

PRESUMPTION OF DEATH ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12 Information

46. **Section 12** gives the court power in proceedings for a declaration under section 1 or a variation order under section 5, where the court considers it necessary to dispose of the proceedings, to order the provision of information by persons who are not party to the proceedings. The information sought must be relevant to the question of whether a missing person is alive or dead and must be specified in the order (*subsections (1), (2) and (7)*). The court can make such an order on application by a party or of its own motion (*subsection (3)*) but must give prior notice of its intention to make the order to anyone likely to be affected by it (*subsection (5)*). A person whom the court considers is affected by an order under section 12 can apply for it to be discharged or varied (*subsection (6)*). The order may not require the provision of information mentioned in *subsection (4)*.
47. The term “party to proceedings” is defined in section 20(2) to include a person intervening under section 11.