

## SCHEDULE

### Amendment of primary and secondary legislation

#### PART 1

#### Amendment of primary legislation

#### **Amendment of the Civil Partnership Act 2004**

**25.**—(1) The Civil Partnership Act 2004(1) is amended as follows.

(2) In section 227 (Scottish ancillary and collateral orders)—

- (a) in subsection (3), for “subsections (3A) and (3B)” substitute “subsection (3A)”;
- (b) omit subsection (3B);
- (c) omit subsection (6).

(3) In Schedule 5 (financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973), in Part 9 (failure to maintain: financial provision (and interim orders)), in paragraph 39 (circumstances in which orders under this Part may be made)—

(a) for sub-paragraph (2) substitute—

“(2) The court must not entertain an application under this paragraph unless—

- (a) the applicant or the respondent is domiciled in England and Wales on the date of the application,
- (b) the applicant has been habitually resident there throughout the period of 1 year ending with that date, or
- (c) the respondent is resident there on that date.”;

(b) omit sub-paragraph (5).

(4) In Schedule 5, in Part 13 (consent orders and maintenance agreements), in paragraph 69 (alternation of agreements by court during lives of parties)—

- (a) in sub-paragraph (1), omit “Subject to sub-paragraph (1A),”;
- (b) omit sub-paragraph (1A);
- (c) omit sub-paragraph (7).

(5) In Schedule 6, in Part 8 (financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates’ Courts Act 1978: supplementary), in paragraph 47 (provisions as to jurisdiction and procedure), omit—

- (a) sub-paragraph (1A);
- (b) sub-paragraph (5).

(6) In Schedule 7 (financial relief in England and Wales after overseas dissolution etc. of a civil partnership), in Part 1 (financial relief) —

(a) in paragraph 7 (jurisdiction of the court)—

- (i) in sub-paragraph (1), omit “Subject to sub-paragraph (6),”;
- (ii) omit sub-paragraph (6);
- (iii) omit sub-paragraph (7);

(b) in paragraph 8 (duty of the court to consider whether England and Wales is appropriate venue for application)—

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(1) 2004 c. 33, amended by S.I. 2011/1484.

*Status: This is the original version (as it was originally made).*

- (i) in sub-paragraph (2), omit “Subject to sub-paragraph (4),”;
  - (ii) omit sub-paragraph (4);
  - (iii) omit sub-paragraph (5).
- (7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2—
  - (a) in sub-paragraph (1), omit “Subject to sub-paragraphs (3A) and (4),”;
  - (b) omit sub-paragraph (3A);
  - (c) omit sub-paragraph (5).
- (8) In Schedule 15—
  - (a) in Part 8 (failure to maintain: financial provision (and interim orders)), in paragraph 34—
    - (i) for sub-paragraph (2) substitute—
      - “(2) The court must not entertain an application under this paragraph unless—
      - (a) the applicant or the respondent is domiciled in Northern Ireland on the date of the application,
      - (b) the applicant has been habitually resident there throughout the period of 1 year ending with that date, or
      - (c) the respondent is resident there on that date.”;
    - (ii) omit sub-paragraph (5);
  - (b) in Part 12 (consent orders and maintenance agreements), in paragraph 62—
    - (i) in sub-paragraph (1), omit “Subject to sub-paragraph (1A),”;
    - (ii) omit sub-paragraph (1A);
    - (iii) omit sub-paragraph (7).
- (9) In Schedule 17 (financial relief in Northern Ireland after overseas dissolution etc of a civil partnership), in Part 1 (financial relief)—
  - (a) in paragraph 7—
    - (i) in sub-paragraph (1), omit “Subject to sub-paragraph (6),”;
    - (ii) omit sub-paragraph (6);
    - (iii) omit sub-paragraph (7);
  - (b) in paragraph 8—
    - (i) in sub-paragraph (2), omit “Subject to sub-paragraph (4),”;
    - (ii) omit sub-paragraph (4);
    - (iii) omit sub-paragraph (5).