

Changes to legislation: Civil Partnership Act 2004, Paragraph 71 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 13

CONSENT ORDERS AND MAINTENANCE AGREEMENTS

Provisions relating to periodical and secured periodical payments: duration

- 71 (1) If a court decides to make an order under paragraph 69 altering an agreement—
- (a) by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the other party, or
 - (b) by increasing the rate of the periodical payments which the agreement provides shall be made by one of the parties for the maintenance of the other,
- it may specify such term as it thinks fit as the term for which the payments or, as the case may be, the additional payments attributable to the increase are to be made under the altered agreement, except that the term must not extend beyond the limits in sub-paragraphs (2) and (3).
- (2) The limits if the payments are not to be secured are—
- (a) the death of either of the parties to the agreement, or
 - (b) the formation of a subsequent civil partnership or marriage by the party to whom the payments are to be made.
- (3) The limits if the payments are to be secured are—
- (a) the death of the party to whom the payments are to be made, or
 - (b) the formation of a subsequent civil partnership or marriage by that party.
- (4) Sub-paragraph (5) applies if a court decides to make an order under paragraph 69 altering an agreement by—
- (a) inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of a child of the family, or
 - (b) increasing the rate of the periodical payments which the agreement provides shall be made or secured by one of the parties for the maintenance of such a child.

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- (5) The court, in deciding the term for which under the agreement as altered by the order—
- (a) the payments are to be made or secured for the benefit of the child, or
 - (b) the additional payments attributable to the increase are to be made or secured for the benefit of the child,
- must apply paragraph 49(2) to (5) (age limits) as if the order in question were a periodical payments or secured periodical payments order in favour of the child.

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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\(2\)](#)