

## SCHEDULES

### SCHEDULE 6

#### FINANCIAL RELIEF IN MAGISTRATES' COURTS ETC.

#### PART 4

#### INTERIM ORDERS

##### *Circumstances in which interim orders may be made*

- 20 (1) This paragraph applies if an application has been made for an order under Part 1, 2 or 3.
- (2) A magistrates' court may make an interim order—
- (a) at any time before making a final order on, or dismissing, the application, or
  - (b) on refusing (under paragraph 8) to make an order on the application.
- (3) The High Court may make an interim order on ordering the application to be reheard by a magistrates' court (either after the refusal of an order under paragraph 8 or on an appeal made by virtue of paragraph 46).
- (4) Not more than one interim order may be made with respect to an application for an order under Part 1, 2 or 3.
- (5) Sub-paragraph (4) does not affect the power of a court to make an interim order on a further application under Part 1, 2 or 3.

##### *Meaning of interim order*

- 21 (1) An interim order is an order requiring the respondent to make such periodical payments as the court thinks reasonable—
- (a) to the applicant,
  - (b) to any child of the family who is under 18, or
  - (c) to the applicant for the benefit of such a child.
- (2) In relation to an interim order in respect of an application for an order under Part 2 by the civil partner who has agreed to make the financial provision specified in the application, sub-paragraph (1) applies as if—
- (a) the reference to the respondent were a reference to the applicant, and
  - (b) the references to the applicant were references to the respondent.

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*When interim order may start*

- 22 (1) An interim order may provide for payments to be made from such date as the court may specify, except that the date must not be earlier than the date of the making of the application for an order under Part 1, 2 or 3.
- (2) Sub-paragraph (1) is subject to paragraph 27(7) and (8).

*Payments which can be treated as having been paid on account*

- 23 (1) If an interim order made by the High Court on an appeal made by virtue of paragraph 46 provides for payments to be made from a date earlier than the date of the making of the order, the interim order may provide that payments made by the respondent under an order made by a magistrates' court are to be treated, to such extent and in such manner as may be provided by the interim order, as having been paid on account of any payment provided for by the interim order.
- (2) In relation to an interim order in respect of an application for an order under Part 2 by the civil partner who has agreed to make the financial provision specified in the application, sub-paragraph (1) applies as if the reference to the respondent were a reference to the applicant.

*When interim order ceases to have effect*

- 24 (1) Subject to sub-paragraphs (2) and (3), an interim order made on an application for an order under Part 1, 2 or 3 ceases to have effect on the earliest of the following dates—
- (a) the date, if any, specified for the purpose in the interim order;
  - (b) the date on which the period of 3 months beginning with the date of the making of the interim order ends;
  - (c) the date on which a magistrates' court either makes a final order on, or dismisses, the application.
- (2) If an interim order made under this Part would, but for this sub-paragraph, cease to have effect under sub-paragraph (1)(a) or (b)—
- (a) the magistrates' court which made the order, or
  - (b) in the case of an interim order made by the High Court, the magistrates' court by which the application for an order under Part 1, 2 or 3 is to be reheard,
- may by order provide that the interim order is to continue in force for a further period.
- (3) An order continued in force under sub-paragraph (2) ceases to have effect on the earliest of the following dates—
- (a) the date, if any, specified for the purpose in the order continuing it;
  - (b) the date on which ends the period of 3 months beginning with—
    - (i) the date of the making of the order continuing it, or
    - (ii) if more than one such order has been made with respect to the application, the date of the making of the first such order;
  - (c) the date on which the court either makes a final order on, or dismisses, the application.

*Supplementary*

- 25 (1) An interim order made by the High Court under paragraph 20(3) on ordering an application to be reheard by a magistrates' court is to be treated for the purposes of—

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- (a) its enforcement, and
  - (b) Part 6 (variation etc. of orders),
- as if it were an order of that magistrates' court (and not of the High Court).
- (2) No appeal lies from the making of or refusal to make, the variation of or refusal to vary, or the revocation of or refusal to revoke, an interim order.