

**Changes to legislation:** Civil Partnership Act 2004, Paragraph 41 is up to date with all changes known to be in force on or before 07 September 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 15

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

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

- C1** Sch. 15: 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 9

#### COMMENCEMENT OF CERTAIN PROCEEDINGS AND DURATION OF CERTAIN ORDERS

##### *Commencement of proceedings for ancillary relief, etc.*

- 41 (1) Sub-paragraph (2) applies if an application for a dissolution, nullity or separation order has been made.
- (2) Subject to sub-paragraph (3), proceedings for—
- (a) an order under Part 1 (financial provision on dissolution etc.),
  - (b) a property adjustment order, or
  - (c) an order under Part 7 (maintenance pending outcome of dissolution, nullity or separation proceedings),
- may be begun (subject to and in accordance with rules of court), at any time after the presentation of the application.
- (3) Rules of court may provide, in such cases as may be prescribed by the rules that—
- (a) an application for any such relief as is mentioned in sub-paragraph (2) must be made in the application or defence, and
  - (b) an application for any such relief which—
    - (i) is not so made, or
    - (ii) is not made until after the end of such period following the presentation of the application or filing of the defence as may be so prescribed,may be made only with the leave of the court.

##### Commencement Information

- II** Sch. 15 para. 41 wholly in force at 5.12.2005; Sch. 15 para. 41 not in force at Royal Assent see s. 263; Sch. 15 para. 41(2) in force for certain purposes and Sch. 15 para. 41(3) in force at 5.9.2005 by [S.I. 2005/2399](#), **art. 2**, **Sch.** and Sch. 15 para. 41 in force otherwise at 5.12.2005 by [S.I. 2005/3255](#), **art. 2(1)**, **Sch.**

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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. 19(4)(c) and word inserted by [2024 c. 21 s. 76\(7\)\(b\)](#)
- 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\(2\)](#)