
STATUTORY INSTRUMENTS

1980 No. 563

Domestic Proceedings (Northern Ireland) Order 1980

Provisions relating to High Court and county court

Refusal of order in case more suitable for High Court

29. Where on hearing an application for an order under Article 4 a court of summary jurisdiction is of the opinion that any of the matters in question between the parties would be more suitably dealt with by the High Court, the court of summary jurisdiction shall refuse to make any order on the application, and no appeal shall lie from that refusal; but if in any proceedings in the High Court relating to or comprising the same subject matter as that application the High Court so orders, the application shall be reheard and determined by a court of summary jurisdiction acting for the same petty sessions district as the first-mentioned court.

Powers of High Court and divorce county court in relation to certain orders under this Order

30.—(1) Where after the making by a court of summary jurisdiction of an order under this Order proceedings between, and relating to the marriage of, the parties to the proceedings in which that order was made have been commenced in the High Court or a divorce county court, then, except in the case of an order for the payment of a lump sum, the court in which the proceedings or any application made therein are or is pending may, if it thinks fit, direct that the order made by a court of summary jurisdiction shall cease to have effect on such date as may be specified in the direction.
Para. (1A) rep. by 1998 NI 6

(2) Nothing in this Article shall be taken as prejudicing the effect of any order made by the High Court or^{F1} a county court (whether or not it is a divorce county court)] so far as it implicitly supersedes or revokes an order or part of an order made by a court of summary jurisdiction.

(3) In this Article “divorce county court” has the same meaning as in the Matrimonial Causes (Northern Ireland) Order 1978 .

F1 1984 NI 14

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^{F2}. . . under Article 20^{F3}. . . .

(2) Notwithstanding^{F4} 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,^{F3}. . . , 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.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, Provisions relating to High Court and county court. (See end of Document for details)

(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^{F5} 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^{F2} 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.

F2	1995 NI 2
F3	1998 NI 6
F4	1981 NI 26
F5	1989 NI 4

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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