
STATUTORY INSTRUMENTS

1978 No. 1045

Matrimonial Causes (Northern Ireland) Order 1978

PART III

**FINANCIAL RELIEF FOR PARTIES TO
MARRIAGE AND CHILDREN OF FAMILY**

Financial provision and property adjustment orders

Financial provision and property adjustment orders

23.—(1) The financial provision orders for the purposes of this Order are the orders for periodical or lump sum provision available (subject to the provisions of this Order) under Article 25 for the purpose of adjusting the financial position of the parties to a marriage and any children of the family in connection with proceedings for divorce, nullity of marriage or judicial separation and under Article 29(6) on proof of neglect by one party to a marriage to provide, or to make a proper contribution towards, reasonable maintenance for the other or a child of the family, that is to say—

- (a) any order for periodical payments in favour of a party to a marriage under Article 25(1) (a) or 29(6)(a) or in favour of a child of the family under Article 25(1)(d), (2) or (4) or 29(6)(d);
- (b) any order for secured periodical payments in favour of a party to a marriage under Article 25(1)(b) or 29(6)(b) or in favour of a child of the family under Article 25(1)(e), (2) or (4) or 29(6)(e); and
- (c) any order for lump sum provision in favour of a party to a marriage under Article 25(1)(c) or 29(6)(c) or in favour of a child of the family under Article 25(1)(f), (2) or (4) or 29(6)(f);

and references in this Order to periodical payments orders, secured periodical payments orders, and orders for the payment of a lump sum are references to all or some of the financial provision orders requiring the sort of financial provision in question according as the context of each reference may require.

(2) The property adjustment orders for the purposes of this Order are the orders dealing with property rights available (subject to the provisions of this Order) under Article 26 for the purpose of adjusting the financial position of the parties to a marriage and any children of the family on or after the grant of a decree of divorce, nullity of marriage or judicial separation, that is to say—

- (a) any order under paragraph (1)(a) of that Article for a transfer of property;
- (b) any order under paragraph (1)(b) of that Article for a settlement of property; and
- (c) any order under paragraph (1)(c) or (d) of that Article for a variation of settlement.

[^{F1}Pension sharing orders

23A.—(1) For the purposes of this Order, a pension sharing order is an order which—

- (a) provides that one party's—
 - (i) shareable rights under a specified pension arrangement, or
 - (ii) shareable state scheme rights,
 be subject to pension sharing for the benefit of the other party, and
- (b) specifies the percentage value to be transferred.
- (2) In paragraph (1)—
 - (a) the reference to shareable rights under a pension arrangement is to rights in relation to which pension sharing is available under Chapter I of Part V of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under Chapter I of Part IV of the Welfare Reform and Pensions Act 1999, and
 - (b) the reference to shareable state scheme rights is to rights in relation to which pension sharing is available under Chapter II of Part V of the Welfare Reform and Pensions (Northern Ireland) Order 1999, or under Chapter II of Part IV of the Welfare Reform and Pensions Act 1999, and
 - (c) “party” means a party to a marriage.]

F1 1999 NI 11

Modifications etc. (not altering text)

C1 Art. 23A modified (14.8.2006) by Divorce etc. (Pension Protection Fund) Regulations (Northern Ireland) 2006 (S.R. 2006/310), reg. 4(2)

[^{F2}Pension compensation sharing orders

23B.—(1) For the purposes of this Order, a pension compensation sharing order is an order which—

- (a) provides that one party's shareable rights to PPF compensation that derive from rights under a specified pension scheme are to be subject to pension compensation sharing for the benefit of the other party, and
- (b) specifies the percentage value to be transferred.
- (2) In paragraph (1)—
 - (a) the reference to shareable rights to PPF compensation is to rights in relation to which pension compensation sharing is available under Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008 or under Chapter 1 of Part 3 of the Pensions Act 2008;
 - (b) “party” means a party to a marriage;
 - (c) “specified” means specified in the order.

F2 Arts. 23B, 23C inserted (6.4.2011) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), s. 118(1), Sch. 5 para. 2 (with s. 73); S.R. 2011/108, art. 2(2), Sch.

Pension compensation: interpretation

23C In this Part—

“PPF compensation” means compensation payable under the pension compensation provisions;

“the pension compensation provisions” means—

- (a) Chapter 3 of Part 3 of the Pensions (Northern Ireland) Order 2005 (pension protection) and any regulations or order made under it,
- (b) Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008 (pension compensation on divorce etc.) and any regulations or order made under it, and
- (c) any provision corresponding to the provisions mentioned in paragraph (a) or (b) in force in Great Britain.]

F2 Arts. 23B, 23C inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), s. 118(1), [Sch. 5 para. 2](#) (with s. 73); S.R. 2011/108, art. 2(2), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Cross Heading: Financial provision and property adjustment orders.