

**(3) Transfer order under s. 24(1)(a) MCA 1973**

69. Part II of the MCA 1973 confers wide powers on the court to order ancillary relief in matrimonial proceedings. Section 23 provides for periodical and lump sum payments to a spouse or for the benefit of children of the marriage. Under section 24(1)(a), the court may order that:

*“a party to the marriage shall transfer to the other party... such property as may be so specified, being property to which the first-mentioned party is entitled, either in possession or reversion”*

Section 25 provides for a number of matters to which the court must in particular have regard in making such orders, including:

*“[the] income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future”*

70. As Lady Hale explained in *Prest (supra)* at [84], when agreeing with Lord Sumption that the properties in question were held by the Respondent companies on trust for the husband:

*“84 I agree that this appeal should succeed, on the basis that the properties in question were held by the respondent companies on trust for the husband. As he is beneficially entitled to them, they fall within the scope of the court's power to make transfer of property orders under section 24(1)(a) of the Matrimonial Causes Act 1973 . It also means that the court has power to order that the companies, as bare trustees, transfer these properties to the wife.”*

71. I have held and declared that Straight holds M.V. “Luna” absolutely for H (see above). It is, therefore, open to this Court to transfer M.V. “Luna” into W’s name under s. 24(1)(a) MCA 1973 (“the Transfer Order”) and order that all necessary steps be taken by H and Straight to vest M.V. “Luna” in W’s name. For the reasons outlined above, in my judgment, this is a paradigm case for such an order to be made and I so order.
72. W undertakes that, to the extent that she is able to realise M.V. “Luna” following such transfer, she will give full credit for all proceeds of sale against the lump sum order made in her favour (*i.e.* £350 million before interest and costs). I accept this undertaking.

**(4) Section 423 Applications and s. 37 MCA 1973 applications**

73. The Court has already made orders under sections 423–425 of the IA 1986 setting aside and making payment orders in respect of (i) the transfer of H’s interest in Avenger to the Bermuda discretionary trust and (ii) the purported transfer of the modern art collection and Cotor’s cash to Qubo 1 and/or Qubo 2 (see paragraphs 92-107 of the Judgment).