
STATUTORY INSTRUMENTS

1978 No. 1045

Matrimonial Causes (Northern Ireland) Order 1978

PART IV

PROTECTION, CUSTODY, ETC., OF CHILDREN

[^{F1}Restrictions on decrees for dissolution, annulment or separation affecting children

44.—(1) In any proceedings for a decree of divorce or nullity of marriage, or a decree of judicial separation, the court shall consider—

- (a) whether there are any children of the family to whom this Article applies; and
 - (b) where there are any such children, whether (in the light of the arrangements which have been, or are proposed to be, made for their upbringing and welfare) it should exercise any of its powers under the Children (Northern Ireland) Order 1995 with respect to any of them.
- (2) Where, in any case to which this Article applies, it appears to the court that—
- (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the Children (Northern Ireland) Order 1995 with respect to any such child;
 - (b) it is not in a position to exercise that power or (as the case may be) those powers without giving further consideration to the case; and
 - (c) there are exceptional circumstances which make it desirable in the interests of the child that the court should give a direction under this Article,

it may direct that the decree of divorce or nullity is not to be made absolute, or that the decree of judicial separation is not to be granted, until the court orders otherwise.

- (3) This Article applies to—
- (a) any child of the family who has not attained the age of 16 at the date when the court considers the case in accordance with the requirements of this Article; and
 - (b) any child of the family who has attained that age at that date and in relation to whom the court directs that this Article shall apply.]

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 44.