



## 2009 CHAPTER 6

### *Declarations of presumed death*

#### **Declarations of presumed death**

1.—(1) Where a person who is missing—

- (a) is thought to have died; or
- (b) has not been known to be alive for a period of at least 7 years,

any person may apply to the High Court for a declaration that the person (in this Act referred to as the “missing person”) is presumed to be dead.

(2) The High Court has jurisdiction to entertain proceedings for a declaration under subsection (1) if (and only if)—

- (a) the missing person was domiciled in Northern Ireland on the date on which he or she was last known to be alive or had been habitually resident there throughout the period of one year ending with that date;
- (b) the applicant—
  - (i) is the spouse or civil partner of the missing person; and
  - (ii) is domiciled in Northern Ireland on the date when the proceedings are begun or has been habitually resident in Northern Ireland throughout the period of one year ending with that date;

[<sup>F1</sup>(ba) the applicant and the missing person—

- (i) are of the same sex and married each other under the law of Northern Ireland, or
- (ii) registered as civil partners of each other under the law of Northern Ireland,

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*Changes to legislation: There are currently no known outstanding effects for the Presumption of Death Act (Northern Ireland) 2009, Section 1. (See end of Document for details)*

and it appears to the court to be in the interests of justice to assume jurisdiction in the case;] or

- (c) the applicant is a close relative of the missing person where the missing person is a victim of violence (within the meaning of section 1(4) of the Northern Ireland (Location of Victims' Remains) Act 1999 (c. 7)).

(3) Where an application under subsection (1) is made by a person other than—

- (a) the spouse or civil partner of; or
- (b) a close relative of,

the missing person to whom the application relates, the High Court must refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.

(4) In subsections (2)(c) and (3)(b), “close relative”, in relation to a missing person, means—

- (a) the parent or child of that person; or
- (b) the sibling (whether of the full blood or the half blood) of that person.

#### **Textual Amendments**

- F1** S. 1(2)(ba) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), 147 (with regs. 6-9)

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