

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Power to specify when order as varied is to take effect 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 6

VARIATION ETC. OF ORDERS

Power to specify when order as varied is to take effect

- 32 An order made under this Part which varies an order for the making of periodical payments may provide that the payments as so varied are to be made from such date as the court may specify, except that, subject to paragraph 33, the date must not be earlier than the date of the making of the application under this Part.
- 33 (1) If—
- (a) there is in force an order (“the order”)—
 - (i) under paragraph 2(1)(c),
 - (ii) under Part 2 making provision of a kind set out in paragraph 10(1)(c) (regardless of whether it makes provision of any other kind mentioned in paragraph 10(1)(c)),
 - (iii) under paragraph 16(1)(b), or
 - (iv) which is an interim order under Part 4 under which the payments are to be made to a child or to the applicant for the benefit of a child,
 - (b) the order requires payments specified in it to be made to or for the benefit of more than one child without apportioning those payments between them,
 - (c) a maintenance calculation (“the calculation”) is made with respect to one or more, but not all, of the children with respect to whom those payments are to be made, and
 - (d) an application is made, before the end of 6 months beginning with the date on which the calculation was made, for the variation or revocation of the order,
- the court may, in exercise of its powers under this Part to vary or revoke the order, direct that the variation or revocation is to take effect from the date on which the calculation took effect or any later date.
- (2) If—

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- (a) an order (“the child order”) of a kind prescribed for the purposes of Article 12(1) of the Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)) is affected by a maintenance calculation,
- (b) on the date on which the child order became so affected there was in force an order (“the civil partner’s order”)—
 - (i) under paragraph 2(1)(a),
 - (ii) under Part 2 making provision of a kind set out in paragraph 10(1)
 - (a) (regardless of whether it makes provision of any other kind mentioned in paragraph 10(1)(a)),
 - (iii) under paragraph 16(1)(a), or
 - (iv) which is an interim order under Part 4 under which the payments are to be made to the applicant (otherwise than for the benefit of a child), and
- (c) an application is made, before the end of 6 months beginning with the date on which the maintenance calculation was made, for the civil partner’s order to be varied or revoked,

the court may, in exercise of its powers under this Part to vary or revoke the civil partner’s order, direct that the variation or revocation is to take effect from the date on which the child order became so affected or any later date.

- (3) For the purposes of sub-paragraph (2), an order is affected if it ceases to have effect or is modified by or under Article 12 of the 1991 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\(2\)](#)