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STATUTORY INSTRUMENTS

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**1978 No. 1045**

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

**PART I**

**INTRODUCTORY**

**Title and commencement**

- 1.—(1) This Order may be cited as the Matrimonial Causes (Northern Ireland) Order 1978.  
(2) *Commencement*

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

*Definition rep. by 1987 NI 22*

“child”, in relation to one or both of the parties of a marriage, includes<sup>[F1]</sup> a child whose father and mother were not married to <sup>[F2]</sup>, or civil partners of,] each other at the time of his birth within the meaning of Article 155 of the Children (Northern Ireland) Order 1995];

“child of the family”, in relation to the parties to a marriage, means—

- (a) a child of both of those parties; and
- (b) any other child, not being a child who<sup>[F1]</sup> is placed with those parties as foster parents by an authority within the meaning of the Children (Northern Ireland) Order 1995] or a voluntary organisation, who has been treated by both of those parties as a child of their family;

“the court” shall be construed in accordance with Article 48;

*Definition rep. by 1995 NI 2*

“disposal”, in relation to any property, includes creating a charge on the property (including a charge subject to conditions as to the time when it is to become enforceable or otherwise);

<sup>F3</sup> ...

“education” includes training;

<sup>F4</sup><sup>[F5]</sup>“maintenance assessment” means an assessment of maintenance made under the Child Support (Northern Ireland) Order 1991 and includes, except in circumstances prescribed for the purposes of the definition of that expression in Article 2(2) of that Order, an interim maintenance assessment within the meaning of that Order;]

<sup>F6</sup> ...

“rules of court” means rules of court made under Article 54;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 .

(3) In this Order—

(a) references to financial provision orders, periodical payments and secured periodical payments orders and orders for the payment of a lump sum, and references to property adjustment orders, shall be construed in accordance with Article 23;

[<sup>F7</sup>(aa) references to pension sharing orders shall be construed in accordance with Article 23A; and]

(b) references to orders for maintenance pending suit and to interim orders for maintenance shall be construed respectively in accordance with Article 24 and Article 29(5).

(4) For the avoidance of doubt it is hereby declared that references in this Order to remarriage include references to a marriage which is by law void or voidable.

[<sup>F8</sup>(4A) References in this Order to the formation of a civil partnership by a person include references to a civil partnership which is by law void or voidable.]

**F1** 1995 NI 2

**F2** Words in art. 2(2) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **35(2)** (with regs. 6-9)

**F3** Words in art. 2(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 76(1), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F4** prosp. in pt. subst. by 2000 c. 4 (NI)

**F5** SR 1993/98

**F6** Words in art. 2 omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 8(2)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F7** 1999 NI 11

**F8** 2004 c. 33

**Changes to legislation:**

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