

Changes to legislation: Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 18 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 1

FINANCIAL PROVISION IN CONNECTION WITH DISSOLUTION, NULLITY OR SEPARATION

Circumstances in which orders under this Part may be made

- 1 (1) The court may make any one or more of the orders set out in paragraph 2(1)—
- (a) on making a dissolution, nullity or separation order, or
 - (b) at any time afterwards.
- (2) The court may make any one or more of the orders set out in paragraph 2(1)(d), (e) and (f)—
- (a) in proceedings for a dissolution, nullity or separation order, before making the order;
 - (b) if proceedings for a dissolution, nullity or separation order are dismissed after the beginning of the trial, either straightaway or within a reasonable period after the dismissal.
- (3) The power of the court to make an order under sub-paragraph (1) or (2)(a) in favour of a child of the family is exercisable from time to time.
- (4) If the court makes an order in favour of a child under sub-paragraph (2)(b), it may from time to time make a further order in the child's favour of any of the kinds set out in paragraph 2(1)(d), (e) or (f).

The orders: periodical and secured periodical payments and lump sums

- 2 (1) The orders are—
- (a) an order that either civil partner must make to the other such periodical payments for such term as may be specified;
 - (b) an order that either civil partner must secure to the other, to the satisfaction of the court, such periodical payments for such term as may be specified;
 - (c) an order that either civil partner must pay to the other such lump sum or sums as may be specified;

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- (d) an order that one of the civil partners must make —
 - (i) to such person as may be specified for the benefit of a child of the family, or
 - (ii) to a child of the family,
 such periodical payments for such term as may be specified;
- (e) an order that one of the civil partners must secure—
 - (i) to such person as may be specified for the benefit of a child of the family, or
 - (ii) to a child of the family,
 to the satisfaction of the court, such periodical payments for such term as may be specified;
- (f) an order that one of the civil partners must pay such lump sum as may be specified—
 - (i) to such person as may be specified for the benefit of a child of the family, or
 - (ii) to a child of the family.

(2) “Specified” means specified in the order.

Particular provision that may be made by lump sum orders

- 3 (1) An order under this Part requiring one civil partner to pay the other a lump sum may be made for the purpose of enabling the other civil partner to meet any liabilities or expenses reasonably incurred by the other in maintaining—
 - (a) himself or herself, or
 - (b) a child of the family,
 before making an application for an order under this Part in his or her favour.
- (2) An order under this Part requiring a lump sum to be paid to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of the child before making an application for an order under this Part to be met.
- (3) An order under this Part for the payment of a lump sum may—
 - (a) provide for its payment by instalments of such amount as may be specified, and
 - (b) require the payment of the instalments to be secured to the satisfaction of the court.
- (4) Sub-paragraphs (1) to (3) do not restrict the powers to make the orders set out in paragraph 2(1)(c) and (f).
- (5) If the court—
 - (a) makes an order under this Part for the payment of a lump sum, and
 - (b) directs that—
 - (i) payment of the sum or any part of it is to be deferred, or
 - (ii) the sum or any part of it is to be paid by instalments,
 it may provide for the deferred amount or the instalments to carry interest at such rate as may be specified from such date as may be specified until the date when payment of it is due.

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- (6) A date specified under sub-paragraph (5) must not be earlier than the date of the order.
- (7) “Specified” means specified in the order.

When orders under this Part may take effect

- 4 (1) If an order is made under paragraph 2(1)(a), (b) or (c) on or after making a dissolution or nullity order, neither the order nor any settlement made in pursuance of it takes effect unless the dissolution or nullity order has been made final.
- (2) This paragraph does not affect the power of the court to give a direction under paragraph 76 (settlement of instrument by conveyancing counsel).

Restrictions on making of orders under this Part

- 5 The power to make an order under paragraph 2(1)(d), (e) or (f) is subject to paragraph 49(1) and (5) (restrictions on orders in favour of children who have reached 18).

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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\(2\)](#)