

Changes to legislation: Civil Partnership Act 2004, Paragraph 62 is up to date with all changes known to be in force on or before 18 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

SCHEDULES

SCHEDULE 15

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 15: 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 12

CONSENT ORDERS AND MAINTENANCE AGREEMENTS

Alteration of agreements by court during lives of parties

- 62 (1)^{F1}... Either party to a maintenance agreement may apply to the court or, subject to sub-paragraph (6), to a court of summary jurisdiction for an order under this paragraph if—
- (a) the maintenance agreement is for the time being subsisting, and
 - (b) each of the parties to the agreement is for the time being domiciled or resident in Northern Ireland.

(1A)^{F2}

- (2) The court may make an order under this paragraph if it is satisfied that—
- (a) because of a change in the circumstances in the light of which—
 - (i) any financial arrangements contained in the agreement were made, or
 - (ii) financial arrangements were omitted from it,the agreement should be altered so as to make different financial arrangements or so as to contain financial arrangements, or
 - (b) that the agreement does not contain proper financial arrangements with respect to any child of the family.
- (3) In sub-paragraph (2)(a) the reference to a change in the circumstances includes a change foreseen by the parties when making the agreement.
- (4) An order under this paragraph may make such alterations in the agreement—
- (a) by varying or revoking any financial arrangements contained in it, or
 - (b) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,
- as appear to the court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in paragraph 17(3).

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- (5) The effect of the order is that the agreement is to be treated as if any alteration made by the order had been made by agreement between the partners and for valuable consideration.
- (6) The power to make an order under this paragraph is subject to paragraphs 63 and 64.
- (7)^{F3}

| Textual Amendments | |
|---------------------------|--|
| F1 | Words in Sch. 15 para. 62(1) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519) , reg. 1(1), Sch. para. 25(8)(b)(i) (with reg. 8) (as amended by S.I. 2020/1574 , regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1) |
| F2 | Sch. 15 para. 62(1A) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519) , reg. 1(1), Sch. para. 25(8)(b)(ii) (with reg. 8) (as amended by S.I. 2020/1574 , regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Sch. 15 para. 62(7) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519) , reg. 1(1), Sch. para. 25(8)(b)(iii) (with reg. 8) (as amended by S.I. 2020/1574 , regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1) |

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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\(2\)](#)