

Status: Point in time view as at 15/04/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Duration of periodical and secured periodical payments orders for a civil partner is up to date with all changes known to be in force on or before 21 June 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)

SCHEDULES

SCHEDULE 5

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

PART 10

COMMENCEMENT OF CERTAIN PROCEEDINGS AND DURATION OF CERTAIN ORDERS

VALID FROM 05/12/2005

Duration of periodical and secured periodical payments orders for a civil partner

- 47 (1) The court may specify in a periodical payments or secured periodical payments order in favour of a civil partner such term as it thinks fit, except that the term must not—
- (a) begin before the date of the making of an application for the order, or
 - (b) extend beyond the limits given in sub-paragraphs (2) and (3).
- (2) The limits in the case of a periodical payments order are—
- (a) the death of either civil partner;
 - (b) where the order is made on or after the making of a dissolution or nullity order, the formation of a subsequent civil partnership or marriage by the civil partner in whose favour the order is made.
- (3) The limits in the case of a secured periodical payments order are—
- (a) the death of the civil partner in whose favour the order is made;
 - (b) where the order is made on or after the making of a dissolution or nullity order, the formation of a subsequent civil partnership or marriage by the civil partner in whose favour the order is made.
- (4) In the case of an order made on or after the making of a dissolution or nullity order, sub-paragraphs (1) to (3) are subject to paragraphs 23(3) and 59(4).
- (5) If a periodical payments or secured periodical payments order in favour of a civil partner is made on or after the making of a dissolution or nullity order, the court may direct that that civil partner is not entitled to apply under paragraph 51 for the extension of the term specified in the order.
- (6) If—
- (a) a periodical payments or secured periodical payments order in favour of a civil partner is made otherwise than on or after the making of a dissolution or nullity order, and
 - (b) the civil partnership is subsequently dissolved or annulled but the order continues in force,

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the order ceases to have effect (regardless of anything in it) on the formation of a subsequent civil partnership or marriage by that civil partner, except in relation to any arrears due under it on the date of its formation.

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