

Status: Point in time view as at 15/04/2005. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Civil Partnership Act 2004, Part 3 is up to date with all changes known to be in force on or before 27 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 5 **E+W**

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

VALID FROM 05/12/2005

PART 3 **E+W**

SALE OF PROPERTY ORDERS

Circumstances in which sale of property orders may be made

- 10 (1) The court may make a sale of property order—
- (a) on making —
 - (i) under Part 1, a secured periodical payments order or an order for the payment of a lump sum, or
 - (ii) a property adjustment order, or
 - (b) at any time afterwards.
- (2) In this Schedule “sale of property order” means a sale of property order under this Part.

Sale of property orders

- 11 (1) A sale of property order is an order for the sale of such property as may be specified, being property in which, or in the proceeds of sale of which, either or both of the civil partners has or have a beneficial interest, either in possession or reversion.
- (2) A sale of property order may contain such consequential or supplementary provisions as the court thinks fit.
- (3) A sale of property order may in particular include—
- (a) provision requiring the making of a payment out of the proceeds of sale of the property to which the order relates, and
 - (b) provision requiring any property to which the order relates to be offered for sale to a specified person, or class of persons.
- (4) “Specified” means specified in the order.

When sale of property orders may take effect

- 12 (1) If a sale of property order is made on or after the making of a dissolution or nullity order, it does not take effect unless the dissolution or nullity order has been made final.

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- (2) Where a sale of property order is made, the court may direct that—
- (a) the order, or
 - (b) such provision of it as the court may specify,
- is not to take effect until the occurrence of an event specified by the court or the end of a period so specified.

When sale of property orders cease to have effect

- 13 If a sale of property order contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a civil partner, the order ceases to have effect—
- (a) on the death of the civil partner, or
 - (b) on the formation of a subsequent civil partnership or marriage by the civil partner.

Protection of third parties

- 14 (1) Sub-paragraphs (2) and (3) apply if—
- (a) a civil partner has a beneficial interest in any property, or in the proceeds of sale of any property, and
 - (b) another person (“A”) who is not the other civil partner also has a beneficial interest in the property or the proceeds.
- (2) Before deciding whether to make a sale of property order in relation to the property, the court must give A an opportunity to make representations with respect to the order.
- (3) Any representations made by A are included among the circumstances to which the court is required to have regard under paragraph 20.

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