

SCHEDULES

SCHEDULE 2

FINANCIAL PROVISION

Period of secured and unsecured payments orders

- 7 (1) In section 28(1) (duration of a continuing financial provision order in favour of a party to a marriage), for paragraphs (a) and (b) substitute—
- “(a) a term specified in the order which is to begin before the making of the order shall begin no earlier—
- (i) where the order is made by virtue of section 22A(2)(a) or (b) above, unless sub-paragraph (ii) below applies, than the beginning of the day on which the statement of marital breakdown in question was received by the court;
 - (ii) where the order is made by virtue of section 22A(2)(b) above and the application for the divorce order was made following cancellation of an order preventing divorce under section 10 of the 1996 Act, than the date of the making of that application;
 - (iii) where the order is made by virtue of section 22A(2)(c) above, than the date of the making of the application for the divorce order; or
 - (iv) in any other case, than the date of the making of the application on which the order is made;
- (b) a term specified in a periodical payments order or secured periodical payments order shall be so defined as not to extend beyond—
- (i) in the case of a periodical payments order, the death of the party by whom the payments are to be made; or
 - (ii) in either case, the death of the party in whose favour the order was made or the remarriage of that party following the making of a divorce order or decree of nullity.”

(2) In section 29 (duration of continuing financial provision order in favour of a child of the family) insert after subsection (1)—

“(1A) The term specified in a periodical payments order or secured periodical payments order made in favour of a child shall be such term as the court thinks fit.

(1B) If that term is to begin before the making of the order, it may do so no earlier than—

 - (a) in the case of an order made by virtue of section 22A(2)(a) or (b) above, except where paragraph (b) below applies, the beginning of the day on which the statement of marital breakdown in question was received by the court;

Status: This is the original version (as it was originally enacted).

- (b) in the case of an order made by virtue of section 22A(2)(b) above where the application for the divorce order was made following cancellation of an order preventing divorce under section 10 of the 1996 Act, the date of the making of that application;
- (c) in the case of an order made by virtue of section 22A(2)(c) above, the date of the making of the application for the divorce order; or
- (d) in any other case, the date of the making of the application on which the order is made.”