

SCHEDULES

SCHEDULE 5

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

PART 14

MISCELLANEOUS AND SUPPLEMENTARY

Avoidance of transactions intended to prevent or reduce financial relief

- 74 (1) This paragraph applies if proceedings for relief (“financial relief”) are brought by one person (“A”) against another (“B”) under Part 1, 2, 4, 8, 9, or 11 (other than paragraph 60(2)), or paragraph 69.
- (2) If the court is satisfied, on an application by A, that B is, with the intention of defeating A’s claim for financial relief, 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 an application by A, that—
- (a) B has, with the intention of defeating A’s claim for financial relief, made a reviewable disposition, and
 - (b) if the disposition were set aside, financial relief or different financial relief would be granted to A,
- it make an order setting aside the disposition.
- (4) If the court is satisfied, on an application by A in a case where an order has been obtained by A against B under any of the provisions mentioned in sub-paragraph (1), that B has, with the intention of defeating A’s claim for financial relief, made a reviewable disposition, it may make an order setting aside the disposition.
- (5) An application for the purposes of sub-paragraph (3) must be made in the proceedings for the financial relief in question.
- (6) If the court makes an order under sub-paragraph (3) or (4) setting aside a disposition it must 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).