



## 2009 CHAPTER 6

### *Declarations of presumed death*

#### **Disclosure of information**

**11.—(1)** Where the High Court is of the opinion that it is necessary for the purpose of disposing of proceedings under section 1 or section 5, the Court may, of its own motion or on the application of a party to the proceedings, make an order requiring any person who is not a party to the proceedings to disclose to the Court such information as the Court considers relevant to the determination of the question of whether a missing person is alive or dead as may be specified in the order.

- (2) Nothing in subsection (1) shall impose a duty to disclose information—
- (a) which is permitted or required by any rule of law to be withheld on grounds of public interest immunity;
  - (b) which any person would be entitled to refuse to provide on grounds of legal professional privilege;
  - (c) if the disclosure of that information might incriminate the person disclosing the information, or his or her spouse or civil partner, of an offence.

(3) Before making an order under subsection (1), the High Court must serve notice of its intention to make the order on any person who, in the opinion of the Court, is likely to be affected by the order.

(4) The High Court may discharge or vary an order made by it under this section on an application made to the Court by any person affected by the order.

(5) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to orders under this section.

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**Changes to legislation:** *There are currently no known outstanding effects for the Presumption of Death Act (Northern Ireland) 2009, Section 11. (See end of Document for details)*

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(6) This section binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

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**Commencement Information**

- II** [S. 11](#) wholly in operation at 9.11.2009; [s. 11\(5\)](#) in operation at 3.8.2009, see [s. 20\(1\)\(c\)](#); [s. 11](#) in operation at 9.11.2009 insofar as not already in operation by [S.R. 2009/356](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Presumption of Death Act (Northern Ireland) 2009, Section 11.