and anger,” she said.