

Changes to legislation: Civil Partnership Act 2004, Paragraph 57 is up to date with all changes known to be in force on or before 21 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 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 11

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 cross-heading before Sch. 5 para. 56 substituted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 18\(6\)](#); [S.I. 2011/664](#), art. 2(3), [Sch. Pt. 2](#)

- 57 (1) In relation to a pension sharing order [^{F1}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 50(1)(i)) may be exercised—
 - (i) only on an application made before the pension sharing order [^{F2}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 [^{F3}or pension compensation sharing order] from taking effect before the application has been dealt with.
- (2) No variation of a pension sharing order [^{F4}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 [^{F5}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.

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- (4) The power to make regulations under sub-paragraph (3) is exercisable by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in Sch. 5 para. 57(1) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, **Sch. 6 para. 18(7)(a)**; [S.I. 2011/664](#), **art. 2(3)**, Sch. Pt. 2
- F2** Words in Sch. 5 para. 57(1)(a)(i) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, **Sch. 6 para. 18(7)(b)**; [S.I. 2011/664](#), **art. 2(3)**, Sch. Pt. 2
- F3** Words in Sch. 5 para. 57(1)(b) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, **Sch. 6 para. 18(7)(c)**; [S.I. 2011/664](#), **art. 2(3)**, Sch. Pt. 2
- F4** Words in Sch. 5 para. 57(2) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, **Sch. 6 para. 18(7)(d)**; [S.I. 2011/664](#), **art. 2(3)**, Sch. Pt. 2
- F5** Words in Sch. 5 para. 57(3) inserted (6.3.2011 for specified purposes otherwise 6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, **Sch. 6 para. 18(7)(e)**; [S.I. 2011/664](#), **art. 2(2)(3)**, Sch.

Commencement Information

- I1** Sch. 5 para. 57 wholly in force at 5.12.2005; Sch. 5 para. 57 not in force at Royal Assent see s. 263; Sch. 5 para. 57(3)(4) in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, **Sch. 1** and Sch. 5 para. 57 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 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\(2\)](#)