

## SCHEDULES

### SCHEDULE 5

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

#### PART 9

##### FAILURE TO MAINTAIN: FINANCIAL PROVISION (AND INTERIM ORDERS)

*Matters to which the court is to have regard on application under paragraph 39(1)(a)*

- 43 (1) This paragraph applies if an application under paragraph 39 is made on the ground mentioned in paragraph 39(1)(a).
- (2) In deciding—
- (a) whether the respondent has failed to provide reasonable maintenance for the applicant, and
  - (b) what order, if any, to make under this Part in favour of the applicant,
- the court must have regard to all the circumstances of the case including the matters mentioned in paragraph 21(2).
- (3) If an application is also made under paragraph 39 in respect of a child of the family who has not reached 18, the court must give first consideration to the welfare of the child while under 18.
- (4) Paragraph 21(2)(c) has effect as if for the reference in it to the breakdown of the civil partnership there were substituted a reference to the failure to provide reasonable maintenance for the applicant.