

Status: Point in time view as at 05/12/2005.

Changes to legislation: Civil Partnership Act 2004, Part 8 is up to date with all changes known to be in force on or before 24 June 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)

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 8

SUPPLEMENTARY

Restrictions on making of orders under this Schedule: welfare of children

- 45 If—
- (a) an application is made by a civil partner for an order under Part 1, 2 or 3, and
 - (b) there is a child of the family who is under 18,
- the court must not dismiss or make a final order on the application until it has decided whether to exercise any of its powers under the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) with respect to the child.

Application of certain provisions of the Domestic Proceedings (Northern Ireland) Order 1980

- 46 Articles 30 to 35 of the Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5)) apply for the purposes of this Schedule as they apply for the purposes of that Order.

Interpretation

- 47 (1) In this Schedule “child of the family”, in relation to two people who are civil partners of each other, means—
- (a) a child of both of them, and
 - (b) any other child, other than a child placed with them as foster parents by an authority or a voluntary organisation, who has been treated by both the civil partners as a child of their family.
- (2) In sub-paragraph (1) “authority” and “voluntary organisation” have the same meaning as in the Children (Northern Ireland) Order 1995 (S.I. 1995/ 755 (N.I. 2)).
- (3) In any provision of this Schedule “the court” (except where the context otherwise requires) means a court of summary jurisdiction which by virtue of this Schedule or of rules of court has jurisdiction for the purposes of that provision.

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- (4) References in this Schedule to a subsequent civil partnership include a civil partnership which is by law void or voidable.
- (5) References in this Schedule to a subsequent marriage include a marriage which is by law void or voidable.

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