

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS

Pending proceedings, etc.

1.—(1) Subject to sub-paragraphs (2) and (5), nothing in any provision of this Order (other than the repeals mentioned in sub-paragraph (3)) shall affect any proceedings which are pending immediately before the commencement of that provision.

(2) Proceedings in the exercise of the High Court's inherent jurisdiction with respect to children which are pending in relation to a child who has been placed or allowed to remain in the care of the Department or an authority shall not be treated as pending proceedings after the expiration of one year from the commencement of this sub-paragraph if no final order has been made by then in the exercise of the High Court's inherent jurisdiction in respect of the child's care.

(3) The repeals are those of—

- (a) Article 45(3) of the Matrimonial Causes (Northern Ireland) Order 1978(1) (declaration by court that party to marriage unfit to have custody of children of family);
- (b) section 12 of the Criminal Law Amendment Act 1885(2) (power to divest person of authority over girl in cases of seduction or prostitution);
- (c) section 1(4) of the Punishment of Incest Act 1908(3) (power to divest person of authority over girl in cases of incest).

(4) For the purposes of the following provisions of this Schedule, any reference to an order in force immediately before the commencement of a provision of this Order shall be construed as including a reference to an order made after that commencement in proceedings pending before that commencement.

(5) Sub-paragraph (4) is not to be read as making the order in question have effect from a date earlier than that on which it was made.

(6) An order under Article 169(5) (orders for admissibility of hearsay) may make such provision with respect to the application of the order in relation to proceedings which are pending when the order comes into operation as the Lord Chancellor considers appropriate.

2. Where, immediately before the commencement of Part V, there was in force an order under section 94(4) of the Children and Young Persons Act (Northern Ireland) 1968(4) (order directing the Department to bring a child or young person before a juvenile court under subsection (1) of that section), the order shall cease to have effect on the commencement of that Part.

(1) 1978 NI 15
(2) 1885 c. 69
(3) 1908 c. 45
(4) 1968 c. 34 (N.I.)