



2009 CHAPTER 6

Declarations of presumed death

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- 1.—(1) Where a person who is missing—
- (a) is thought to have died; or
 - (b) has not been known to be alive for a period of at least 7 years,
- any person may apply to the High Court for a declaration that the person (in this Act referred to as the “missing person”) is presumed to be dead.
- (2) The High Court has jurisdiction to entertain proceedings for a declaration under subsection (1) if (and only if)—
- (a) the missing person was domiciled in Northern Ireland on the date on which he or she was last known to be alive or had been habitually resident there throughout the period of one year ending with that date;
 - (b) the applicant—
 - (i) is the spouse or civil partner of the missing person; and
 - (ii) is domiciled in Northern Ireland on the date when the proceedings are begun or has been habitually resident in Northern Ireland throughout the period of one year ending with that date; or
 - (c) the applicant is a close relative of the missing person where the missing person is a victim of violence (within the meaning of section 1(4) of the Northern Ireland (Location of Victims' Remains) Act 1999 (c. 7)).
- (3) Where an application under subsection (1) is made by a person other than—
- (a) the spouse or civil partner of; or

(b) a close relative of,
the missing person to whom the application relates, the High Court must refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.

(4) In subsections (2)(c) and (3)(b), “close relative”, in relation to a missing person, means—

- (a) the parent or child of that person; or
- (b) the sibling (whether of the full blood or the half blood) of that person.