
STATUTORY INSTRUMENTS

1984 No. 1984

The Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984

PART III

MARRIAGE

Consequences of termination of engagement to marry

Engagements to marry not enforceable at law

15.—(1) An agreement between two persons to marry one another shall not have effect as a contract giving rise to legal rights and no action shall lie for breach of such an agreement whatever the law applicable to the agreement.

(2) This Article shall have effect in relation to agreements entered into before the commencement of this Article, except that it shall not affect any action begun before that commencement.

Property of engaged couples

16.—(1) Where an agreement to marry is terminated, any rule of law relating to the rights of husbands and wives in relation to property in which either or both has or have a beneficial interest shall apply in relation to any property in which either or both of the parties to the agreement had a beneficial interest while the agreement was in force, as it applies in relation to property in which a husband and wife has a beneficial interest.

(2) Where an agreement to marry is terminated, section 17 of the Married Women's Property Act 1882 and section 3 of the Law Reform (Husband and Wife) Act (Northern Ireland) 1964 (power of judge of the High Court or a county court to settle disputes between husband and wife about property) shall apply, as if the parties were married, to any dispute between them, or to any claim by one of them in relation to property in which either or both had a beneficial interest while the agreement was in force; but an application made by virtue of this Article to the judge under the said section 17, as originally enacted or as extended by the said section 3, shall be made within three years of the termination of the agreement.

Gifts between engaged couples

17.—(1) A party to an agreement to marry who make a gift of property to the other party to the agreement on the condition (express or implied) that it shall be returned if the agreement is terminated shall not be prevented from recovering the property by reason only of his having terminated the agreement.

(2) The gift of an engagement ring shall be presumed to be an absolute gift; this presumption may be rebutted by proving that the ring was given on the condition, express or implied, that it should be returned if the marriage did not take place for any reason.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984, PART III. (See end of Document for details)

Restrictions on marriage

Prohibited degrees of relationship

18.—(1) A marriage solemnized^[F1] between a person and any person mentioned in the list in Part 1 of the following Table^[F1], is void:

TABLE

[^{F1}PART I][^{F1} Prohibited degrees of relationship^{F1}]

[^{F1F1}Adoptive child^{F1}]

[^{F1}Adoptive parent^{F1}]

[^{F1}Child^{F1}]

[^{F1}Former adoptive child^{F1}]

[^{F1}Former adoptive parent^{F1}]

[^{F1}Grandparent^{F1}]

[^{F1}Grandchild^{F1}]

[^{F1}Parent^{F1}]

[^{F1}Parent's sibling^{F1}]

[^{F1}Sibling^{F1}]

[^{F1}Sibling's child^{F1}]

[^{F1}PART II^{F1}][^{F1} Degrees of affinity referred to in paragraphs (2A) and (2B)^{F1}]

[^{F1}Child of former civil partner^{F1}]

[^{F1}Child of former spouse^{F1}]

[^{F1}Former civil partner of grandparent^{F1}]

[^{F1}Former civil partner of parent^{F1}]

[^{F1}Former spouse of grandparent^{F1}]

[^{F1}Former spouse of parent^{F1}]

[^{F1}Grandchild of former civil partner^{F1}]

[^{F1}Grandchild of former spouse^{F1}]

[^{F2}PART III^{F2}][^{F2} Degrees of affinity referred to in paragraphs (2C) and (2D)^{F2}]

[^{F2}Mother of former wife^{F2}]

[^{F2}Father of former husband^{F2}]

[^{F2}Former wife of son^{F2}]

[^{F2}Former husband of daughter^{F2}]

(2) In that Table—

- (a) any reference to an adoptive relationship or a former adoptive relationship is to a relationship which arises or arose in consequence of—
 - (i) an order authorising an adoption made (whether before or after the commencement of this Article) in any part of the United Kingdom, in the Isle of Man or in any of the Channel Islands, or
 - (ii) a foreign adoption as defined in section 4(3) of the Adoption (Hague Convention) Act (Northern Ireland) 1969;
- (b) any reference to a [^{F1}sibling]^{F1} includes one of the half blood as well as of the whole blood;
- (c) [^{F2}in Part II,]^{F2} any reference to a relationship which is one of affinity is to a relationship deduced through a marriage^{F1} or civil partnership^{F1} which has been terminated by dissolution or by death;
- (d) any reference to a person of a particular relationship includes a person who would rank as being of that relationship if he, or some other person through whom the relationship is deduced, had been born legitimate.

[^{F2}(2A) Subject to paragraph (2B), a marriage solemnized]^{F1} between a person and any person mentioned in the list in Part 2 of that Table]^{F1}, is void.

(2B) Any such marriage as is mentioned in paragraph (2A) is not void by reason only of affinity if both the parties to the marriage have attained the age of 21 at the time of the marriage and the younger party has not at any time before attaining the age of 18 been a child of the family in relation to the other party.

(2C) Subject to paragraph (2D), a marriage solemnized^{F3} between a man and any of the persons mentioned in the first column of Part III of that Table, or between a woman and any of the persons mentioned in the second column of that Part III, is void.

(2D) Any such marriage as is mentioned in paragraph (2C) is not void by reason only of affinity if both the parties to the marriage have attained the age of 21 at the time of the marriage and the marriage is solemnized—

- ^{F3}(a) in the case of a marriage between a man and the mother of a former wife of his, after the death of both the former wife and the father of the former wife;
- ^{F3}(b) in the case of a marriage between a man and the former wife of his son, after the death of both his son and the mother of his son;
- ^{F3}(c) in the case of a marriage between a woman and the father of a former husband of hers, after the death of both the former husband and the mother of the former husband;
- ^{F3}(d) in the case of a marriage between a woman and a former husband of her daughter, after the death of both her daughter and the father of her daughter.

[
^{F4}(2DA) Paragraph (2D) and Parts 2 and 3 of the Table in paragraph (1) have effect subject to the following modifications in the case of a party to a marriage whose gender has become the acquired gender under the Gender Recognition Act 2004 (“the relevant person”).

(2DB) Any reference in those provisions to a former wife or former husband of the relevant person includes (respectively) any former husband or former wife of the relevant person.

(2DC) And—

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- (a) the reference in paragraph (2D)(b) to the relevant person's son's mother is to the relevant person's son's father if the relevant person is the son's mother, and
- (b) the reference in paragraph (2D)(d) to the relevant person's daughter's father is to the relevant person's daughter's mother if the relevant person is the daughter's father.]

^{F4}(2E) In this Article “child of the family”, in relation to any person, means a child who has lived in the same household as that person and been treated by that person as a child of his family.]

^{F2}(3) A marriage between person not within the degrees of relationship to which^{F2} paragraph (1), (2A) or (2C) applies or a marriage to which paragraph (2B) or (2D) applies^{F2} is void, if either of those persons is at the time of the marriage domiciled in a country other than Northern Ireland and under the law of that country there cannot be a valid marriage between them because of their relationship to each other.

F1	2004 c.33
F2	1993 NI 6
F3	prosp. subst. by 2004 c.33
F4	2004 c.7

Precontract

Repeal of Marriage Act (Ireland) 1725, section iv

19. Section iv of the Marriage Act (Ireland) 1725 (which, for the removal of doubts, provided that a consummated marriage is not void because of an unconsummated precontract, and which is obsolete) shall cease to have effect.

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