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STATUTORY INSTRUMENTS

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**1978 No. 1045 (N.I. 15)**

**Matrimonial Causes (Northern Ireland) Order 1978**

- - - - [25th July 1978]

**MATRIMONIAL CAUSES (NORTHERN IRELAND) ORDER 1978**

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*Changes to legislation:* There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1 — STAYING OF MATRIMONIAL PROCEEDINGS

#### — Interpretation

- 1. Paragraphs 2 to 6 have effect for the interpretation of this Schedule.
- 2. “Matrimonial proceedings” means any proceedings so far as they are one or more of the...
- 3. (1) “Another jurisdiction” means any country other than Northern Ireland.  
(2) “Related jurisdiction” means any...
- 4. (1) References to the trial or first trial in any proceedings do not include references...
- 5. Any reference in this Schedule to proceedings in another jurisdiction is to proceedings in a...
- 6. “Prescribed” means prescribed by rules of court.  
— Duty to furnish particulars of concurrent proceedings in another jurisdiction
- 7. While matrimonial proceedings are pending in the court in respect of a marriage and the...  
— Obligatory stays
- 8. (1) Where before the beginning of the trial or first trial in any proceedings for...  
— Discretionary stays
- 9. (1) Where before the beginning of the trial or first...  
— Supplementary
- 10. (1) Where an order staying any proceedings is in force in pursuance of paragraph 8...
- 11. (1) The provisions of sub-paragraphs (2) and (3) shall apply (subject to sub-paragraph (4)) where...

— Schedule 2 rep. by 1993 NI 6

### SCHEDULE 3 — TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I — MISCELLANEOUS AND GENERAL

#### *Interpretation*

- 1. (1) In this Schedule— “the Act of 1939” means the Matrimonial Causes Act (Northern Ireland)...

**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978. (See end of Document for details)

*General transitional provisions and savings*

2. Subject to paragraph 3, any application made or proceeding begun under any statutory provision repealed...
3. Nothing in Part II of this Order shall apply in relation to any petition for...
4. Notwithstanding any repeal or amendment made by this Order, the Act of 1939 and any...
5. Subject to the provisions of this Order (and, in particular, to Articles 16 and 51(2))...

*Specific transitional provisions and savings*

6. In Article 6 any reference to a decree of judicial separation includes a reference to...
7. Article 16(1) replaces, in relation to any decree to which it applies, any rule of...
8. In the application of Article 25(1)(d e) or (f) to any...
9. Where the party chargeable under a maintenance agreement within the meaning of Article 36 died...
10. No right or liability shall attach by virtue of Article 36(1) in respect of any...
11. In relation to such proceedings as are mentioned in Article 45(1) which were begun between...
12. Article 45(2) shall not apply in relation to an order made under section 4 of...
13. (1) No proceedings for divorce shall be entertained by the court by virtue of Article...
14. (1) Article 51(1) shall not apply in relation to any petition for divorce or judicial...
15. In Article 54(3) any reference to rules of court as defined by section 21(4) of...
16. In paragraph 2 of Schedule 2 in sub-paragraph (d) the reference to the...
17. The amendment made by Schedule 4 in section 1(1) of the Matrimonial Causes (Reports) Act...

**PART II — PRESERVATION FOR LIMITED PURPOSES OF CERTAIN STATUTORY PROVISIONS**

*Nullity*

18. (1) Subject to sub-paragraphs (2) to (5), a marriage celebrated after 30th September 1939 and...
19. Where a decree of nullity was granted before the commencement of this Order in respect...

*Succession on intestacy in case of judicial separation*

20. Article 20(2) shall not apply in a case where the death occurred before the commencement...

**PART III — ASSIMILATION IN CERTAIN RESPECTS TO ORDERS UNDER THIS ORDER OF ORDERS MADE, ETC., UNDER THE ACT OF 1939, ETC.**

**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978. (See end of Document for details)

*Cesser on remarriage of orders made, etc., under the Act of 1939 or 1951 and recovery of sums mistakenly paid thereafter*

21. (1) An order made under section 19(1) or (2) of the Act of 1939 (including...
22. Article 40 shall apply in relation to an order made under section 17(2) or (3),...

*Variation, etc., of certain orders made, etc., under the Act of 1939, etc.*

23. (1) Subject to the provisions of this paragraph, Article 33 shall apply, as it applies...
24. (1) Paragraphs (1) and (3) of Article 33 shall apply to an order made under...
25. Article 45(7) shall apply in relation to an order for the custody or education of...

*Orders made under the Acts of 1939 and 1951 to count as orders under this Order for certain purposes*

26. The power of the court under Article 25(1) or (2)( a ) or 45(1)( a...

*Application of provisions of this Order with respect to enforcement of arrears and recovery of excessive payments to certain orders made, etc., under the Acts of 1939 and 1951*

27. Article 34 shall apply in relation to the enforcement, by proceedings begun after the commencement...
28. Article 35 shall apply to an order made or deemed to have been made under...

*Avoidance under this Order of transactions intended to defeat claims for relief and relief granted under the Acts of 1939 and 1951*

29. (1) Article 39 shall apply in relation to proceedings for relief under section 17(2) or...

*Care and supervision of children*

30. Articles 46 and 47 shall apply where the court has jurisdiction by virtue of paragraph...

**PART IV — SAVING FOR INTERPRETATION ACT**

31. Except where specific provision to the contrary is made in this Order, nothing in this...

— Schedule 4—Amendments

— Schedule 5—Repeals

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978.