

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

*Changes to legislation: Civil Partnership Act 2004, Paragraph 63 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

#### [<sup>F1</sup>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 12

#### ARREARS AND REPAYMENTS

##### *Payment of certain arrears unenforceable without the leave of the court*

PROSPECTIVE

- 63 (1) This paragraph applies if any arrears are due under—
- an order under Part 1 (financial provision on dissolution etc.),
  - an order under Part 8 (maintenance pending outcome of dissolution, nullity or separation proceedings), or
  - an order under Part 9 (failure to maintain),
- and the arrears became due more than 12 months before proceedings to enforce the payment of them are begun.
- (2) A person is not entitled to enforce through the High Court or [<sup>F1</sup>the family court] the payment of the arrears without the leave of that court.
- (3) The court hearing an application for the grant of leave under this paragraph may—
- refuse leave,
  - grant leave subject to such restrictions and conditions (including conditions as to the allowing of time for payment or the making of payment by instalments) as that court thinks proper, or
  - remit the payment of the arrears or of any part of them.
- (4) An application for the grant of leave under this paragraph must be made in such manner as may be prescribed by rules of court.

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#### Textual Amendments

- F1** Words in Sch. 5 para. 63(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 170](#); [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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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\(2\)](#)