

## SCHEDULES

### SCHEDULE 17

#### FINANCIAL RELIEF IN NORTHERN IRELAND AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

##### PART 1

##### FINANCIAL RELIEF

##### *Restriction of powers under paragraph 9 where jurisdiction depends on civil partnership home in Northern Ireland*

- 11 (1) Sub-paragraphs (2) to (4) apply where the court has jurisdiction to entertain an application for an order under paragraph 9 only because a dwelling-house which was a civil partnership home of the civil partners is situated in Northern Ireland.
- (2) The court may make under paragraph 9 any one or more of the following orders (but no other)—
- (a) an order that one of the civil partners shall pay to the other a specified lump sum;
  - (b) an order that one of the civil partners shall pay to a child of the family, or to a specified person for the benefit of a child of the family, a specified lump sum;
  - (c) an order that one of the civil partners shall transfer that civil partner's interest in the dwelling-house, or a specified part of that interest—
    - (i) to the other,
    - (ii) to a child of the family, or
    - (iii) to a specified person for the benefit of a child of the family;
  - (d) an order that a settlement of the interest of one of the civil partners in the dwelling-house, or a specified part of that interest, be made to the satisfaction of the court for the benefit of any one or more of—
    - (i) the other civil partner and the children of the family, or
    - (ii) either or any of them;
  - (e) an order varying for the benefit of any one or more of—
    - (i) the civil partners and the children of the family, or
    - (ii) either or any of them,a relevant settlement so far as that settlement relates to an interest in the dwelling-house;
  - (f) an order extinguishing or reducing the interest of either of the civil partners under a relevant settlement so far as that interest is an interest in the dwelling-house;
  - (g) an order for the sale of the interest of one of the civil partners in the dwelling-house.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where under paragraph 9 the court makes just one order for the payment of a lump sum by one of the civil partners, the amount of the lump sum must not exceed the amount specified in sub-paragraph (5).
- (4) Where under paragraph 9 the court makes two or more orders each of which is an order for the payment of a lump sum by the same civil partner, the total of the amounts of the lump sums must not exceed the amount specified in sub-paragraph (5).
- (5) That amount is—
- (a) if the interest of the paying civil partner in the dwelling-house is sold in pursuance of an order made under sub-paragraph (2)(g), the amount of the proceeds of sale of that interest after deducting from those proceeds any costs incurred in the sale of that interest;
  - (b) if that interest is not so sold, the amount which in the opinion of the court represents the value of that interest.
- (6) Where the interest of one of the civil partners in the dwelling-house is held jointly or in common with any other person or persons—
- (a) the reference in sub-paragraph (2)(g) to the interest of one of the civil partners shall be construed as including a reference to the interest of that other person, or the interest of those other persons, in the dwelling-house, and
  - (b) the reference in sub-paragraph (5)(a) to the amount of the proceeds of a sale ordered under sub-paragraph (2)(g) shall be construed as a reference to that part of those proceeds which is attributable to the interest of that civil partner in the dwelling-house.
- (7) In sub-paragraph (2)—
- “relevant settlement” means a settlement made, during the subsistence of the civil partnership or in anticipation of its formation, on the civil partners, including one made by will or codicil;
  - “specified” means specified in the order.