

Changes to legislation: Civil Partnership Act 2004, Paragraph 38 is up to date with all changes known to be in force on or before 19 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 5

[^{F1}FINANCIAL RELIEF: PROVISION CORRESPONDING TO PROVISION MADE BY PART 2 OF THE MATRIMONIAL CAUSES ACT 1973]

Textual Amendments

- F1** Sch. 5 title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 177](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

PART 8

MAINTENANCE [^{F1}AND OTHER PAYMENTS] PENDING OUTCOME OF DISSOLUTION, NULLITY OR SEPARATION PROCEEDINGS

Textual Amendments

- F1** Words in Sch. 5 Pt. 8 heading inserted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 52\(2\)](#), 151(1); [S.I. 2013/773](#), art. 2

[^{F1}Maintenance orders]

Textual Amendments

- F1** Sch. 5 para. 38 cross-heading inserted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 52\(3\)](#), 151(1); [S.I. 2013/773](#), art. 2

38 [^{F1}(1)] On an application for a dissolution, nullity or separation order, the court may make an order requiring either civil partner to make to the other for the other's maintenance such periodical payments for such term—

- (a) beginning no earlier than the date on which the application was made, and
 - (b) ending with the date on which the proceedings are determined,
- as the court thinks reasonable.

[^{F2}(2)] An order under this paragraph may not require one civil partner to pay to the other any amount in respect of legal services for the purposes of the proceedings.

(3) In sub-paragraph (2) “legal services” has the same meaning as in paragraph 38A.]

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Textual Amendments

- F1** Sch. 5 para. 38 renumbered as Sch. 5 para. 38(1) (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 52(4)(a)**, 151(1); S.I. 2013/773, art. 2
- F2** Sch. 5 para. 38(2)(3) inserted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 52(4)(b)**, 151(1); S.I. 2013/773, art. 2

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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\(2\)](#)