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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Civil Partnership Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

#### PART 11

#### VARIATION, DISCHARGE ETC. OF CERTAIN ORDERS FOR FINANCIAL RELIEF

##### *Additional powers on discharging or varying a periodical or secured periodical payments order after dissolution of civil partnership*

- 53 (1) Sub-paragraph (2) applies if, after the dissolution of a civil partnership, the court—
- (a) discharges a periodical payments order or secured periodical payments order made in favour of a civil partner, or
  - (b) varies such an order so that payments under the order are required to be made or secured only for such further period as is determined by the court.
- (2) The court may make supplemental provision consisting of any of the following—
- (a) an order for the payment of a lump sum in favour of one of the civil partners;
  - (b) one or more property adjustment orders in favour of one of the civil partners;
  - (c) one or more pension sharing orders;
  - [<sup>F1</sup>(ca) a pension compensation sharing order;]
  - (d) a direction that the civil partner in whose favour the original order discharged or varied was made is not entitled to make any further application for—
    - (i) a periodical payments or secured periodical payments order, or
    - (ii) an extension of the period to which the original order is limited by any variation made by the court.
- (3) The power under sub-paragraph (2) is in addition to any power the court has apart from that sub-paragraph.

#### Annotations:

#### Amendments (Textual)

- F1** Sch. 5 para. 53(2)(ca) inserted (6.4.2011) by Pensions Act 2008 (c. 30), ss. 120, 149, Sch. 6 para. 18(4); S.I. 2011/664, art. 2(3), Sch. Pt. 2

- 54 (1) An order for the payment of a lump sum under paragraph 53 may—
- (a) provide for the payment of it 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.

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- (2) Sub-paragraphs (5) and (6) of paragraph 3 (interest on deferred instalments) apply where the court makes an order for the payment of a lump sum under paragraph 53 as they apply where it makes such an order under Part 1.
- (3) If under paragraph 53 the court makes more than one property adjustment order in favour of the same civil partner, each of those orders must fall within a different paragraph of paragraph 7(1) (types of property adjustment orders).
- (4) Part 3 (orders for the sale of property) and paragraph 76 (direction for settlement of instrument) apply where the court makes a property adjustment order under paragraph 53 as they apply where it makes any other property adjustment order.
- (5) Paragraph 18 (restrictions on making of pension sharing order) applies in relation to a pension sharing order under paragraph 53 as it applies in relation to any other pension sharing order.
- [<sup>F2</sup>(6) Paragraph 19D (restrictions on making pension compensation sharing orders) applies in relation to a pension compensation sharing order under paragraph 53 as it applies in relation to any other pension compensation sharing order.]

**Annotations:**

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**Amendments (Textual)**

- F2** [Sch. 5 para. 54\(6\)](#) inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 18\(5\)](#); [S.I. 2011/664](#), [art. 2\(3\)](#), [Sch. Pt. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act power to apply (with modifications) conferred by 2014 asp 5 s. 30(5)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(b) and word inserted by 2013 c. 30 Sch. 7 para. 34(b)
- s. 1(3A) inserted by 2014 asp 5 s. 11(9)
- s. 8(4)(c) inserted by 2014 c. 22 Sch. 4 para. 19(2)
- s. 8(5A) inserted by 2014 c. 22 Sch. 4 para. 19(3)
- s. 8A inserted by 2014 c. 22 Sch. 4 para. 20
- s. 9-9F substituted for s. 9 by 2014 c. 22 Sch. 4 para. 21
- s. 12(4)-(8) inserted by 2014 c. 22 Sch. 4 para. 23(3)
- s. 12A inserted by 2014 c. 22 Sch. 4 para. 24
- s. 14(6) inserted by 2014 c. 22 Sch. 4 para. 26(1)
- s. 14A inserted by 2014 c. 22 Sch. 4 para. 26(2)
- s. 15(3) inserted by 2014 c. 22 Sch. 4 para. 26(3)(b)
- s. 16(3A) inserted by 2014 c. 22 Sch. 4 para. 26(4)(b)
- s. 30A inserted by 2014 c. 22 Sch. 4 para. 27
- s. 31(2)(ab) repealed by 2012 c. 9 s. 114(4) Sch. 10 Pt. 11
- s. 34(1A)-(1C) inserted by 2016 c. 19 Sch. 15 para. 4(3)
- s. 36(2)(g) inserted by 2015 c. 20 s. 99(2)
- s. 45(5)(a) words substituted by 2013 c. 22 Sch. 11 para. 163
- s. 52(1)(ab) inserted by 2014 c. 22 Sch. 4 para. 29(b)
- s. 86(3A) inserted by 2014 asp 5 s. 24(3)(c)
- s. 88(7) inserted by 2014 asp 5 s. 24(5)
- s. 88(8)-(10) inserted by 2014 asp 5 s. 25
- s. 88A-88F inserted by S.I. 2015/396 Sch. 3 para. 2
- s. 88A(9) applied by S.I. 2015/404 reg. 17(4)(b)
- s. 89(3) inserted by 2014 asp 5 s. 24(6)
- s. 89(4) inserted by S.I. 2015/396 Sch. 3 para. 4
- s. 91(1) s. 91 renumbered as s. 91(1) by 2014 asp 5 s. 24(8)(a)
- s. 91(1) words inserted by 2014 asp 5 s. 24(8)(b)(iii)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(i)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(ii)
- s. 91(1A)(1B) inserted by S.I. 2015/396 Sch. 3 para. 5(2)
- s. 91(2) inserted by 2014 asp 5 s. 24(8)(c)
- s. 92(4)(b)(iii) and word repealed by 2014 asp 5 s. 24(9)(b)(ii)
- s. 93(1A) inserted by 2014 asp 5 s. 24(10)(b)
- s. 93A inserted by 2014 asp 5 s. 24(11)
- s. 94(1) s. 94 renumbered as s. 94(1) by 2014 asp 5 s. 24(12)(a)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(i)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(ii)
- s. 94(2) (3) inserted by 2014 asp 5 s. 24(12)(c)
- s. 94A-94E inserted by 2014 asp 5 s. 24(13)
- s. 94A inserted by S.I. 2015/396 Sch. 3 para. 6
- s. 95(1A) inserted by 2014 asp 5 s. 24(14)(b)
- s. 95(3A)-(3C) inserted by 2014 asp 5 s. 24(14)(d)
- s. 95ZA inserted by 2014 asp 5 s. 24(15)
- s. 97(5A) inserted by 2014 asp 5 s. 24(18)(b)
- s. 100(3A) (3B) inserted by 2014 asp 5 s. 24(19)(b)
- s. 139A-139E inserted by S.I. 2015/395 Sch. 3 para. 2
- s. 139A(9) applied by S.I. 2015/404 reg. 18(4)(b)

