

Status: Point in time view as at 05/12/2005.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Orders for repayment in certain cases of sums paid under certain orders is up to date with all changes known to be in force on or before 29 July 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 5 **E+W**

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

PART 12 **E+W**

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.
- (7) An application under this paragraph—
- (a) may be made in proceedings in the High Court or a county 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 a county court;

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and accordingly references in this paragraph to the court are references to the High Court or a county court, as the circumstances require.

- (8) The jurisdiction conferred on a county court by this paragraph is exercisable even though, because of the amount claimed in the application, the jurisdiction would not but for this sub-paragraph be exercisable by a county court.

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