

SCHEDULES

SCHEDULE 2

AMENDMENTS

The Domestic Proceedings (Northern Ireland) Order 1980 (NI 5)

18. In Article 2(2) the definition of “the respondent” shall be omitted.
19. In Article 3 the words “(“the respondent”)” shall be omitted.
20. In Article 9(5) for the words “Article 5(1)(c)” there shall be substituted the words “Article 5(2)(c)”.
21. In Article 13—
 - (a) in paragraph (2) after the words “Article 10(2)” there shall be inserted the words “on an application for an order under Article 4 or 9”;
 - (b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Where by an order made under Article 10(2) on an application for an order under Article 8 the right to the actual custody of a child is given to the party to the marriage who has agreed to make the financial provision specified in the application, the court may make one or both of the following orders, that is to say—

 - (a) an order that the other party to the marriage shall make to that party for the benefit of the child or to the child such periodical payments, and for such term, as may be specified in the order;
 - (b) an order that the other party to the marriage shall pay to that party for the benefit of the child or to the child such lump sum as may be so specified.”;
 - (c) in paragraph (5) after the words “paragraph (2)” there shall be inserted “(2A)” and for the words “Article 5(2)” there shall be substituted the words “Article 5(3)”;
 - (d) in paragraph (6) after the words “paragraph (2)(a)” there shall be inserted “(2A)(a)”; and
 - (e) in paragraph (7) after the words “paragraph (2)(b)” in both places where they occur there shall be inserted “(2A)(b)”.
22. In Article 20 after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where an application is made for an order under Article 8 by the party to the marriage who has agreed to make the financial provision specified in the application—

 - (a) paragraph (1) shall apply as if the reference in sub-paragraph (i) to the respondent were a reference to the applicant and the references to the applicant were references to the respondent; and
 - (b) paragraphs (2) and (3) shall apply accordingly.”.
23. In Article 22(8) after the word “respondent” there shall be inserted the words “or the applicant, as the case may be,”.
24. In Article 31 at the end of paragraph (3) there shall be added the words “or, in a case where there was made to the court of summary jurisdiction an application for an order under Article 4 and

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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”.

25. In Schedule 2 in paragraph 2, after sub-paragraph (b), there shall be inserted the following sub-paragraph—

“(bb) on an application after the coming into operation of paragraph 25 of Schedule 1 to the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 for the variation, revival or discharge of the order, the court, in exercising its powers under the said section 5 in relation to any provision of the order requiring the payment of money, shall have power to order that payments required to be made for the maintenance of a child of the family shall be made to the child himself;”.