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**Changes to legislation:** Civil Partnership Act 2004, Cross Heading: Variation of orders for periodical payments: further provisions is up to date with all changes known to be in force on or before 11 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

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## SCHEDULES

### SCHEDULE 6

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

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#### 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 6

#### VARIATION ETC. OF ORDERS

##### *Variation of orders for periodical payments: further provisions*

- 35 (1) The power of the court under paragraphs 30 to 34 to vary an order for the making of periodical payments includes power, if the court is satisfied that payment has not been made in accordance with the order, to exercise one of its powers under section [<sup>F1</sup>1(4) and (4A) of the Maintenance Enforcement Act 1991] .
- (2) Sub-paragraph (1) is subject to paragraph 37.

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#### Textual Amendments

- F1** Words in Sch. 6 para. 35(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 190](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

<sup>F2</sup>36 . . . . .

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#### Textual Amendments

- F2** Sch. 6 para. 36 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 191](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

- 37 (1) Before varying the order by exercising one of its powers under section [<sup>F3</sup>1(4) and (4A) of the 1991] Act, the court must have regard to any representations made by the parties to the application.

<sup>F4</sup>(2) . . . . .

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#### Textual Amendments

- F3** Words in Sch. 6 para. 37(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 192\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Sch. 6 para. 37(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 192\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 38 (1) Section [<sup>F5</sup>1(6) of the 1991] Act (power of court to order that account be opened) applies for the purposes of [<sup>F6</sup>paragraph 35] as it applies for the purposes of section [<sup>F7</sup>1 of the 1991 Act].
- (2) None of the powers of the court <sup>F8</sup>... conferred by paragraphs 35 to 37 and subparagraph (1) is exercisable in relation to an order under this Schedule for the making of periodical payments [<sup>F9</sup>unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales.]

#### Textual Amendments

- F5** Words in Sch. 6 para. 38(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 193\(a\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Words in Sch. 6 para. 38(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 193\(a\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in Sch. 6 para. 38(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 193\(a\)\(iii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in Sch. 6 para. 38(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 193\(b\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Words in Sch. 6 para. 38(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 193\(b\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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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\(2\)](#)