

SCHEDULES

SCHEDULE 7

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

PART 2

STEPS TO PREVENT AVOIDANCE PRIOR TO APPLICATION FOR LEAVE UNDER PARAGRAPH 4

Prevention of transactions intended to defeat prospective claims under paragraphs 5 and 9

- 17 (1) If it appears to the court, on application by one of the persons (“A”) who formed a civil partnership—
- (a) that the civil partnership has been dissolved or annulled, or that the civil partners have been legally separated, by means of judicial or other proceedings in an overseas country,
 - (b) that A intends to apply for leave to make an application for an order under paragraph 9 as soon as he or she has been habitually resident in England and Wales for the period of one year, and
 - (c) that the other civil partner (“B”) is, with the intention of defeating A’s claim, about to—
 - (i) make any disposition, or
 - (ii) transfer out of the jurisdiction, or otherwise deal with, any property,the court may make such order as it thinks fit for restraining B from taking such action as is mentioned in paragraph (c).
- (2) Sub-paragraph (1) applies even if the date of the dissolution, annulment or legal separation is earlier than the date on which that sub-paragraph comes into force.
- (3) Sub-paragraph (4) applies where—
- (a) an application is made under sub-paragraph (1) with respect to—
 - (i) a disposition which took place less than 3 years before the date of the application, or
 - (ii) a disposition or other dealing with property which is about to take place, and
 - (b) the court is satisfied that the disposition or other dealing would (apart from this paragraph of this Schedule) have the consequence of defeating a claim by the applicant.
- (4) It shall be presumed, unless the contrary is shown, that the person who—
- (a) disposed of, or
 - (b) is about to dispose of or deal with the property,

Changes to legislation: Civil Partnership Act 2004, Part 2 is up to date with all changes known to be in force on or before 15 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](#)

did so, or (as the case may be) is about to do so, with the intention of defeating the applicant's claim.

- (5) A reference in this paragraph to defeating a person's claim is a reference to 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 person.

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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\(2\)](#)