

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Age limit on making orders for financial provision for children and duration of such orders is up to date with all changes known to be in force on or before 11 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 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 5

COMMENCEMENT AND DURATION OF ORDERS UNDER PARTS 1, 2 AND 3

Age limit on making orders for financial provision for children and duration of such orders

- 27 (1) Subject to sub-paragraph (5), no order is to be made under paragraph 2(1)(c) or (d) or Part 3 in favour of a child who has reached 18.
- (2) The term to be specified in a periodical payments order made under paragraph 2(1)(c) or Part 3 in favour of a child may begin with—
- the date of the making of an application for the order or a later date, or
 - a date ascertained in accordance with sub-paragraph (7) or (8).
- (3) The term to be specified in such an order—
- must not in the first instance extend beyond the date of the birthday of the child next following his reaching the upper limit of the compulsory school age unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date, and
 - must not in any event, subject to sub-paragraph (5), extend beyond the date of the child's 18th birthday.
- (4) In sub-paragraph (3)(a) “compulsory school age” has the meaning given in Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)).
- (5) Sub-paragraphs (1) and (3)(b) do not apply in the case of a child if it appears to the court that—
- the child is, or will be, or, if such an order were made without complying with either or both of those provisions, would be—
 - receiving instruction at an educational establishment, or
 - undergoing training for a trade, profession or vocation,whether or not also the child is, will be or would be, in gainful employment, or

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- (b) there are special circumstances which justify the making of the order without complying with either or both of sub-paragraphs (1) and (3)(b).
- (6) Any order made under paragraph 2(1)(c) or Part 3 in favour of a child, regardless of anything in the order, ceases to have effect on the death of the person liable to make payments under the order.
- (7) An order made under paragraph 2(1)(c) or Part 3 in favour of a child to whom sub-paragraph (5)(a) applies ceases to have effect if the child ceases to receive instruction or undergo training as mentioned in sub-paragraph (5)(a).
- (8) If an order made under paragraph 2(1)(c) or Part 3 ceases to have effect by virtue of an event mentioned in sub-paragraph (7), the person to whom the periodical payments are directed by the order to be made must give notice of the event to the court.
- (9) A person who without reasonable excuse fails to give notice as required by sub-paragraph (8) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) If—
 - (a) a maintenance calculation (“current calculation”) is in force with respect to a child, and
 - (b) an application is made for an order under paragraph 2(1)(c) or Part 3 before the end of 6 months beginning with the making of the current calculation,
 the term to be specified in any such order made on that application may be expressed to begin on, or at any time after, the earliest permitted date.
- (11) “The earliest permitted date” is whichever is the later of—
 - (a) the date 6 months before the application is made, or
 - (b) the date on which the current calculation took effect or, where successive maintenance calculations have been continuously in force with respect to a child, on which the first of those calculations took effect.
- (12) If—
 - (a) a maintenance calculation ceases to have effect by or under any provision of the Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)), and
 - (b) an application is made, before the end of 6 months beginning with the relevant date, for a periodical payments order under paragraph 2(1)(c) or Part 3 in favour of a child with respect to whom that maintenance calculation was in force immediately before it ceased to have effect,
 the term to be specified in any such order, or in any interim order under Part 4, made on that application, may begin with the relevant date or any later date.
- (13) “The relevant date” means the date on which the maintenance calculation ceased to have effect.
- (14) In this Schedule “maintenance calculation” means a calculation of maintenance made under the Child Support (Northern Ireland) Order 1991 and includes, except in circumstances prescribed for the purposes of the definition of that expression in Article 2(2) of that Order, a default or interim maintenance decision within the meaning of that Order.

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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\(2\)](#)