

My spouse is disposing of assets: Can I stop him?

All too often does a client present to us concerned that their spouse is disposing of matrimonial assets. It might be that they have cashed in a policy with a view to going on a spending spree or perhaps they have transferred funds to a third party.

The law can offer relief in such circumstances. First there needs to be a petition on foot. Second there needs to be a financial application in Form A made. One can normally only file a Form A when one has undergone a mediation and information assessment meeting. However, there is an exemption where the case needs an urgent hearing.

Under the Matrimonial Causes Act 1973, section 37, one must satisfy the court that the other party intends to defeat the claim for financial relief. The section enables an applicant to restrain anticipated dealings that may defeat the applicant's financial claim. The court may also set aside a reviewable disposition.

Can I get an order urgently? This can happen without notice only in limited circumstances in emergency cases or where there is a real risk that if the respondent is tipped off they will take steps to defeat the court's order.

The injunction order made by the court must set out clearly what the respondent can and cannot do. The court may make whatever order is necessary to protect the claim including a freezing injunction.

Our key contacts at DMP for further advice and assistance on freezing assets and financial remedy on divorce are Stephanie Alderwick and Tony Roe:

stephanie.alderwick@dextermontague.co.uk

tony.roe@dextermontague.co.uk

Telephone 0118 939399.

The contents of this article are for the purposes of general awareness only. They do not purport to constitute legal or professional advice. The law may have changed since this article was published. Readers should not act on the basis of the information included and should take appropriate professional advice upon their own particular circumstances