

Changes to legislation: Civil Partnership Act 2004, Paragraph 23 is up to date with all changes known to be in force on or before 23 April 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 5

[^{F1}FINANCIAL RELIEF: PROVISION CORRESPONDING TO PROVISION MADE BY PART 2 OF THE MATRIMONIAL CAUSES ACT 1973]

Textual Amendments

- F1** Sch. 5 title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 177](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

PART 5

MATTERS TO WHICH COURT IS TO HAVE REGARD UNDER PARTS 1 TO [^{F1}4A]

Textual Amendments

- F1** Word in Sch. 5 Pt. 5 heading substituted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 16\(2\)](#); [S.I. 2011/664](#), art. 2(3), [Sch. Pt. 2](#)

Terminating financial obligations

- 23 (1) Sub-paragraphs (2) and (3) apply if, on or after the making of a dissolution or nullity order, the court decides to exercise its powers under—
- (a) Part 1 (financial provision on dissolution etc.) by virtue of paragraph 2(1) (a), (b) or (c),
 - (b) Part 2 (property adjustment orders),
 - (c) Part 3 (sale of property orders),^{F1} . . .
 - (d) Part 4 (pension sharing orders),^{F2} or]
 - [^{F3}(e) Part 4A (pension compensation sharing orders),]
- in favour of one of the civil partners.
- (2) The court must consider whether it would be appropriate to exercise those powers in such a way that the financial obligations of each civil partner towards the other will be terminated as soon after the making of the dissolution or nullity order as the court considers just and reasonable.
- (3) If the court decides to make—
- (a) a periodical payments order, or
 - (b) a secured periodical payments order,
- in favour of one of the civil partners (“A”), it must in particular consider whether it would be appropriate to require the payments to be made or secured only for such

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term as would in its opinion be sufficient to enable A to adjust without undue hardship to the termination of A's financial dependence on the other civil partner.

(4) If—

- (a) on or after the making of a dissolution or nullity order, an application is made by one of the civil partners for a periodical payments or secured periodical payments order in that civil partner's favour, but
 - (b) the court considers that no continuing obligation should be imposed on either civil partner to make or secure periodical payments in favour of the other,
- the court may dismiss the application with a direction that the applicant is not entitled to make any future application in relation to that civil partnership for an order under Part 1 by virtue of paragraph 2(1)(a) or (b).

Textual Amendments

- F1** Word in Sch. 5 para. 23(1)(c) repealed (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 16\(5\)\(a\)](#), [Sch. 11 Pt. 4](#); [S.I. 2011/664](#), [art. 2\(3\)](#), [Sch. Pt. 2](#)
- F2** Word in Sch. 5 para. 23(1)(d) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 16\(5\)\(b\)](#); [S.I. 2011/664](#), [art. 2\(3\)](#), [Sch. Pt. 2](#)
- F3** Sch. 5 para. 23(1)(e) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 16\(5\)\(c\)](#); [S.I. 2011/664](#), [art. 2\(3\)](#), [Sch. Pt. 2](#)

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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\(2\)](#)