

## SCHEDULES

### SCHEDULE 2

Article 42(1).

#### SAVING AND TRANSITIONAL PROVISIONS

*Para. 1 rep. by 1995 NI 2*

2. Any order made or other thing done under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945 which is in force immediately before the coming into operation of the repeal of that Act made by this Order shall not be affected by that repeal, and the provisions of that Act shall, notwithstanding that repeal, continue to apply in relation to such an order, and to an order made under that Act by virtue of paragraph 1, subject to the following modifications—

(a) on an application for the discharge of the order the court shall not be bound under the proviso to section 5(1) of that Act to discharge the order by reason of an act of adultery committed by the person on whose application the order was made;

(b) on an application for the variation, revival or discharge of the order, the court, in exercising its powers under the said section 5 in relation to a provision of the order requiring the payment of money, shall have regard to any change in any of the matters to which the court would have been required to have regard when making that order if the order had been made on an application for an order under Article 4 of this Order;

[<sup>F1</sup>(bb) on an application after the coming into operation of paragraph 25 of Schedule 1 to the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 for the variation, revival or discharge of the order, the court, in exercising its powers under the said section 5 in relation to any provision of the order requiring the payment of money, shall have power to order that payments required to be made for the maintenance of a child of the family shall be made to the child himself;] *Sub#paras. (c), (d) rep. by 1995 NI 2*

**F1** 1989 NI 4

3. Without prejudice to paragraph 2, the amendment or repeal by this Order of any statutory provision shall not affect the operation of that provision in relation to any order made or having effect as if made under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945 (including an order made under that Act by virtue of paragraph 1) or in relation to any decision of a court of summary jurisdiction made on an application for such an order or for the variation, suspension, revival or discharge of such an order.

*Para. 4 rep. by 1995 NI 2*

*Para. 5 rep. by 1981 NI 26*

*Para. 6 rep. by 1995 NI 2*

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Proceedings (Northern Ireland) Order 1980, SCHEDULE 2.