

## **Chapter 16: Guidance on answering the self-test questions**

**Question 1: Martine and Malcolm are in the middle of divorce and financial proceedings. The couple are very wealthy and each spouse owns a number of valuable assets as well as the joint family home. During the course of the proceedings, Martine finds that Malcolm has been selling his collection of valuable paintings over the past six months and putting the money into a secret bank account. The buyers of the paintings have paid the market price. Malcolm has six more paintings and she worries that he will sell these too. Martine also finds that Malcolm sold his yacht four years ago for £1m.**

**(a) Describe the concept of ‘disposition’ to Martine.**

A disposition includes any conveyance, assurance, or gift of property of any description.

**(b) Advise whether Martine can recover the paintings. If not, how would you advise her to proceed?**

It appears that Malcolm has been making dispositions of the paintings with the intention to defeat Martine’s claim for financial relief. As the dispositions have been made within three years they are reviewable by the courts. As the buyers have bought the paintings for valuable consideration in good faith, proceedings could be taken under s37 Matrimonial Causes Act 1973 for the proceedings of the paintings sale.

**(c) Can Martine recover the yacht or the sale proceeds?**

As the yacht was sold more than three years ago, Martine may struggle to show the necessary intention to defeat her claim for financial relief.