

---

STATUTORY INSTRUMENTS

---

**2005 No. 2921**

**The Family Proceedings (Civil Partnership:  
Staying of Proceedings) Rules 2005**

**Supplementary**

**8.—(1)** Where—

- (a) any proceedings to which this rule applies are stayed, and
  - (b) an order (“the other order”) making provision of a kind referred to in paragraph (2) which was made in connection with the other proceedings—
    - (i) is in force at the time when the stay is imposed, or
    - (ii) comes into force subsequently,
- then paragraphs (3) to (6) apply.

(2) The provision referred to in paragraph (1) is—

- (a) provision for periodical payments for a civil partner of the civil partnership in question;
- (b) provision for periodical payments for a child;
- (c) any provision which could be made by an order under section 8 of the Children Act 1989.

(3) Any relevant order made in connection with the stayed proceedings ceases to have effect in so far as it makes any provision for a civil partner or child which (whether it makes the same or different provision) is of the same type as any provision for that civil partner or child made by the other order.

(4) The court must not make a relevant order in connection with the stayed proceedings containing provision for a civil partner or child in respect of any matter for which provision for that civil partner or child is made by the other order.

(5) If the other order contains provision for periodical payments for a child, the court must not make a lump sum order for that child in connection with the stayed proceedings.

(6) The provisions of paragraphs (3) to (5) have effect—

- (a) in a case where the other order is in force when the stay is imposed, from that date, and
- (b) in any other case, from the date when the other order comes into force.

(7) Where an order made under paragraph 1 of Schedule 5 to the Civil Partnership Act 2004, of a kind mentioned in paragraph (2)(1)(e) of that Schedule (secured periodical payments for, or for the benefit of, children) ceases to have effect by virtue of rule 7 or the preceding provisions of this rule, paragraph (8) applies.

(8) Any order made under Part 3 of that Schedule which requires the proceeds of sale of property to be used for securing the periodical payments also ceases to have effect.