

**Changes to legislation:** Civil Partnership Act 2004, Part 3 is up to date with all changes known to be in force on or before 04 April 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 16

#### FINANCIAL RELIEF IN COURT OF SUMMARY JURISDICTION ETC.: NORTHERN IRELAND

##### Modifications etc. (not altering text)

- C1** Sch. 16: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(1), [Sch. 17 para. 21\(b\)](#) (with arts. 15(6), 28-31)

### PART 3

#### ORDERS OF COURT WHERE CIVIL PARTNERS LIVING APART BY AGREEMENT

##### *Powers of court where civil partners are living apart by agreement*

- 15 (1) If—
- (a) the civil partners have been living apart for a continuous period exceeding 3 months, neither civil partner having deserted the other, and
  - (b) one of the civil partners has been making periodical payments for the benefit of the other civil partner or of a child of the family,
- the other civil partner may apply to the court for an order under this Part.
- (2) An application made under sub-paragraph (1) must specify the total amount of the payments made by the respondent during the period of 3 months immediately preceding the date of the making of the application.
- (3) If on an application for an order under this Part the court is satisfied that the respondent has made the payments specified in the application, the court may make one or both of the orders set out in paragraph 16.
- (4) Sub-paragraph (3) is subject to the provisions of this Schedule.

##### *The orders that may be made under this Part*

- 16 (1) The orders are—
- (a) an order that the respondent is to make to the applicant such periodical payments for such term as may be specified;
  - (b) an order that the respondent is to make—
    - (i) to the applicant for the benefit of a child of the family to whom the application relates, or
    - (ii) to a child of the family to whom the application relates,such periodical payments for such term as may be specified.
- (2) “Specified” means specified in the order.

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*Restrictions on orders under this Part*

- 17 The court in the exercise of its powers under this Part must not require—
- (a) the respondent to make payments whose total amount during any period of 3 months exceeds the total amount paid by him for the benefit of—
    - (i) the applicant, or
    - (ii) a child of the family,
 during the period of 3 months immediately preceding the date of the making of the application;
  - (b) the respondent to make payments to or for the benefit of any person which exceed in amount the payments which the court considers that it would have required the respondent to make to or for the benefit of that person on an application under Part 1;
  - (c) payments to be made to or for the benefit of a child of the family who is not the respondent’s child, unless the court considers that it would have made an order in favour of that child on an application under Part 1.

*Relationship with powers under Part 1*

- 18 (1) Sub-paragraph (2) applies if on an application under this Part the court considers that the orders which it has the power to make under this Part—
- (a) would not provide reasonable maintenance for the applicant, or
  - (b) if the application relates to a child of the family, would not provide, or make a proper contribution towards, reasonable maintenance for that child.
- (2) The court—
- (a) must refuse to make an order under this Part, but
  - (b) may treat the application as if it were an application for an order under Part 1.

*Matters to be taken into consideration*

- 19 Paragraphs 4 to 6 apply in relation to an application for an order under this Part as they apply in relation to an application for an order under Part 1, subject to the modification that for the reference in paragraph 5(2)(c) to the occurrence of the conduct which is alleged as the ground of the application substitute a reference to the living apart of the civil partners.

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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\(2\)](#)