
STATUTORY INSTRUMENTS

1978 No. 1045

Matrimonial Causes (Northern Ireland) Order 1978

PART III

**FINANCIAL RELIEF FOR PARTIES TO
MARRIAGE AND CHILDREN OF FAMILY**

Additional provisions with respect to financial provision and property adjustment orders

Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour

31.—(1) Subject to paragraph (3), no financial provision order and no order for a transfer of property under Article 26(1)(a) shall be made in favour of a child who has attained the age of 18.

(2) The term to be specified in a periodical payments or secured periodical payments order in favour of a child may begin with the date of the making of an application for the order in question or any later date^[F1] or a date ascertained in accordance with paragraphs (5) or (7)] but—

(a) shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age (that is to say, the age that is for the time being that limit by virtue of Article 36 of the Education and Libraries (Northern Ireland) Order 1972)^[F2] unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date]; and

(b) shall not in any event, subject to paragraph (3), extend beyond the date of the child's eighteenth birthday.

(3) Paragraph (1), and sub-paragraph (b) of paragraph (2), shall not apply in the case of a child, if it appears to the court that—

(a) the child is, or will be, or if an order were made without complying with either or both of those provisions would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or

(b) there are special circumstances which justify the making of an order without complying with either or both of those provisions.

(4) Any periodical payments order in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order, except in relation to any arrears due under the order on the date of the death.

^[F1](5) Where—

(a) ^{F3} maintenance assessment (“the ^{F3} current assessment”) is in force with respect to a child; and

- (b) before the end of the period of 6 months beginning with the date on which the current assessment was made, an application is made under this Part for a periodical payments or secured periodical payments order in favour of that child;

the term to be specified in any such order made on that application may be expressed to begin on or at any time after the earliest permitted date.

- (6) For the purposes of paragraph (5), (“the earliest permitted date” is the later of—
- (a) the date six months before the application for the order was made; or
 - (b) the date on which the^{F3} current assessment took effect or, where successive^{F3} maintenance assessments have been continuously in force with respect to that child, the first of^{F3} those assessments took effect.

(7) Where—

- (a) a^{F3} maintenance assessment ceases to have effect^{F4} or is cancelled by or under any provision of the Child Support (Northern Ireland) Order 1991; and
- (b) before the end of the period of 6 months beginning with the relevant date an application is made for a periodical payments or secured periodical payments order in favour of a child with respect to whom that^{F3} maintenance assessment was in force immediately before it ceased to have effect^{F4} or was cancelled,

the term to be specified in any such order made on that application may begin with the relevant date or any later date.

- (8) In paragraph (7) “the relevant date” means—
- (a) where the^{F3} maintenance assessment ceased to have effect, the date on which it so ceased,^{F4} and
 - ^{F4}(b) where the^{F3} maintenance assessment was cancelled, the later of—
 - (i) the date on which the person who cancelled it did so; or
 - (ii) the date from which the cancellation first had effect.]

F1	SR 1993/98
F2	1989 NI 4
F3	prosp. in pt. subst. by 2000 c. 4 (NI)
F4	prosp. in pt. rep. by 2000 c. 4 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 31.