

SCHEDULES

SCHEDULE 15

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

PART 13

MISCELLANEOUS AND SUPPLEMENTARY

Avoidance of transactions intended to prevent or reduce financial relief

- 68 (1) Any reference in paragraph 67 to defeating A's claim for financial relief is to—
- (a) preventing financial relief from being granted to A, or to A for the benefit of a child of the family,
 - (b) reducing the amount of any financial relief which might be so granted, or
 - (c) frustrating or impeding the enforcement of any order which might be or has been made at A's instance under any of the provisions mentioned in paragraph 67(1).
- (2) In paragraph 67 and this paragraph "disposition"—
- (a) does not include any provision contained in a will or codicil, but
 - (b) subject to paragraph (a), includes any conveyance, assurance or gift of property of any description (whether made by an instrument or otherwise).
- (3) Any disposition made by B (whether before or after the commencement of the proceedings for financial relief) is a reviewable disposition for the purposes of paragraph 67(3) and (4) unless it was made—
- (a) for valuable consideration (other than formation of a civil partnership), and
 - (b) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any intention on B's part to defeat A's claim for financial relief.
- (4) If an application is made under paragraph 67 with respect to a disposition which took place less than 3 years before the date of the application or with respect to a disposition or other dealing with property which is about to take place and the court is satisfied—
- (a) in a case falling within paragraph 67(2) or (3), that the disposition or other dealing would (apart from paragraph 67) have the consequence of defeating A's claim for financial relief, or
 - (b) in a case falling within paragraph 67(4), that the disposition has had the consequence of defeating A's claim for financial relief,

it is presumed, unless the contrary is shown, that the person who disposed of or is about to dispose of or deal with the property did so or, as the case may be, is about to do so, with the intention of defeating A's claim for financial relief.