

SCHEDULES

SCHEDULE 6

FINANCIAL RELIEF IN MAGISTRATES' COURTS ETC.

PART 6

VARIATION ETC. OF ORDERS

Powers to order lump sum on variation

- 31 (1) If a magistrates' court has made an order under paragraph 2(1)(a) or (c) for the making of periodical payments, the court may, on an application made under this Part, make an order for the payment of a lump sum under paragraph 2(1)(b) or (d).
- (2) If a magistrates' court has made an order under Part 2 for the making of periodical payments by a civil partner the court may, on an application made under this Part, make an order for the payment of a lump sum by that civil partner—
- (a) to the other civil partner, or
 - (b) to a child of the family or to that other civil partner for the benefit of that child.
- (3) Where the court has power by virtue of this paragraph to make an order for the payment of a lump sum—
- (a) the amount of the lump sum must not exceed the maximum amount that may at that time be required to be paid under Part 1, but
 - (b) the court may make an order for the payment of a lump sum not exceeding that amount even if the person required to pay it was required to pay a lump sum by a previous order under this Schedule.
- (4) Where—
- (a) the court has power by virtue of this paragraph to make an order for the payment of a lump sum, and
 - (b) the respondent or the applicant (as the case may be) has agreed to pay a lump sum of an amount exceeding the maximum amount that may at that time be required to be paid under Part 1,
- the court may, regardless of sub-paragraph (3), make an order for the payment of a lump sum of that amount.