

**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Civil Partnership Act 2004, Paragraph 8 is up to date with all changes known to be in force on or before 19 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 17

#### FINANCIAL RELIEF IN NORTHERN IRELAND AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

##### Modifications etc. (not altering text)

- C1** Sch. 17: 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

#### FINANCIAL RELIEF

PROSPECTIVE

##### *Duty of the court to consider whether Northern Ireland is appropriate venue for application*

- 8 (1) Before deciding the application, the court must consider whether in all the circumstances of the case it would be appropriate for an order of the kind applied for to be made by a court in Northern Ireland.
- (2) <sup>F1</sup>... If the court is not satisfied that it would be appropriate, the court shall dismiss the application.
- (3) The court must, in particular, have regard to the following matters—
- (a) the connection which the civil partners have with Northern Ireland;
  - (b) the connection which the civil partners have with the country in which the civil partnership was dissolved or annulled or in which they were legally separated;
  - (c) the connection which the civil partners have with any other country outside Northern Ireland;
  - (d) any financial benefit which, in consequence of the dissolution, annulment or legal separation—
    - (i) the applicant, or
    - (ii) a child of the family,has received, or is likely to receive, by virtue of any agreement or the operation of the law of a country outside Northern Ireland;
  - (e) in a case where an order has been made by a court in a country outside Northern Ireland requiring the other civil partner—
    - (i) to make any payment, or
    - (ii) to transfer any property,

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for the benefit of the applicant or a child of the family, the financial relief given by the order and the extent to which the order has been complied with or is likely to be complied with;

- (f) any right which the applicant has, or has had, to apply for financial relief from the other civil partner under the law of any country outside Northern Ireland and, if the applicant has omitted to exercise that right, the reason for that omission;
- (g) the availability in Northern Ireland of any property in respect of which an order under this Schedule in favour of the applicant could be made;
- (h) the extent to which any order made under this Schedule is likely to be enforceable;
- (i) the length of time which has elapsed since the date of the dissolution, annulment or legal separation.

[<sup>F2</sup>(4) <sup>F3</sup>.....]

(5) <sup>F4</sup>.....]

#### Textual Amendments

- F1** Words in Sch. 17 para. 8(2) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 25(9)(b)(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. 17 para. 8(4)(5) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 9, **Sch. 7 para. 16(10)(b)(ii)**
- F3** Sch. 17 para. 8(4) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 25(9)(b)(ii)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Sch. 17 para. 8(5) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 25(9)(b)(iii)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

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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\(2\)](#)