
Changes to legislation: There are currently no known outstanding effects for the Forced Marriage (Civil Protection) Act 2007, Cross Heading: Appeals from county courts. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROTECTION AGAINST FORCED MARRIAGE: NORTHERN IRELAND

PART 3

JURISDICTION AND PROCEDURE

Appeals from county courts

- 11 (1) An appeal lies to the High Court against—
- (a) the making by a county court of any order under this Schedule; or
 - (b) any refusal by a county court to make such an order;
- as if the decision had been made in the exercise of the jurisdiction conferred by Part 3 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I.3)) (original civil jurisdiction) and the appeal were brought under Article 60 of that Order (ordinary appeals in civil cases).
- (2) But an appeal does not lie to the High Court under sub-paragraph (1) where the county court is ^{F1}... exercising jurisdiction under the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.15)) in the same proceedings.
- (3) Provision must be made by rules of court for an appeal to lie (upon a point of law, a question of fact or the admission or rejection of any evidence) to the Court of Appeal against—
- (a) the making of any order under this Schedule; or
 - (b) any refusal to make such an order;
- by a county court of the type referred to in sub-paragraph (2).
- (4) Sub-paragraph (3) is without prejudice to Article 61 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I.3)) (cases stated).
- (5) On an appeal under sub-paragraph (1), the High Court may make such orders as may be necessary to give effect to its determination of the appeal.
- (6) Where an order is made under sub-paragraph (5), the High Court may also make such incidental or consequential orders as appear to it to be just.
- (7) Any order of the High Court made on an appeal under sub-paragraph (1) (other than one directing that an application be re-heard by the county court) is to be treated, for the purposes of—
- (a) the enforcement of the order; and
 - (b) any power to vary, revive or discharge orders;
- as if it were an order of the county court from which the appeal was brought and not an order of the High Court.

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(8) This paragraph is subject to paragraph 12.

Textual Amendments

- F1** Words in Sch. 1 para. 11(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 131](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)

Commencement Information

- I1** Sch. 1 para. 11 in force at 25.11.2008 by [S.R. 2008/446](#), art. 2(a)

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