
STATUTORY INSTRUMENTS

1989 No. 677

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989

PART V

DECLARATIONS OF STATUS

Supplementary provisions as to declarations

36.—(1) Any declaration made under this Part, and any application for such a declaration, shall be in the form prescribed by rules of court.

(2) Rules of court may make provision—

- (a) as to the information required to be given by any applicant for a declaration under this Part;
- (b) as to the persons who are to be parties to proceedings on an application under this Part;
- (c) requiring notice of an application under this Part to be served on the Attorney-General^[F1] and on persons who may be affected by any declaration applied for].

(3) No proceedings under this Part shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

(4) The court hearing an application under this Part may direct that the whole or any part of the proceedings shall be heard in camera, and an application for a direction under this paragraph shall be heard in camera unless the court otherwise directs.

(5) In this Article and Article 37(2) “rules of court”

- (a) in relation to an application or declaration under Article 31^{F2}, means^[F3] family proceedings rules made under Article 12 of the Family Law (Northern Ireland) Order 1993];
- (b) in relation to any other application made to, or declaration made by, the High Court, means rules of court within the meaning of section 21(4) of the Interpretation Act (Northern Ireland) 1954^{F4};
- (c) in relation to any other application made to, or declaration made by, the county court, means county court rules within the meaning of section 21(5) of that Act.

^[F5](6) An appeal shall lie to the county court against—

- (a) the making by a court of summary jurisdiction of a declaration under Article 31B,
- (b) any refusal by a court of summary jurisdiction to make such a declaration, or
- (c) any order under paragraph (6) of that Article made on such a refusal.]

F1 1995 NI 2

F2 prosp. insertion by 1993 NI 6

F3 1993 NI 6

F4 1954 c. 33 (NI)

Changes to legislation: *The Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Section 36 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

F5 2000 c. 4 (NI)

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Changes and effects yet to be applied to :

- art. 36 applied by [2022 c. 18 \(N.I.\) s. 91\(4\)](#)