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STATUTORY INSTRUMENTS

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**1979 No. 924**

**Inheritance (Provision for Family and  
Dependants) (Northern Ireland) Order 1979**

Special provisions relating to cases of divorce, separation, etc.

**Availability of court's powers under this Order in certain applications**

**20.**—(1) Where—

- (a) a person against whom a secured periodical payments order was made under the Matrimonial Causes (Northern Ireland) Order 1978 has died and an application is made under Article 33(6) of that Order for the variation or discharge of that Order or for the revival of the operation of any provision thereof which has been suspended, or
- (b) a party to a maintenance agreement within the meaning of Article 36 of that Order has died, the agreement being one which provides for the continuation of payments thereunder after the death of one of the parties, and an application is made under Article 38(1) of that Order for the alteration of the agreement under Article 37 of that Order;

the court to which the application is made under the said Article 33(6) or 38(1) shall have power to direct that the application shall be deemed to have been accompanied by an application for an order under Article 4.

(2) Where the court to which an application is made under the said Article 33(6) or 38(1) gives a direction under paragraph (1), that court shall have power—

- (a) to make any order which it would have had power to make under the provisions of this Order if the application under the said Article 33(6) or 38(1) as the case may be, had been made jointly with an application for an order under Article 4; and
- (b) to give such consequential directions as may be necessary for enabling it to exercise any of the powers available to it under this Order in the case of an application for an order under Article 4.

(3) Where an order made under Article 17(1) is in force with respect to a party to a marriage, a direction shall not be given under paragraph (1) with respect to any application made under the said Article 33(6) or 38(1) by that party on the death of the other party.

**Changes to legislation:**

There are currently no known outstanding effects for the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979, Section 20.