
STATUTORY INSTRUMENTS

1980 No. 563

Domestic Proceedings (Northern Ireland) Order 1980

Introductory

Title and commencement

1.—(1) This Order may be cited as the Domestic Proceedings (Northern Ireland) Order 1980.

(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definition rep. by 1995 NI 2

Definition rep. by 1987 NI 22

“child”, in relation to one or both of the parties to a marriage, [^{F1}is to be construed in accordance with Article 155(1) of the Children (Northern Ireland) Order 1995] ;

“child of the family”, in relation to the parties to a marriage, means—

- (a) a child of both of those parties; and
- (b) any other child, not being a child who is [^{F2} placed with those parties as foster parents by an authority within the meaning of the Children (Northern Ireland) Order 1995] or a voluntary organisation, who has been treated by both of those parties as a child of their family;

^{F3}
...

“the court”, in any provision except Article 40 and except where any other court is expressly referred to, means the court of summary jurisdiction which by virtue of this Order or of rules has jurisdiction for the purposes of that provision;

“the Department” means the Department of Health and Social Services;

Definition rep. by 1998 NI 6

“legal custody”, in relation to a child, means so much of the parental rights and duties as relate to the person of the child (including the place and manner in which his time is spent, but excluding, except where the person having legal custody is a parent or guardian of the child, any right to effect or arrange for the child's emigration from the United Kingdom);

^{F4} [^{F5}“maintenance assessment” means an assessment of maintenance made under the Child Support (Northern Ireland) Order 1991 and includes, except in circumstances prescribed for the purposes of the definition of that expression in Article 2(2) of that Order, an interim maintenance assessment within the meaning of that Order;]

“notice” means notice in writing;

“the parental rights and duties” means as respects a particular child (whether legitimate or not) all the rights and duties which by law the mother and father have in relation to a legitimate child and his property, and includes all elements included in such rights and duties, including a right of access;

Definition rep. by 1998 NI 6

“prescribed” means prescribed by rules;

Definition rep. by 1989 NI 4

“rules” means magistrates' courts rules;

“statutory provision” has the meaning given by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 .

Para. (3) rep. by 1995 NI 2

(4) References in this Order to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household, and references to their living apart shall be construed as references to their not living with each other in the same household.

(5) For the avoidance of doubt it is hereby declared that references in this Order to remarriage include references to a marriage which is by law void or voidable.

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| F1 | Words in art. 2(2) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514) , regs. 1(2), 138 (with regs. 6-9) |
| F2 | 1995 NI 2 |
| F3 | 1998 NI 6 |
| F4 | prosp. in pt. subst. by 2000 c. 4 (NI) |
| F5 | SR 1993/98 |

Changes to legislation:

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