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STATUTORY INSTRUMENTS

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**1989 No. 677**

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

**PART VII**

**SUPPLEMENTAL PROVISIONS**

**Transitional provisions**

**43.**—(1) Where at the coming into operation of Article 3—

- (a) leave has been granted under Article 5 of the principal Order for the presentation of a petition for divorce or proceedings on an application for leave under that Article are pending, and
- (b) the period of two years from the date of the marriage has not expired,

nothing in Article 3 shall prohibit the presentation of a petition for divorce before the expiration of that period; and in relation to such a case Articles 3(5) and 5 of the principal Order as in force immediately before the coming into operation of Article 3 shall continue to apply.

(2) Where at the coming into operation of Article 3—

- (a) proceedings on an application for leave under Article 5 of the principal Order are pending, and
- (b) the period of two years from the date of the marriage has expired,

the proceedings shall abate but without prejudice to the powers of the court as to costs.

(3) An application for leave under Article 16(4) of the principal Order to institute proceedings after the expiration of the period of three years from the date of the marriage may be made where that period expired before as well as where it expires after the coming into operation of Article 4.

(4) Nothing in this Order shall affect—

- (a) any proceedings under the Legitimacy Declaration Act (Ireland) 1868(1) or section 2 of the Legitimacy Act (Northern Ireland) 1928(2) begun before the date of the coming into operation of Part V;
- (b) any proceedings for jactitation of marriage begun before that date; or
- (c) any proceedings for a declaration begun in the High Court before that date.