



Family Law (Scotland) Act 1985

1985 CHAPTER 37

Supplemental

18 Orders relating to avoidance transactions

- (1) Where a claim has been made (whether before or after the commencement of this Act), being—
 - (a) an action for aliment,
 - (b) a claim for an order for financial provision, or
 - (c) an application for variation or recall of a decree in such an action or of an order for financial provision,the party making the claim may, not later than one year from the date of the disposal of the claim, apply to the court for an order—
 - (i) setting aside or varying any transfer of, or transaction involving, property effected by the other party not more than 5 years before the date of the making of the claim; or
 - (ii) interdicting the other party from effecting any such transfer or transaction.
- (2) Subject to subsection (3) below, on an application under subsection (1) above for an order the court may, if it is satisfied that the transfer or transaction had the effect of, or is likely to have the effect of, defeating in whole or in part any claim referred to in subsection (1) above, make the order applied for or such other order as it thinks fit.
- (3) An order under subsection (2) above shall not prejudice any rights of a third party in or to the property where that third party—
 - (a) has in good faith acquired the property or any of it or any rights in relation to it for value ; or
 - (b) derives title to such property or rights from any person who has done so.
- (4) Where the court makes an order under subsection (2) above, it may include in the order such terms and conditions as it thinks fit and may make any ancillary order which it considers expedient to ensure that the order is effective.