
Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Paragraph 10 is up to date with all changes known to be in force on or before 26 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 7

FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

PART 1

FINANCIAL RELIEF

Matters to which court is to have regard in exercising its powers under paragraph 9

- 10 (1) The court, in deciding—
- (a) whether to exercise its powers under paragraph 9, and
 - (b) if so, in what way,
- must act in accordance with this paragraph.
- (2) The court must have regard to all the circumstances of the case, giving first consideration to the welfare, while under 18, of any child of the family who has not reached 18.
- (3) The court, in exercising its powers under paragraph 9 in relation to one of the civil partners—
- (a) must in particular have regard to the matters mentioned in paragraph 21(2) of Schedule 5, and
 - (b) shall be under duties corresponding to those imposed by sub-paragraphs (2) and (3) of paragraph 23 of that Schedule (duties to consider termination of financial obligations) where it decides to exercise under paragraph 9 powers corresponding to the powers referred to in those sub-paragraphs.
- (4) The matters to which the court is to have regard under sub-paragraph (3)(a), so far as relating to paragraph 21(2)(a) of Schedule 5 (regard to be had to financial resources), include—
- (a) any benefits under a pension arrangement which either of the civil partners has or is likely to have, and
 - (b) any PPF compensation to which a civil partner is or is likely to be entitled, (whether or not in the foreseeable future).
- (5) The matters to which the court is to have regard under sub-paragraph (3)(a), so far as relating to paragraph 21(2)(h) of Schedule 5 (regard to be had to benefits that cease to be acquirable), include—
- (a) any benefits under a pension arrangement which, because of the dissolution or annulment of the civil partnership, one of the civil partners will lose the chance of acquiring, and

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- (b) any PPF compensation which, because of the making of the dissolution or nullity order, a civil partner will lose the chance of acquiring entitlement to.
- (6) The court, in exercising its powers under paragraph 9 in relation to a child of the family, must in particular have regard to the matters mentioned in paragraph 22(2) of Schedule 5.
- (7) The court, in exercising its powers under paragraph 9 against a civil partner (“A”) in favour of a child of the family who is not A’s child, must also have regard to the matters mentioned in paragraph 22(3) of Schedule 5.
- (8) Where an order has been made by a court outside England and Wales for—
 - (a) the making of payments, or
 - (b) the transfer of property,
 by one of the civil partners, the court in considering in accordance with this paragraph the financial resources of the other civil partner, or of a child of the family, shall have regard to the extent to which that order has been complied with or is likely to be complied with.
- (9) In this paragraph—
 - (a) “pension arrangement” has the same meaning as in Part 4 of Schedule 5,
 - (b) references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not, and
 - (c) “PPF compensation” has the same meaning as in ^{F1} . . . Schedule 5.

Textual Amendments

F1 Words in Sch. 7 para. 10(9)(c) repealed (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), ss. 120, 148, 149, Sch. 6 para. 20(3), [Sch. 11 Pt. 4](#); [S.I. 2011/664](#), [art. 2\(3\)](#), Sch. Pt. 2

Commencement Information

I1 Sch. 7 para. 10 wholly in force at 6.4.2006; Sch. 7 para. 10 not in force at Royal Assent see s. 263; Sch. 7 para. 10(1)(2)(3)(4)(a)(5)(a)(6)(7)(8)(9)(a)(b) in force at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), Sch. 1 and Sch. 7 para. 10(4)(b)(5)(b)(9)(c) in force at 6.4.2006 by [S.I. 2006/639](#), [art. 2\(b\)](#)

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