



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 2

DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

General provisions

186 Restrictions on making of orders affecting children

- (1) In any proceedings for a dissolution, nullity or separation order, the court must consider—
 - (a) whether there are any children of the family to whom this section applies, and
 - (b) if there are any such children, whether (in the light of the arrangements which have been, or are proposed to be, made for their upbringing and welfare) it should exercise any of its powers under the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) with respect to any of them.
- (2) If, in any case to which this section applies, it appears to the court that—
 - (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the 1995 Order with respect to any such child,
 - (b) it is not in a position to exercise the power or (as the case may be) those powers without giving further consideration to the case, and
 - (c) there are exceptional circumstances which make it desirable in the interests of the child that the court should give a direction under this section,it may direct that the order is not to be made final, or (in the case of a separation order) is not to be made, until the court orders otherwise.
- (3) This section applies to—

Changes to legislation: *Civil Partnership Act 2004, Section 186 is up to date with all changes known to be in force on or before 20 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](#)*

- (a) any child of the family who has not reached 16 at the date when the court considers the case in accordance with the requirements of this section, and
- (b) any child of the family who has reached 16 at that date and in relation to whom the court directs that this section shall apply.

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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\(2\)](#)