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STATUTORY INSTRUMENTS

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**1980 No. 563**

**Domestic Proceedings (Northern Ireland) Order 1980**

Interim orders

**Interim maintenance orders and interim custody, etc., orders**

**20.**—(1) Where an application is made for an order under Article 4, 8 or 9—

- (a) the court at any time before making a final order on, or dismissing, the application or on refusing to make an order on the application by virtue of Article 29, and
- (b) the High Court on ordering the application to be reheard by a court after the refusal of an order under Article 29, and
- (c) the county court on an appeal from the order made by the court on the application at any time before making a final order on, or dismissing, the appeal,

shall, subject to the provisions of this Order, have<sup>F1</sup> . . .

- (i) power to make an order (an “interim maintenance order”) which requires the respondent to make to the applicant or to any child of the family who is under the age of 18, or to the applicant for the benefit of such a child, such periodical payments as the court thinks reasonable;

*Head (ii) rep. by 1995 NI 2*

*Para. (2) rep. by 1995 NI 2*

(3) An interim maintenance order may provide for payments to be made from such date as the court may specify,<sup>F2</sup> except that, subject to Article 7(7) and 7(8) the date shall not be] earlier than the date of the making of the application for an order under Article 4, 8 or 9; and where such an order made by the county court on an appeal from the court provides for payments to be made from a date earlier than the date of the making of the order, the interim order may provide that payments made by the respondent under an order made by the court shall, to such extent and in such manner as may be provided by the interim order, be treated as having been paid on account of any payment provided for by the interim order.

<sup>F3</sup>(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) [<sup>F1</sup>paragraph] (3) shall apply accordingly.]

*Para. (4) rep. by 1995 NI 2*

(5) Subject to paragraph (6), an interim order made under paragraph (1), if not previously revoked, shall cease to have effect on whichever of the following dates occurs first, that is to say—

- (a) the date, if any, specified for the purpose in the interim order;
- (b) the date of the expiration of the period of 14 weeks from the date of the making of the interim order;
- (c) the date on which the court either makes a final order on, or dismisses, the application for an order under Article 4, 8 or 9, or, where the interim order was made by a county court

on an appeal, the date on which that court either makes a final order on, or dismisses, the appeal.

(6) Where an interim order made under paragraph (1) would, but for this paragraph, cease to have effect by virtue of paragraph (5)(a) or ( b), the court which made the order or, in the case of an interim order made by the High Court, the court by which the application for an order under Article 4, 8 or 9 is to be reheard, shall have power by order to provide that the interim order shall continue in force for a further period, and any order continued in force under this paragraph, if not previously revoked, shall cease to have effect on whichever of the following dates occurs first, that is to say—

- (a) the date, if any, specified for the purpose in the order made under this paragraph;
- (b) the date of the expiration of the period of 14 weeks from the date of the making of the order under this paragraph or, if more than one order has been made under this paragraph with respect to the application, from the date of the making of the first of those orders;
- (c) the date on which the court either makes a final order on, or dismisses, the application for an order under Article 4, 8 or 9, or, where the interim order was made by a county court on an appeal, the date on which that court either makes a final order on, or dismisses, the appeal.

(7) Not more than one interim maintenance order<sup>F1</sup>. . . may be made with respect to any application for an order under Article 4, 8 or 9, but without prejudice to the powers of a court under this Article on any further such application.

(8) An interim order made by the High Court under this Article on ordering that an application be reheard by the court shall, for the purpose of its enforcement and for the purposes of Article 22<sup>F1</sup>. . . , be treated as if it were an order of the court and not of the High Court.

<b>F1</b>	<a href="#">1995 NI 2</a>
<b>F2</b>	<a href="#">SR 1993/98</a>
<b>F3</b>	<a href="#">1989 NI 4</a>

*Art. 21 rep. by 1998 NI 6*

**Changes to legislation:**

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