

SCHEDULES

SCHEDULE 5

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

PART 2

PROPERTY ADJUSTMENT ON OR AFTER DISSOLUTION, NULLITY OR SEPARATION

Circumstances in which property adjustment orders may be made

- 6 (1) The court may make one or more property adjustment orders—
- (a) on making a dissolution, nullity or separation order, or
 - (b) at any time afterwards.
- (2) In this Schedule “property adjustment order” means a property adjustment order under this Part.

Property adjustment orders

- 7 (1) The property adjustment orders are—
- (a) an order that one of the civil partners must transfer such property as may be specified, being property to which he is entitled—
 - (i) to the other civil partner,
 - (ii) to a child of the family, or
 - (iii) to such person as may be specified for the benefit of a child of the family;
 - (b) an order that a settlement of such property as may be specified, being property to which one of the civil partners is entitled, be made to the satisfaction of the court for the benefit of—
 - (i) the other civil partner and the children of the family, or
 - (ii) either or any of them;
 - (c) an order varying for the benefit of—
 - (i) the civil partners and the children of the family, or
 - (ii) either or any of them,a relevant settlement;
 - (d) an order extinguishing or reducing the interest of either of the civil partners under a relevant settlement.
- (2) The court may make a property adjustment order under sub-paragraph (1)(c) even though there are no children of the family.
- (3) In this paragraph—
“entitled” means entitled in possession or reversion,

Status: This is the original version (as it was originally enacted).

“relevant settlement” means, in relation to a civil partnership, a settlement made, during its subsistence or in anticipation of its formation, on the civil partners including one made by will or codicil, but not including one in the form of a pension arrangement (within the meaning of Part 4), and
“specified” means specified in the order.

When property adjustment orders may take effect

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

Restrictions on making property adjustment orders

- 9 The power to make a property adjustment order under paragraph 7(1)(a) is subject to paragraph 49(1) and (5) (restrictions on making orders in favour of children who have reached 18).