

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Civil Partnership Act 2004 (c. 33)

- 197 (1) Paragraph 44 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.
- (2) In sub-paragraph (4) (court's power to order repayment or partial repayment, or to dismiss application) for "the court" substitute "the family court".
- (3) In sub-paragraph (6) (application may be made in enforcement proceedings, or to county court)—
- (a) after "may" insert "(but need not)",
 - (b) omit "in the High Court or a county court", and
 - (c) omit the words after paragraph (a) (including the "but" at the end of that paragraph).
- (4) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).
- (5) In sub-paragraph (8) (liability of court officers)—
- (a) in paragraph (a)—
 - (i) for "the designated officer for a magistrates' court to whom any payments under an order made under paragraph 2(1)(a), or Part 2 or 3, are required to be made" substitute "an officer of the family court", and
 - (ii) for "in pursuance of the order" substitute "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", and
 - (b) in paragraph (b)—
 - (i) for "the order" substitute "an order", and
 - (ii) for "after that date" substitute "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".