

Changes to legislation: Civil Partnership Act 2004, Part 7 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

[^{F1}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 7

ARREARS AND REPAYMENTS

Enforcement etc. of orders for payment of money

- 43 Section 32 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22) applies in relation to orders under this Schedule as it applies in relation to orders under Part 1 of that Act.

Orders for repayment after cessation of order because of subsequent civil partnership etc.

- 44 (1) Sub-paragraphs (3) and (4) apply if—
- (a) an order made under paragraph 2(1)(a) or Part 2 or 3 has, under paragraph 26(2), ceased to have effect because of the formation of a subsequent civil partnership or marriage by the party (“R”) in whose favour it was made, and
 - (b) the person liable to make payments under the order (“P”) made payments in accordance with it in respect of a relevant period in the mistaken belief that the order was still subsisting.
- (2) “Relevant period” means a period after the date of the formation of the subsequent civil partnership or marriage.
- (3) No proceedings in respect of a cause of action arising out of the circumstances mentioned in sub-paragraph (1)(a) and (b) is maintainable by P (or P’s personal representatives) against R (or R’s personal representatives).
- (4) But on an application made under this paragraph by P (or P’s personal representatives) against R (or R’s personal representatives) [^{F1}the family court] —
- (a) may order the respondent to pay to the applicant a sum equal to the amount of the payments made in respect of the relevant period, or
 - (b) if it appears to the court that it would be unjust to make that order, may—
 - (i) order the respondent to pay to the applicant such lesser sum as it thinks fit, or

Changes to legislation: Civil Partnership Act 2004, Part 7 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

- (ii) dismiss the application.
- (5) An order under this paragraph for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.
- (6) An application under this paragraph—
- (a) may [^{F2}(but need not)] be made in proceedings ^{F3}... for leave to enforce, or the enforcement of, the payment of arrears under an order made under paragraph 2(1)(a) or Part 2 or 3, ^{F4}...
- ^{F4}(b)
^{F4}...
- ^{F5}(7)
- (8) Subject to sub-paragraph (9)—
- (a) [^{F6}an officer of the family court] is not liable for any act done by him^{F7}, in pursuance of an order under paragraph 2(1)(a), or Part 2 or 3, requiring payments to be made to the court or an officer of the court,] after the date on which that order ceased to have effect because of the formation of a subsequent civil partnership or marriage by the person entitled to payments under it, and
- (b) the collecting officer under an attachment of earnings order made to secure payments under [^{F8}an order] under paragraph 2(1)(a), or Part 2 or 3, is not liable for any act done by him^{F9}, after the date on which that order ceased to have effect because of the formation of a subsequent civil partnership or marriage by the person entitled to payments under it,] in accordance with any enactment or rule of court specifying how payments made to him in compliance with the attachment of earnings order are to be dealt with.
- (9) Sub-paragraph (8) applies if (but only if) the act—
- (a) was one which he would have been under a duty to do had the order under paragraph 2(1)(a) or Part 2 or 3 not ceased to have effect, and
- (b) was done before notice in writing of the formation of the subsequent civil partnership or marriage was given to him by or on behalf of—
- (i) the person entitled to payments under the order,
- (ii) the person liable to make payments under it, or
- (iii) the personal representatives of either of them.
- (10) In this paragraph “collecting officer”, in relation to an attachment of earnings order, means—
- (a) the officer of the High Court, or
- (b) the officer designated by the Lord Chancellor,
- to whom a person makes payments in compliance with the order.

Textual Amendments

- F1** Words in Sch. 6 para. 44(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 197\(2\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation: Civil Partnership Act 2004, Part 7 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

- F2** Words in Sch. 6 para. 44(6) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(3\)\(a\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in Sch. 6 para. 44(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(3\)\(b\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in Sch. 6 para. 44(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(3\)\(c\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Sch. 6 para. 44(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(4\)](#); 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. 44(8)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(5\)\(a\)\(i\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in Sch. 6 para. 44(8)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(5\)\(a\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in Sch. 6 para. 44(8)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(5\)\(b\)\(i\)](#); 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. 44(8)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 11 para. 197\(5\)\(b\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Changes to legislation:

Civil Partnership Act 2004, Part 7 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.

[View outstanding changes](#)

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\(2\)](#)