

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,

Status: This is the original version (as it was originally enacted).

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.