
STATUTORY INSTRUMENTS

1980 No. 563

Domestic Proceedings (Northern Ireland) Order 1980

Provisions relating to High Court and county court

Appeals

31.—(1) No appeal shall lie to the county court from the making or refusal to make, the variation of or refusal to vary, or the revocation of or refusal to revoke an interim maintenance order^{F1}. . . under Article 20^{F2}. . . .

(2) Notwithstanding^{F3} Article 117 of the Magistrates' Courts (Northern Ireland) Order 1981], where an appeal is made to a county court against an order of a court of summary jurisdiction under this Order for the periodical payment of money,^{F2}. . . , or where an application is made for a case to be stated for the opinion of the Court of Appeal upon a point of law arising in connection with any such order, the order may be enforced pending the determination of the appeal or, as the case may be, the decision on the point of law.

(3) Without prejudice to the generality of section 22 of the Interpretation Act (Northern Ireland) 1954 (powers of appellate courts), on an appeal to the county court from an order made by a court of summary jurisdiction under this Order the county court shall have power to make such orders as may be necessary to give effect to its determination of the appeal, including such incidental or consequential orders as appear to the court to be just, and, in the case of an appeal from an order made by a court of summary jurisdiction on an application for or in respect of an order for the making of periodical payments, the county court shall have power to order that its determination of the appeal shall have effect from such date as the court thinks fit, not being earlier than the date of the making of the application to the court of summary jurisdiction^{F4} or, in a case where there was made to the court of summary jurisdiction an application for an order under Article 4 and a request under Article 8(2) and the term of the periodical payments was or might have been ordered to begin on the date of the making of the application for an order under Article 4, the date of the making of that application].

(4) Without prejudice to the generality of the said section 22 and paragraph (3), where, on an appeal to the county court in respect of an order made by a court of summary jurisdiction requiring any person to make periodical payments, the county court reduces the amount of those payments or discharges the order, the county court shall have power to order the person entitled to payments under the order of the court of summary jurisdiction to pay to the person liable to make payments under that order such sum in respect of payments already made in compliance with the order, in such manner, as the court thinks fit and, if any arrears are due under the order of the court of summary jurisdiction the county court shall have power to remit the payment of those arrears or any part thereof.

(5) Any order of the county court made on an appeal from an order made by a court of summary jurisdiction under this Order shall for the purposes of^{F1} Article 22] be treated as if it were an order of the court of summary jurisdiction from which the appeal was brought and not of the county court.

F1	1995 NI 2
F2	1998 NI 6
F3	1981 NI 26
F4	1989 NI 4

Changes to legislation:

There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, Section 31.