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**Changes to legislation:** Civil Partnership Act 2004, Paragraph 64 is up to date with all changes known to be in force on or before 17 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]

##### 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 12

#### ARREARS AND REPAYMENTS

##### *Orders for repayment in certain cases of sums paid under certain orders*

- 64 (1) This paragraph applies if—
- (a) a person (“R”) is entitled to receive payments under an order listed in sub-paragraph (2), and
  - (b) R’s circumstances or the circumstances of the person (“P”) liable to make payments under the order have changed since the order was made, or the circumstances have changed as a result of P’s death.
- (2) The orders are—
- (a) any order under Part 8 (maintenance pending outcome of dissolution, nullity or separation proceedings);
  - (b) any interim order under Part 9;
  - (c) any periodical payments order;
  - (d) any secured periodical payments order.
- (3) P or P’s personal representatives may (subject to sub-paragraph (7)) apply for an order under this paragraph against R or R’s personal representatives.
- (4) If it appears to the court that, because of the changed circumstances or P’s death, the amount received by R in respect of a relevant period exceeds the amount which P or P’s personal representatives should have been required to pay, it may order the respondent to the application to pay to the applicant such sum, not exceeding the amount of the excess, as it thinks just.
- (5) “Relevant period” means a period after the circumstances changed or (as the case may be) after P’s death.
- (6) An order under this paragraph for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

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- (7) An application under this paragraph—
  - (a) may be made in proceedings in the High Court or [<sup>F1</sup>the family court] for—
    - (i) the variation or discharge of the order listed in sub-paragraph (2), or
    - (ii) leave to enforce, or the enforcement of, the payment of arrears under that order, but
  - (b) if not made in such proceedings, must be made to [<sup>F1</sup>the family court] ;  
and accordingly references in this paragraph to the court are references to the High Court or [<sup>F1</sup>the family court], as the circumstances require.

<sup>F2</sup>(8) .....

**Textual Amendments**

**F1** Words in Sch. 5 para. 64(7) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 171\(2\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**F2** Sch. 5 para. 64(8) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 171\(3\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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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\(2\)](#)