



This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Neutral Citation Number: [2024] EWFC 141

Case No: ZC24P00670

IN THE FAMILY COURT
IN THE MATTER OF THE CHILDREN ACT 1989

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 20/06/2024

Before :

MR JUSTICE PEEL

Between :

Re N

Ceri White (instructed by **Family Law in Partnership**) for the **Applicants**

Hearing date: 14 June 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 20 June 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE PEEL

Mr Justice Peel :

1. In this case, I am concerned with N who is 15 years old. His parents apply by application dated 11 May 2024 for authorisation to accept a gift of one third of a property in Switzerland on his behalf in exercise of their parental responsibility.
2. It is intended that N's father, who is the legal and beneficial owner of the property, will transfer it in equal shares to N's mother, N's brother (who is over 18) and N himself. There is no difficulty with so doing in respect of N's mother and brother. But N himself is a minor. Unlike under English law, minors are entitled to own property in Switzerland. But, as has been clearly set out in the application and supporting documentation, because N is not domiciled in Switzerland, Swiss law required the courts of the country where he is habitually resident to authorise acceptance of the gift.
3. I have delivered judgments in two cases where the facts are different from this one but, in my judgment, the legal principles are the same: **Re AC [2020] EWFC 90** and **Re B [2022] EWFC 7**. In both of those cases, the authorisation sought was to accept receipt of property overseas on behalf of a minor in circumstances where (i) tragically, a parent had died and (ii) as a result, forced heirship laws pertaining to overseas property applied. In this case, by contrast, what is intended is an inter vivos gift from N's father, the donor, to N, the donee.
4. Although the circumstances are different, the legal requirements are the same. In **Re AC** and **Re B** it was a requirement of local law that authorisation to accept the inheritance be given by the courts of this jurisdiction where the minor was habitually resident. In this case, authorisation from the courts of this jurisdiction is required to accept the gift, again because he is habitually resident here. In my judgment, this application is governed by the same legal and procedural principles as set out in **Re AC** and **Re B**.
5. This application was originally, and properly, listed before a family judge at the Central Family Court in accordance with the procedure which I set out in **Re B**. The judge decided to allocate it (with the approval of the Presiding Family Judge for London) to High Court level because of the distinction on the facts. It came before me on 14 June 2024.
6. I do not need to go into any more of the background, or rehearse the law in this field which I attempted to set out in full in **Re AC** and **Re B**. The application is comprehensive, and includes evidence from Swiss lawyers as to the position in that jurisdiction. The proper procedure set out in **Re B** has been scrupulously followed. N has been asked about the application and is content with what is proposed. There is no prejudice to him. There is a signed Deed of Agreement which provides that N's father will meet all the running costs and provide indemnities.
7. In the circumstances, I consider that this application falls squarely within the exercise of parental responsibility as outlined in the above cases. I have taken into account the welfare checklist and the overarching requirements of the paramountcy principle. I am satisfied that what is sought is clearly in N's best interests and I will make the order accordingly.