

Changes to legislation: Civil Partnership Act 2004, Cross Heading: *Variation etc. of property adjustment, pension sharing and pension compensation sharing orders* is up to date with all changes known to be in force on or before 11 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](#)

- 56 The court must not exercise the powers conferred by this Part in relation to a property adjustment order falling within paragraph 7(1)(b), (c) or (d) (order for settlement or for variation of settlement) except on an application made in proceedings—
- (a) for the rescission of the separation order by reference to which the property adjustment order was made, or
 - (b) for a dissolution order in relation to the civil partnership.
- 57 (1) In relation to a pension sharing order [^{F2}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 [^{F3}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 [^{F4}or pension compensation sharing order] from taking effect before the application has been dealt with.

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- (2) No variation of a pension sharing order [^{F5}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 [^{F6}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.
- (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

- F2** 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
- F3** 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
- F4** 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
- F5** 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
- F6** 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

- 58 (1) Sub-paragraphs (2) and (3)—
- (a) are subject to paragraphs 53 and 54, and
 - (b) do not affect any power exercisable by virtue of paragraph 50(e), (f), (g) or (i) or otherwise than by virtue of this Part.
- (2) No property adjustment order [^{F7}, pension sharing order or pension compensation sharing order] may be made on an application for the variation of a periodical payments or secured periodical payments order made (whether in favour of a civil partner or in favour of a child of the family) under Part 1.
- (3) No order for the payment of a lump sum may be made on an application for the variation of a periodical payments or secured periodical payments order in favour of a civil partner (whether made under Part 1 or 9).

Textual Amendments

- F7** Words in Sch. 5 para. 58(2) substituted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 18\(8\)](#); [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\(2\)](#)