
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Refusal of order in case more suitable for High Court 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 16

FINANCIAL RELIEF IN COURT OF SUMMARY JURISDICTION ETC.: NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 16: 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 1

FAILURE TO MAINTAIN ETC.: FINANCIAL PROVISION

Refusal of order in case more suitable for High Court

- 8 (1) If on hearing an application for an order under this Part a court of summary jurisdiction is of the opinion that any of the matters in question between the civil partners would be more suitably dealt with by the High Court, the court of summary jurisdiction must refuse to make any order on the application.
- (2) No appeal lies from a refusal under sub-paragraph (1).
- (3) But, in any proceedings in the High Court relating to or comprising the same subject matter as an application in respect of which a court of summary jurisdiction has refused to make any order, the High Court may order the application to be reheard and determined by a court of summary jurisdiction ^{F1}....

Textual Amendments

- F1** Words in Sch. 16 para. 8(3) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 124(5), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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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\(2\)](#)