- s. 140(2A)(2B) inserted by S.I. 2015/395 Sch. 3 para. 4
- s. 143A inserted by S.I. 2015/395 Sch. 3 para. 5
- s. 176(c) inserted by S.I. 2015/395 Sch. 3 para. 7
- s. 210(6) inserted by S.I. 2012/3100 art. 2(4)
- s. 210(6) words inserted by 2013 c. 30 Sch. 7 para. 36
- s. 212(1A) inserted by S.I. 2014/560 Sch. 1 para. 29(2)
- s. 213(1A) inserted by 2013 c. 30 Sch. 2 para. 5(2)
- s. 214(ba) inserted by 2014 asp 5 s. 26(2)(a)
- s. 222(a)(b) omitted by 2013 c. 13 Sch. 2 para. 3(3)
- s. 222(ba) inserted by 2013 c. 13 Sch. 2 para. 3(4)
- Sch. 2 para. 2A inserted by 2014 c. 6 Sch. 2 para. 66(4)
- Sch. 2 para. 5(11) words inserted by S.I. 2014/560 Sch. 1 para. 29(3)
- Sch. 3A inserted by 2014 c. 22 Sch. 4 para. 25
- Sch. 5 para. 38(1) Sch. 5 para. 38 renumbered as Sch. 5 para. 38(1) by 2012 c. 10 s. 52(4)(a)
- Sch. 5 para. 10(1)(a)(iii) inserted by 2012 c. 10 s. 54(3)
- Sch. 5 para. 38(2) (3) inserted by 2012 c. 10 s. 52(4)(b)
- Sch. 5 para. 38A and cross-heading inserted by 2012 c. 10 s. 52(5)
- Sch. 5 para. 38B inserted by 2012 c. 10 s. 53
- Sch. 5 para. 60(6) (7) substituted for Sch. 5 para. 60(6) by 2014 c. 16 Sch. 3 para. 5
- Sch. 5 para. 65(10)(aa) substituted for Sch. 5 para. 65(10)(b)(c) by 2013 c. 22 Sch. 11 para. 172(5)
- Sch. 6 para. 46(b)(c) omitted by 2013 c. 22 Sch. 11 para. 198(b)
- Sch. 10A inserted by S.I. 2015/396 Sch. 3 para. 3
- Sch. 13A inserted by S.I. 2015/395 Sch. 3 para. 3
- Sch. 23 para. A1 inserted by 2014 c. 22 s. 58(5)
- Sch. 23 para. 1(1A) (1B) substituted for Sch. 23 para. 1(1) by 2014 c. 22 s. 58(6)
- Sch. 23 para. A1(4) word substituted by S.I. 2015/395 Sch. 3 para. 8(a)

#### **Commencement Orders yet to be applied to the Civil Partnership Act 2004**

Commencement Orders bringing legislation that affects this Act into force:

- S.R. 2012/406 art. 2 commences (2011 c. 20 (N.I.))
- S.R. 2012/440 art. 2 3 commences (2008 c. 10 (N.I.))
- S.R. 2013/201 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2013/276 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2015/193 art. 2 commences (2014 c. 11 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2018/66 art. 2(1) commences (S.I. 2016/999 (N.I.))