

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Variation etc. of property adjustment, pension sharing and pension compensation sharing orders is up to date with all changes known to be in force on or before 11 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 10

VARIATION, DISCHARGE ETC. OF CERTAIN ORDERS FOR FINANCIAL RELIEF

Variation etc. of property adjustment [^{F1}, pension sharing and pension compensation sharing orders]

Textual Amendments

- F1** Words in Sch. 15 para. 49 cross-heading substituted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), ss. 98, 118, **Sch. 5 para. 18(4)**; S.R. 2011/108, **art. 2(2)**, Sch.

- 49 The court must not exercise the powers conferred by this Part in relation to a property adjustment order falling within paragraph 7(1)(b), (c) or (d) (order for settlement or for variation of settlement) except on an application made in proceedings—
- (a) for the rescission of the separation order by reference to which the property adjustment order was made, or
 - (b) for a dissolution order in relation to the civil partnership.
- 50 (1) In relation to a pension sharing order [^{F2}or pension compensation sharing order] which is made at a time before the dissolution or nullity order has been made final—
- (a) the powers conferred by this Part (by virtue of paragraph 45(1)(h)) may be exercised—
 - (i) only on an application made before the pension sharing order [^{F3}or pension compensation sharing order] has or, but for paragraph (b), would have taken effect, and
 - (ii) only if, at the time when the application is made, the dissolution or nullity order has not been made final, and
 - (b) an application made in accordance with paragraph (a) prevents the pension sharing order [^{F4}or pension compensation sharing order] from taking effect before the application has been dealt with.

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- (2) No variation of a pension sharing order [^{F5}or pension compensation sharing order] is to be made so as to take effect before the order is made final.
- (3) The variation of a pension sharing order [^{F6}or pension compensation sharing order] prevents the order taking effect before the end of such period after the making of the variation as may be prescribed by regulations made by the Lord Chancellor.
- (4) The power to make regulations under sub-paragraph (3) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (5) Regulations under sub-paragraph (3) are subject to [^{F7}negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954].

Textual Amendments

- F2** Words in Sch. 15 para. 50(1) inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(5\)\(a\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.
- F3** Words in Sch. 15 para. 50(1)(a)(i) inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(5\)\(b\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.
- F4** Words in Sch. 15 para. 50(1)(b) inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(5\)\(c\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.
- F5** Words in Sch. 15 para. 50(2) inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(5\)\(d\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.
- F6** Words in Sch. 15 para. 50(3) inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(5\)\(e\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.
- F7** Words in Sch. 15 para. 50(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 15\(5\), Sch. 18 para. 75\(5\)](#) (with arts. 28-31)

Commencement Information

- I1** Sch. 15 para. 50 wholly in force at 5.12.2005; Sch. 15 para. 50 not in force at Royal Assent see s. 263; Sch. 15 para. 50(3)(4)(5) in force for certain purposes at 5.9.2005 by [S.I. 2005/2399, art. 2, Sch.](#) and Sch. 15 para. 50 in force otherwise at 5.12.2005 by [S.I. 2005/3255, art. 2\(1\), Sch.](#)

- 51 (1) No property adjustment order [^{F8}, pension sharing order or pension compensation sharing order] may be made on an application for the variation of a periodical payments or secured periodical payments order made (whether in favour of a civil partner or in favour of a child of the family) under Part 1.
- (2) No order for the payment of a lump sum may be made on an application for the variation of a periodical payments or secured periodical payments order in favour of a civil partner (whether made under Part 1 or 8).

Textual Amendments

- F8** Words in Sch. 15 para. 51(1) substituted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 98, 118, Sch. 5 para. 18\(6\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.

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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\(2\)](#)