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SCHEDULES

SCHEDULE 8

Section 66(5).

DECLARATIONS OF STATUS: CONSEQUENTIAL AMENDMENTS

The Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14)

1. In Article 19A(1)(a) (re-registration after declaration of parentage) after “Article” there shall be inserted “31B(7) or”.

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

2. In Article 88 (nature of domestic proceedings) after paragraph (dg) there shall be inserted—

“(dh) under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;”.

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)

3. In Article 40(1) (meaning of “the court” and appeals from county courts) after sub-paragraph (a) there shall be inserted—

“(aa) in Article 31B means the High Court, the county court or a court of summary jurisdiction;”.

The Child Support (Northern Ireland) Order 1991 (NI 23)

4. In Article 27(2) (disputes about parentage), in Case C (where there has been a declaration under Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989), after “Article” there shall be inserted “31B or”.

5. In Article 27A(2)(b) (recovery of fees for scientific tests), for “Article 28” there shall be substituted “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989”.

6. For Article 28 (reference to court for declaration of parentage) there shall be substituted—

“Applications for declaration of parentage under Matrimonial and Family Proceedings (Northern Ireland) Order 1989

28.—(1) This Article applies where—

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- (a) an application for a maintenance calculation has been made (or is treated as having been made), or a maintenance calculation is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application or calculation was made or treated as made;
 - (b) the Department is not satisfied that the case falls within one of those set out in Article 27(2); and
 - (c) the Department or the person with care makes an application for a declaration under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 as to whether or not the alleged parent is one of the child’s parents.
- (2) Where this Article applies—
- (a) if it is the person with care who makes the application, that person shall be treated as having a sufficient personal interest for the purposes of paragraph (3) of that Article; and
 - (b) if it is the Department which makes the application, that paragraph shall not apply.”.

The Children (Northern Ireland) Order 1995 (NI 2)

- 7.—(1) Schedule 7 (jurisdiction) shall be amended as follows.
- (2) In paragraph 1(3) (additional proceedings which may be required to be commenced in a particular court)—
- (a) for head (a) there shall be substituted—
 - “(a) under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (declarations of parentage); or”;
 - and
 - (b) in head (b), for “of that Order” there shall be substituted “of the Child Support (Northern Ireland) Order 1991”.
- (3) In paragraph 2(3) (power to transfer certain proceedings), after head (a) there shall be inserted—
- “(aa) any proceedings under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.”.