

Changes to legislation: Civil Partnership Act 2004, Paragraph 34 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 15

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 15: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(1), **Sch. 17 para. 21(b)** (with arts. 15(6), 28-31)

PART 8

FAILURE TO MAINTAIN: FINANCIAL PROVISION (AND INTERIM ORDERS)

Circumstances in which orders under this Part may be made

- 34 (1) Either civil partner in a subsisting civil partnership may apply to the court for an order under this Part on the ground that the other civil partner (“the respondent”)—
- (a) has failed to provide reasonable maintenance for the applicant, or
 - (b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family.
- [^{F1}(2) The court must not entertain an application under this paragraph unless—
- (a) the applicant or the respondent is domiciled in Northern Ireland on the date of the application,
 - (b) the applicant has been habitually resident there throughout the period of 1 year ending with that date, or
 - (c) the respondent is resident there on that date.]

[^{F2}(2A) If the application or part of it relates to a matter to which Article 18 of the 2007 Hague Convention applies, the court must not entertain the application or that part of it except where permitted by Article 18.]

(3) If, on an application under this paragraph, it appears to the court that—

 - (a) the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but
 - (b) it is not yet possible to determine what order, if any, should be made on the application,

the court may make an interim order.

(4) If, on an application under this paragraph, the applicant satisfies the court of a ground mentioned in sub-paragraph (1), the court may make one or more of the orders set out in paragraph 36.

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[^{F3}(5) In this paragraph [^{F4}“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague].]

Textual Amendments

- F1** Sch. 15 para. 34(2) substituted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 25(8)(a)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Sch. 15 para. 34(2A) inserted (31.12.2020) by S.I. 2019/519, reg. 1(1), **Sch. para. 25(8)(a)(ii)** (as substituted by The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1574), regs. 1, **5(3)(j)(v)**)
- F3** Sch. 15 para. 34(5) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 9, **Sch. 7 para. 16(8)(b)**
- F4** Words in Sch. 15 para. 34(5) substituted (31.12.2020) by S.I. 2019/519, reg. 1(1), **Sch. para. 25(8)(a)(iii)** (as substituted by The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1574), regs. 1, **5(3)(j)(v)**)

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Changes and effects yet to be applied to :

- Sch. 15 para. 34(2A) inserted by S.I. 2019/519, Sch. para. 25(8)(a)(ii) (as substituted) by [S.I. 2019/1338 reg. 3\(3\)\(j\)\(v\)](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 15 para. 34(5) omitted by [S.I. 2019/519 Sch. para. 25\(8\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/519, Sch. para. 25(8)(a)(ii) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(j)(v))
- Sch. 15 para. 34(5) words substituted by S.I. 2019/519, Sch. para. 25(8)(a)(iii) (as substituted) by [S.I. 2019/1338 reg. 3\(3\)\(j\)\(v\)](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)