

## STATUTORY INSTRUMENTS

# 1980 No. 563

## Domestic Proceedings (Northern Ireland) Order 1980

### Powers of court to make orders for financial provision for parties to a marriage and children of the family

#### **Powers of court to make orders for financial provision**

4.—(1) Where on an application for an order under this Article the applicant satisfies the court of any ground mentioned in Article 3, the court may, subject to the provisions of this Order, make any one or more of the following orders, that is to say—

- (a) an order that the respondent shall make to the applicant such periodical payments, and for such term, as may be specified in the order;
- (b) an order that the respondent shall pay to the applicant such lump sum as may be so specified;
- (c) an order that the respondent shall make to the applicant for the benefit of a child of the family to whom the application relates, or to such a child, such periodical payments, and for such term, as may be so specified;
- (d) an order that the respondent shall pay to the applicant for the benefit of a child of the family to whom the application relates, or to such a child, such lump sum as may be so specified.

(2) Without prejudice to the generality of paragraph (1)( *b*) or ( *d*), an order under this Article for the payment of a lump sum may be made for the purpose of enabling any liability or expenses reasonably incurred in maintaining the applicant, or any child of the family to whom the application relates, before the making of the order to be met.

(3) <sup>F1</sup> The amount of any lump sum required to be paid by an order under this Article shall not exceed<sup>[F2</sup> £1,000] or such larger amount as the Secretary of State may<sup>[F3</sup>, after consultation with the Lord Chief Justice,] by order fix for the purposes of this paragraph.

<sup>[F4</sup>(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(4) <sup>F1</sup> <sup>[F5</sup>Any order made under] paragraph (3) shall be subject to<sup>[F6</sup> negative resolution].

**F1** functions transf. by 1993 NI 6

**F2** SR 1989/323

**F3** Words in art. 4(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 60(2); S.I. 2006/1014, art. 2(a), Sch. 1

**F4** Art. 4(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 60(3); S.I. 2006/1014, art. 2(a), Sch. 1

**F5** Words in art. 4(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 60(4); S.I. 2006/1014, art. 2(a), Sch. 1

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**Changes to legislation:** There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, Section 4. (See end of Document for details)

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**F6** Words in art. 4(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 120(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, Section 4.