

**Changes to legislation:** Civil Partnership Act 2004, Paragraph 6 is up to date with all changes known to be in force on or before 18 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 6

#### [<sup>F1</sup>FINANCIAL RELIEF: PROVISION CORRESPONDING TO PROVISION MADE BY THE DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978]

##### Textual Amendments

- F1** Sch. 6 title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 200](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### PART 1

#### FAILURE TO MAINTAIN ETC.: FINANCIAL PROVISION

*Particular matters to be taken into account when exercising powers in relation to children*

- 6 (1) This paragraph applies in relation to the exercise by the court of its power to make an order by virtue of paragraph 2(1)(c) or (d).
- (2) The court must in particular have regard to—
- the financial needs of the child;
  - the income, earning capacity (if any), property and other financial resources of the child;
  - any physical or mental disability of the child;
  - the standard of living enjoyed by the family before the occurrence of the conduct which is alleged as the ground of the application;
  - the way in which the child was being and in which the civil partners expected the child to be educated or trained;
  - the considerations mentioned in relation to the civil partners in paragraph 5(2)(a) and (b).
- (3) In relation to the exercise of its power to make an order in favour of a child of the family who is not the respondent's child, the court must also have regard to—
- whether the respondent has assumed any responsibility for the child's maintenance;
  - if so, the extent to which, and the basis on which, the respondent assumed that responsibility and the length of time during which the respondent discharged that responsibility;
  - whether in assuming and discharging that responsibility the respondent did so knowing that the child was not the respondent's child;
  - the liability of any other person to maintain 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\(2\)](#)