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STATUTORY INSTRUMENTS

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**1989 No. 677**

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

**PART IV**

**FINANCIAL RELIEF IN NORTHERN  
IRELAND AFTER OVERSEAS DIVORCE ETC.**

Financial provision out of estate of deceased party to marriage

**Extension of powers under Inheritance (Provision for Family and Dependants) (Northern  
Ireland) Order 1979 in respect of former spouses**

**29.**—(1) The Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979<sup>F1</sup> shall have effect with the following amendments, being amendments designed to give to persons whose marriages are dissolved or annulled overseas the same rights to apply for provision under that Order as persons whose marriages are dissolved or annulled under the principal Order.

(2) In Article 2(2) for the definition of “former wife” and “former husband” there shall be substituted the following definition—

““ former wife ” or “former husband” means a person whose marriage with the deceased was during the lifetime of the deceased either—

- (a) dissolved or annulled by a decree of divorce or a decree of nullity of marriage granted under the law of any part of the United Kingdom or the Channel Islands or under the law of the Isle of Man, or
- (b) dissolved or annulled in any country or territory outside the United Kingdom, the Channel Islands and the Isle of Man by a divorce or annulment which is entitled to be recognised as valid by the law of Northern Ireland;” .

(3) After Article 17 (restriction in divorce proceedings etc. of applications under the Order) there shall be inserted the following Article—

**“Restriction imposed in proceedings under Matrimonial and Family Proceedings  
(Northern Ireland) Order 1989 on applications under this Order**

**17A.**—(1) On making an order under Article 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (orders for financial provision and property adjustment following overseas divorces, etc.) the High Court, if it considers it just to do so, may, on the application of either party to the marriage, order that the other party to the marriage shall not on the death of the applicant be entitled to apply for an order under Article 4.

(2) Where an order under paragraph (1) has been made with respect to a party to a marriage which has been dissolved or annulled, then, on the death of the other party to that marriage, the court shall not entertain an application under Article 4 made by the first-mentioned party.

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**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Financial  
provision out of estate of deceased party to marriage. (See end of Document for details)

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(3) Where an order under paragraph (1) has been made with respect to a party to a marriage the parties to which have been legally separated, then, if the other party to the marriage dies while the legal separation is in force, the court shall not entertain an application under Article 4 made by the first-mentioned party.”.

**F1** 1979 NI 8

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Financial provision out of estate of deceased party to marriage.