

*Status: Point in time view as at 16/12/2014.*

*Changes to legislation: Civil Partnership Act 2004, Cross Heading: Age limit on making orders for financial provision for children and duration of such orders is up to date with all changes known to be in force on or before 06 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 6

#### [<sup>F1</sup>FINANCIAL RELIEF: PROVISION CORRESPONDING TO PROVISION MADE BY THE DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978]

##### Textual Amendments

- F1** Sch. 6 title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 200](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### PART 5

#### COMMENCEMENT AND DURATION OF ORDERS UNDER PARTS 1, 2 AND 3

##### *Age limit on making orders for financial provision for children and duration of such orders*

- 27 (1) Subject to sub-paragraph (5), no order is to be made under paragraph 2(1)(c) or (d) or Part 3 in favour of a child who has reached 18.
- (2) The term to be specified in a periodical payments order made under paragraph 2(1)(c) or Part 3 in favour of a child may begin with—
- the date of the making of an application for the order or a later date, or
  - a date ascertained in accordance with sub-paragraph (7) or (8).
- (3) The term to be specified in such an order—
- must not in the first instance extend beyond the date of the birthday of the child next following his reaching the upper limit of the compulsory school age unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date, and
  - must not in any event, subject to sub-paragraph (5), extend beyond the date of the child's 18th birthday.
- (4) Sub-paragraph (3)(a) must be read with section 8 of the Education Act 1996 (c. 56) (which applies to determine for the purposes of any enactment whether a person is of compulsory school age).
- (5) Sub-paragraphs (1) and (3)(b) do not apply in the case of a child if it appears to the court that—
- the child is, or will be, or, if such an order were made without complying with either or both of those provisions, would be—
    - receiving instruction at an educational establishment, or
    - undergoing training for a trade, profession or vocation,whether or not also the child is, will be or would be, in gainful employment, or

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- (b) there are special circumstances which justify the making of the order without complying with either or both of sub-paragraphs (1) and (3)(b).
- (6) Any order made under paragraph 2(1)(c) or Part 3 in favour of a child, regardless of anything in the order, ceases to have effect on the death of the person liable to make payments under the order.
- (7) If—
- (a) a maintenance calculation (“current calculation”) is in force with respect to a child, and
  - (b) an application is made for an order under paragraph 2(1)(c) or Part 3—
    - (i) in accordance with section 8 of the Child Support Act 1991 (c. 48), and
    - (ii) before the end of 6 months beginning with the making of the current calculation,
 the term to be specified in any such order made on that application may be expressed to begin on, or at any time after, the earliest permitted date.
- (8) “The earliest permitted date” is whichever is the later of—
- (a) the date 6 months before the application is made, or
  - (b) the date on which the current calculation took effect or, where successive maintenance calculations have been continuously in force with respect to a child, on which the first of those calculations took effect.
- (9) If—
- (a) a maintenance calculation ceases to have effect by or under any provision of the 1991 Act, and
  - (b) an application is made, before the end of 6 months beginning with the relevant date, for a periodical payments order under paragraph 2(1)(c) or Part 3 in favour of a child with respect to whom that maintenance calculation was in force immediately before it ceased to have effect,
- the term to be specified in any such order, or in any interim order under Part 4, made on that application, may begin with the date on which that maintenance calculation ceased to have effect or any later date.
- (10) “The relevant date” means the date on which the maintenance calculation ceased to have effect.
- (11) In this Schedule “maintenance calculation” has the same meaning as it has in the 1991 Act by virtue of section 54 of the 1991 Act as read with any regulations in force under that section.

**Modifications etc. (not altering text)**

- C1** Sch. 6 para. 27(7)-(11) applied (with modifications) (5.12.2005) (temp.) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 2(5), [Sch. 5 para. 2\(4\)](#)

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