
STATUTORY INSTRUMENTS

1989 No. 677

**The Matrimonial and Family Proceedings
(Northern Ireland) Order 1989**

PART V

DECLARATIONS OF STATUS

Declarations as to marital status

31.—(1) Subject to the provisions of this Article, any person may apply to the court for one or more of the following declarations in relation to a marriage specified in the application, that is to say—

- (a) a declaration that the marriage was at its inception a valid marriage;
- (b) a declaration that the marriage subsisted on a date specified in the application;
- (c) a declaration that the marriage did not subsist on a date so specified;
- (d) a declaration that the validity of a divorce, annulment or legal separation obtained in any country outside Northern Ireland in respect of the marriage is entitled to recognition in Northern Ireland;
- (e) a declaration that the validity of a divorce, annulment or legal separation so obtained in respect of the marriage is not entitled to recognition in Northern Ireland.

(2) A court shall have jurisdiction to entertain an application under paragraph (1) if (and only if) [^{F1}paragraph (2A) applies or] either of the parties to the marriage to which the application relates—

- (a) is domiciled in Northern Ireland on the date of the application, or
- (b) has been habitually resident in Northern Ireland throughout the period of one year ending with that date, or
- (c) died before that date and either—
 - (i) was at death domiciled in Northern Ireland, or
 - (ii) had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death.

[^{F2}(2A) This paragraph applies where—

- (a) the two people concerned are of the same sex and married each other under the law of Northern Ireland, and
- (b) it appears to the court to be in the interests of justice to assume jurisdiction in the case.]

(3) Where an application under paragraph (1) is made by any person other than a party to the marriage to which the application relates, the court shall refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.

Changes to legislation: *There are currently no known outstanding effects for the The Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Section 31. (See end of Document for details)*

- F1** Words in art. 31(2) inserted (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), **37(a)** (with regs. 6-9)
- F2** Art. 31(2A) inserted (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), **37(b)** (with regs. 6-9)

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