

SCHEDULES

SCHEDULE 14

WILLS, ADMINISTRATION OF ESTATES AND FAMILY PROVISION: NORTHERN IRELAND

PART 2

ADMINISTRATION OF ESTATES AND FAMILY PROVISION

Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 (S.I. 1979/924 (N.I. 8))

27 After Article 20 insert—

“Availability of court’s powers under this Order in applications under paragraphs 53 and 66 of Schedule 15 to the Civil Partnership Act 2004

20A(1) Where—

- (a) a person against whom a secured periodical payments order was made under Schedule 15 to the Civil Partnership Act 2004 has died and an application is made under paragraph 53 of that Schedule for the variation or discharge of that order or for the revival of the operation of any suspended provision of the order, or
- (b) a party to a maintenance agreement within the meaning of Part 12 of that Schedule has died, the agreement being one which provides for the continuation of payments under the agreement after the death of one of the parties, and an application is made under paragraph 66 of that Schedule for the alteration of the agreement under paragraph 62 of that Schedule,

the court to which the application is made under paragraph 53 or 66 shall have power to direct that the application shall be deemed to have been accompanied by an application for an order under Article 4.

- (2) Where the court to which an application is made under paragraph 53 or 66 gives a direction under paragraph (1), that court shall have power—
 - (a) to make any order which the court would have had power to make under the provisions of this Order if the application under paragraph 53 or 66 had been made jointly with an application for an order under Article 4; and
 - (b) to give such consequential directions as may be necessary for enabling it to exercise any of the powers available to it under this Order in the case of an application for an order under Article 4.
- (3) Where an order made under Article 17ZA(1) is in force with respect to a civil partner, a direction shall not be given under paragraph (1) with respect

Status: This is the original version (as it was originally enacted).

to any application made under paragraph 53 or 66 by that civil partner on the death of the other civil partner.”