
STATUTORY INSTRUMENTS

1979 No. 924

Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979

Special provisions relating to cases of divorce, separation, etc.

Provision as to cases where no financial relief was granted in divorce proceedings, etc.

16.—(1) Where, within twelve months from the date on which a decree of divorce or nullity of marriage has been made absolute or a decree of judicial separation has been granted, a party to the marriage dies and—

- (a) an application for a financial provision order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978 or a property adjustment order under Article 26 of that Order has not been made by the other party to that marriage, or
- (b) such an application has been made but the proceedings thereon have not been determined at the date of the death of the deceased,

then, if an application for an order under Article 4 is made by that other party, the court shall, notwithstanding anything in Article 3 or 5 have power, if it thinks it just to do so, to treat that party for the purposes of that application as if the decree of divorce or nullity of marriage had not been made absolute or the decree of judicial separation had not been granted, as the case may be.

(2) This Article shall not apply in relation to a decree of judicial separation unless at the date of the death of the deceased the decree was in force and the separation was continuing.

Changes to legislation:

There are currently no known outstanding effects for the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979, Section 16.