
STATUTORY INSTRUMENTS

1980 No. 563

Domestic Proceedings (Northern Ireland) Order 1980

**Powers of court to make orders for financial provision
for parties to a marriage and children of the family**

Age limit on making orders for financial provision for children and duration of such orders

7.—(1) Subject to paragraph (3), no order shall be made under Article 4(1)(*c*) or (*d*) in favour of a child who has attained the age of 18.

(2) The term to be specified in an order made under Article 4(1)(*c*) in favour of a child may begin with the date of the making of an application for the order in question or any later date^[F1] or a date ascertained in accordance with paragraphs (7) or (9)] but—

- (a) shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age (that is to say, the age that is for the time being that limit by virtue of Article 36 of the Education and Libraries (Northern Ireland) Order 1972)^[F2] unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date]; and
- (b) shall not in any event, subject to paragraph (3), extend beyond the date of the child's eighteenth birthday.

(3) The court—

- (a) may make an order under Article 4(1)(*c*) or (*d*) in favour of a child who has attained the age of 18, and
- (b) may include in an order made under Article 4(1)(*c*) in relation to a child who has not attained that age a provision for extending beyond the date when the child will attain that age the term for which by virtue of the order any payments are to be made to or for the benefit of that child,

if it appears to the court—

- (i) that the child is, or will be, or if such an order or provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or
- (ii) that there are special circumstances which justify the making of the order or provision.

(4) Any order made under Article 4(1)(*c*) in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

(5) An order made under Article 4(1)(*c*) in favour of a child to whom sub-paragraph (i) of paragraph (3) applies shall cease to have effect in the event of the child's ceasing to receive instruction or undergo training as mentioned in that sub-paragraph.

(6) Where an order made under Article 4(1)(*c*) ceases to have effect by virtue of an event mentioned in paragraph (5) the person to whom the periodical payments are directed by the order to be made shall give notice of the event to the court; and any person who without reasonable excuse fails to give such notice shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

[^{F1}(7) Where—

- (a) a^{F3} maintenance assessment (“the ^{F3} current assessment”) is in force with respect to a child; and
- (b) before the end of the period of 6 months beginning with the date on which the ^{F3} current assessment was made, an application is made for an order under Article 4(1)(c);

the term to be specified in any such order, or in any interim order under Article 20, made on that application, may be expressed to begin on, or any time thereafter, the earliest permitted date.

(8) For the purposes of paragraph (7), “the earliest permitted date”, is the later of—

- (a) the date six months before the application for the order was made; or
- (b) the date on which the ^{F3} current assessment took effect or, where successive^{F3} maintenance assessments have been continuously in force with respect to that child, the first of^{F3} those assessments took effect.

(9) Where—

- (a) a^{F3} maintenance assessment ceases to have effect^{F4} or is cancelled by or under any provision of the Child Support (Northern Ireland) Order 1991; and
- (b) before the end of the period of 6 months beginning with the relevant date, an application is made for an order under Article 4(1)(c) in relation to a child with respect to whom that^{F3} maintenance assessment was in force immediately before it ceased to have effect^{F4} or was cancelled,

the term to be specified in any such order, or in any interim order under Article 20, made on that application, may begin with the relevant date or any later date.

(10) In paragraph (9) “the relevant date” means—

- (a) where the ^{F3} maintenance assessment has ceased to have effect, the date on which it so ceased;
- ^{F4}(b) where the ^{F3} maintenance assessment was cancelled, the later of—
 - (i) the date on which the person who cancelled it did so, or
 - (ii) the date from which the cancellation first had effect.]

F1 SR 1993/98

F2 1989 NI 4

F3 prosp. in pt. subst. by 2000 c. 4 (NI)

F4 prosp. in pt. rep. by 2000 c. 4 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, Section 7.