



Law Reform (Husband and Wife) Act (Northern Ireland) 1964

1964 CHAPTER 23

3^{FI} **Extension of s. 17 of Married Women's Property Act.**

(1) Any right of a wife, under section 17 of the Married Women's Property Act 1882^{MI} to apply to a judge of the High Court or of a county court, in any question between husband and wife as to the title to or possession of property, shall include the right to make such an application where it is claimed by the wife that her husband has had in his possession or under his control—

- (a) money to which, or to a share of which, she was beneficially entitled (whether by reason that it represented the proceeds of property to which, or to an interest in which, she was beneficially entitled, or for any other reason); or
- (b) property (other than money) to which, or to an interest in which, she was beneficially entitled;

and that either that money or other property has ceased to be in his possession or under his control or that she does not know whether it is still in his possession or under his control.

(2) Where, on an application made to a judge of the High Court or of a county court under the said section 17 the judge is satisfied—

- (a) that the husband has had in his possession or under his control money or other property as mentioned in paragraph (a) or paragraph (b) of subsection (1); and
- (b) that he has not made to the wife, in respect of that money or other property, such payment or disposition as would have been just and equitable in the circumstances;

the power to make orders under that section shall be extended in accordance with subsection (3).

(3) Where subsection (2) applies, the power to make orders under the said section 17 shall include power for the judge to order the husband to pay to the wife—

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Husband and Wife) Act (Northern Ireland) 1964, Section 3. (See end of Document for details)

- (a) in a case falling within paragraph (a) of subsection (1), such sum in respect of the money to which the application relates, or the wife's share thereof, as the case may be; or
- (b) in a case falling within paragraph (b) of subsection (1), such sum in respect of the value of the property to which the application relates, or the wife's interest therein, as the case may be;

as the judge may consider appropriate.

- (4) Where on an application under the said section 17 it appears to the judge that there is any property which—
- (a) represents the whole or part of the money or property in question; and
 - (b) is property in respect of which an order could have been made under that section if an application had been made by the wife thereunder in a question as to the title to or possession of that property;

the judge (either in substitution for or in addition to the making of an order in accordance with subsection (3)) may make any order under that section in respect of that property which he could have made on such an application as is mentioned in paragraph (b) of this subsection.

- (5) The preceding provisions of this section shall have effect in relation to a husband as they have effect in relation to a wife, as if any reference to the husband were a reference to the wife and any reference to the wife were a reference to the husband.
- (6) Any power of a judge under the said section 17 to direct inquiries or give any other directions in relation to an application under that section shall be exercisable in relation to an application made under that section as extended by this section; and the provisos to that section (which relate to appeals and other matters) shall apply in relation to any order made under the said section 17 as extended by this section as they apply in relation to an order made under that section apart from this section.
- (7) For the avoidance of doubt it is hereby declared that any power conferred by the said section 17 to make orders with respect to any property includes power to order a sale of the property ...^{F2}.

F1 1978 NI 15 art.55
F2 1978 NI 15

Marginal Citations

M1 1882 c. 75

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Husband and Wife) Act (Northern Ireland) 1964, Section 3 .