

Changes to legislation: Civil Partnership Act 2004, Part 2 is up to date with all changes known to be in force on or before 10 May 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 16

FINANCIAL RELIEF IN COURT OF SUMMARY JURISDICTION ETC.: NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 16: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(1), [Sch. 17 para. 21\(b\)](#) (with arts. 15(6), 28-31)

PART 2

ORDERS FOR AGREED FINANCIAL PROVISION

Orders for payments which have been agreed by the parties

- 9 (1) Either civil partner may apply to the court for an order under this Part on the ground that that civil partner or the other civil partner has agreed to make such financial provision as may be specified in the application.
- (2) On such an application or on a request under paragraph 14, the court may order that the applicant or the respondent (as the case may be) is to make the financial provision specified in the application or request, if—
- (a) it is satisfied that the applicant or the respondent (as the case may be) has agreed in writing to make that provision, and
 - (b) it has no reason to think that it would be contrary to the interests of justice to do so.
- (3) Sub-paragraph (2) is subject to paragraph 12.
- (4) The making of an order under this Part (“Part 2 order”) does not prevent the making of an order under Part 1 (“Part 1 order”) on a subsequent application for a Part 1 order.
- (5) On the making of a Part 2 order, the Part 1 order ceases to have effect.
- (6) Sub-paragraph (5) does not affect the power of the court under Part 6 to revoke the Part 1 order.

Meaning of “financial provision” and of references to specified financial provision

- 10 (1) In this Part “financial provision” means any one or more of the following—
- (a) the making of periodical payments by one civil partner to the other;
 - (b) the payment of a lump sum by one civil partner to the other;
 - (c) the making of periodical payments by one civil partner to a child of the family or to the other civil partner for the benefit of such a child;

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- (d) the payment by one party of a lump sum to a child of the family or to the other civil partner for the benefit of such a child.
- (2) Any reference in this Part to the financial provision specified in an application under this Part or a request under paragraph 14 or specified by the court is a reference—
- (a) to the type of provision specified in the application or request or by the court,
 - (b) to the amount so specified as the amount of any payment to be made under the application or order, and
 - (c) in the case of periodical payments, to the term so specified as the term for which the payments are to be made.

Commencement Information

- II** Sch. 16 para. 10 wholly in force at 5.12.2005; Sch. 16 para. 10 not in force at Royal Assent see s. 263; Sch. 16 para. 10 in force for certain purposes at 5.9.2005 by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and Sch. 16 para. 10 in force otherwise at 5.12.2005 by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

Evidence to be produced where respondent not present etc.

- 11 (1) This paragraph applies if the respondent—
- (a) is not present, or
 - (b) is not represented by counsel or a solicitor,
- at the hearing of an application for an order under this Part.
- (2) The court must not make an order under this Part unless there is produced to it such evidence as may be prescribed by rules of court of—
- (a) the consent of the respondent to the making of the order,
 - (b) the financial resources of the respondent, and
 - (c) if the financial provision specified in the application includes or consists of provision in respect of a child of the family to be made by the applicant to the respondent for the benefit of the child or to the child, the financial resources of the child.

Commencement Information

- II** Sch. 16 para. 11 wholly in force at 5.12.2005; Sch. 16 para. 11 not in force at Royal Assent see s. 263; Sch. 16 para. 11(2) in force for certain purposes at 5.9.2005 by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and Sch. 16 para. 11 in force otherwise at 5.12.2005 by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

Exercise of powers in relation to children

- 12 (1) This paragraph applies if the financial provision specified in an application under this Part or a request under paragraph 14—
- (a) includes, or
 - (b) consists of,
- provision in respect of a child of the family.
- (2) The court must not make an order under this Part unless it considers that the provision which the applicant or the respondent (as the case may be) has agreed to make in

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respect of the child provides for, or makes a proper contribution towards, the financial needs of the child.

Power to make alternative orders

- 13 (1) This paragraph applies if on an application under this Part or a request under paragraph 14 the court decides—
- (a) that it would be contrary to the interests of justice to make an order for the making of the financial provision specified in the application or request, or
 - (b) that any financial provision which the applicant or the respondent (as the case may be) has agreed to make in respect of a child of the family does not provide for, or make a proper contribution towards, the financial needs of that child.
- (2) If the court is of the opinion—
- (a) that it would not be contrary to the interests of justice to make an order for the making of some other financial provision specified by the court, and
 - (b) that, in so far as that other financial provision contains any provision for a child of the family, it provides for, or makes a proper contribution towards, the financial needs of that child,
- then, if both the civil partners agree, the court may order the applicant or the respondent (as the case may be) is to make that other financial provision.

Request for order under this Part in proceedings under Part 1

- 14 (1) On an application for an order under Part 1, both civil partners may, before the determination of the application, request the court to make an order under this Part that the applicant or the respondent (as the case may be) is to make the financial provision specified in the request.
- (2) If an order is made under this Part on a request under this paragraph the application for the Part 1 order is to be treated as if it had been withdrawn.
- (3) In any of the following provisions of this Schedule —
- (a) references to an application for an order under this Part include a request under this paragraph, and
 - (b) references to an applicant or respondent, in relation to any such request, are to the applicant or respondent in relation to the pending application under Part 1.

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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\(2\)](#)