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STATUTORY INSTRUMENTS

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**1989 No. 677**

**The Matrimonial and Family Proceedings  
(Northern Ireland) Order 1989**

**PART II**

**TIME RESTRICTIONS ON PRESENTATION OF  
PETITIONS FOR DIVORCE OR NULLITY OF MARRIAGE**

**Bar on petitions for divorce within two years of marriage**

3. For Article 5 of the principal Order (which provides that no petition for divorce shall be presented within three years of marriage unless the leave of the court has been obtained) there shall be substituted the following Article—

**“Bar on petitions for divorce within two years of marriage**

5.—(1) No petition for divorce shall be presented to the court before the expiration of the period of two years from the date of the marriage.

(2) Nothing in this Article shall prohibit the presentation of a petition based on matters which occurred before the expiration of that period.”

**Extension of period for proceedings for decree of nullity in respect of voidable marriage**

4.—(1) Article 16 of the principal Order (which imposes restrictions on the institution of proceedings for a decree of nullity in respect of a voidable marriage) shall be amended as follows.

(2) For paragraph (2) there shall be substituted the following paragraph—

“(2) Without prejudice to paragraph (1), the court shall not grant a decree of nullity by virtue of Article 14 on the grounds mentioned in paragraph (c), (d), (e) or (f) of that Article unless—

- (a) it is satisfied that proceedings were instituted within the period of three years from the date of the marriage, or
- (b) leave for the institution of proceedings after the expiration of that period has been granted under paragraph (4).”

(3) At the end of the Article there shall be added the following paragraphs—

“(4) In the case of proceedings for the grant of a decree of nullity by virtue of Article 14 on the grounds mentioned in paragraph (c), (d), (e) or (f) of that Article, a judge of the court may, on an application made to him, grant leave for the institution of proceedings after the expiration of the period of three years from the date of the marriage if—

- (a) he is satisfied that the petitioner has at some time during that period suffered from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986<sup>F1</sup>; and

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**Changes to legislation:** *There are currently no known outstanding effects for the The Matrimonial and Family Proceedings (Northern Ireland) Order 1989, PART II. (See end of Document for details)*

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(b) he considers that in all the circumstances of the case it would be just to grant leave for the institution of proceedings.

(5) An application for leave under paragraph (4) may be made after the expiration of the period of three years from the date of the marriage.” .

**F1** 1986 NI 4

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