

SCHEDULES

SCHEDULE 7

FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

PART 1

FINANCIAL RELIEF

Avoidance of transactions designed to defeat claims under paragraphs 5 and 9

- 15 (1) Sub-paragraphs (2) and (3) apply where one of the civil partners (“A”) is granted leave under paragraph 4 to make an application for an order under paragraph 9.
- (2) If the court is satisfied, on application by A, that the other civil partner (“B”) is, with the intention of defeating a claim by A, about to—
- (a) make any disposition, or
 - (b) transfer out of the jurisdiction, or otherwise deal with, any property,
- it may make such order as it thinks fit for restraining B from doing so or otherwise for protecting the claim.
- (3) If the court is satisfied, on application by A—
- (a) that the other civil partner (“B”) has, with the intention of defeating a claim by A, made a reviewable disposition, and
 - (b) that, if the disposition were set aside—
 - (i) financial relief under paragraph 5 or 9, or
 - (ii) different financial relief under paragraph 5 or 9,would be granted to A,
- it may make an order setting aside the disposition.
- (4) If—
- (a) an order under paragraph 5 or 9 has been made by the court at the instance of one of the civil partners (“A”), and
 - (b) the court is satisfied, on application by A, that the other civil partner (“B”) has, with the intention of defeating a claim by A, made a reviewable disposition,
- the court may make an order setting aside the disposition.
- (5) Where the court has jurisdiction to entertain an application for an order under paragraph 9 only under paragraph 7(4), it shall not make any order under sub-paragraph (2), (3) or (4) in respect of any property other than the dwelling-house concerned.

Changes to legislation: *Civil Partnership Act 2004, Paragraph 15 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Where the court makes an order under sub-paragraph (3) or (4) setting aside a disposition, it shall give such consequential directions as it thinks fit for giving effect to the order (including directions requiring the making of any payments or the disposal of any property).
- (7) For the purposes of sub-paragraphs (3) and (4), but subject to sub-paragraph (8), any disposition made by B is a “reviewable disposition” (whether made before or after the commencement of A’s application under that sub-paragraph).
- (8) A disposition made by B is not a reviewable disposition for those purposes if made for valuable consideration (other than formation of a civil partnership) 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 the part of B to defeat A’s claim.
- (9) A reference in this paragraph to defeating a claim by one of the civil partners is a reference to—
 - (a) preventing financial relief being granted, or reducing the amount of financial relief which might be granted, under paragraph 5 or 9 at the instance of that civil partner, or
 - (b) frustrating or impeding the enforcement of any order which might be, or has been, made under paragraph 5 or 9 at the instance of that civil partner.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)