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**Changes to legislation:** Civil Partnership Act 2004, Cross Heading: Particular matters to be taken into account when exercising powers in relation to civil partners 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

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## SCHEDULES

### SCHEDULE 5

#### [<sup>F1</sup>FINANCIAL RELIEF: PROVISION CORRESPONDING TO PROVISION MADE BY PART 2 OF THE MATRIMONIAL CAUSES ACT 1973]

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##### Textual Amendments

- F1** Sch. 5 title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 177](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### PART 5

#### MATTERS TO WHICH COURT IS TO HAVE REGARD UNDER PARTS 1 TO [<sup>F1</sup>4A]

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##### Textual Amendments

- F1** Word in Sch. 5 Pt. 5 heading substituted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 149, [Sch. 6 para. 16\(2\)](#); [S.I. 2011/664](#), art. 2(3), [Sch. Pt. 2](#)

#### *Particular matters to be taken into account when exercising powers in relation to civil partners*

- 21 (1) This paragraph applies to the exercise by the court in relation to a civil partner of its powers under—
- (a) Part 1 (financial provision on dissolution etc.) by virtue of paragraph 2(1) (a), (b) or (c),
  - (b) Part 2 (property adjustment orders),
  - (c) Part 3 (sale of property orders), <sup>F1</sup> . . .
  - (d) Part 4 (pension sharing orders) [<sup>F2</sup>, or]
  - [<sup>F3</sup>(e) Part 4A (pension compensation sharing orders).]
- (2) The court must in particular have regard to—
- (a) the income, earning capacity, property and other financial resources which each civil partner—
    - (i) has, or
    - (ii) is likely to have in the foreseeable future,including, in the case of earning capacity, any increase in that capacity which it would in the opinion of the court be reasonable to expect a civil partner in the civil partnership to take steps to acquire;
  - (b) the financial needs, obligations and responsibilities which each civil partner has or is likely to have in the foreseeable future;

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- (c) the standard of living enjoyed by the family before the breakdown of the civil partnership;
- (d) the age of each civil partner and the duration of the civil partnership;
- (e) any physical or mental disability of either of the civil partners;
- (f) the contributions which each civil partner has made or is likely in the foreseeable future to make to the welfare of the family, including any contribution by looking after the home or caring for the family;
- (g) the conduct of each civil partner, if that conduct is such that it would in the opinion of the court be inequitable to disregard it;
- (h) in the case of proceedings for a dissolution or nullity order, the value to each civil partner of any benefit which, because of the dissolution or annulment of the civil partnership, that civil partner will lose the chance of acquiring.

#### Textual Amendments

- F1** Word in Sch. 5 para. 21(1)(c) repealed (6.4.2011) by Pensions Act 2008 (c. 30), ss. 120, 148, 149, Sch. 6 para. 16(4)(a), **Sch. 11 Pt. 4**; S.I. 2011/664, **art. 2(3)**, Sch. Pt. 2
- F2** Word in Sch. 5 para. 21(1)(d) inserted (6.4.2011) by Pensions Act 2008 (c. 30), ss. 120, 149, **Sch. 6 para. 16(4)(b)**; S.I. 2011/664, **art. 2(3)**, Sch. Pt. 2
- F3** Sch. 5 para. 21(1)(e) inserted (6.4.2011) by Pensions Act 2008 (c. 30), ss. 120, 149, **Sch. 6 para. 16(4)(c)**; S.I. 2011/664, **art. 2(3)**, Sch. Pt. 2

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 21(2) applied (with modifications) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 2 para. 4(3)**
- C2** Sch. 5 para. 21(2)(d) applied (with modifications) (5.12.2005) by The Civil Partnership (Treatment of Overseas Relationships) Order 2005 (S.I. 2005/3042), **art. 3(3)**

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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\(2\)](#)