
Changes to legislation: Civil Partnership Act 2004, Paragraph 39 is up to date with all changes known to be in force on or before 18 March 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)

Matters to which the court is to have regard on application under paragraph 34(1)(b)

- 39 (1) This paragraph applies if an application under paragraph 34 is made on the ground mentioned in paragraph 34(1)(b).
- (2) In deciding—
- (a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates, and
 - (b) what order, if any, to make under this Part in favour of the child, the court must have regard to all the circumstances of the case.
- (3) Those circumstances include—
- (a) the matters mentioned in paragraph 17(2)(a) to (e), and
 - (b) if the child of the family to whom the application relates is not the child of the respondent, the matters mentioned in paragraph 17(3).
- (4) Paragraph 16(2)(c) (as it applies by virtue of paragraph 17(2)(e)) has effect as if for the reference in it to the breakdown of the civil partnership there were substituted a reference to—
- (a) the failure to provide, or
 - (b) the failure to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.

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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\(2\)](#)