

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS

CHILDREN IN CARE

Miscellaneous

Marriage consents

31.—(1) In the circumstances mentioned in sub-paragraph (2), section 1 of, and the Schedule to, the Marriages Act (Northern Ireland) 1954⁽¹⁾ (consent to marriage of minors) shall continue to have effect regardless of the amendments and repeals of provisions of that Act contained in Schedules 9 and 10.

(2) The circumstances are that—

- (a) immediately before the commencement of paragraph 10 of Schedule 9 there is in force—
 - (i) an existing order, as defined in paragraph 4(1); or
 - (ii) an order of a kind mentioned in paragraph 11(1)(b) or (3); and
- (b) section 1 of, and the Schedule to, the Marriages Act (Northern Ireland) 1954 would, but for this Order, have applied to the marriage of the child who is the subject of the order.

Affiliation orders, etc.

32.—(1) This paragraph applies to the following orders—

- (a) any affiliation order in force immediately before the commencement of Article 158;
- (b) any order which is enforceable in like manner as an affiliation order and is in force immediately before the commencement of Article 158;
- (c) any order made in relation to an order described in head (a) or (b).

(2) The repeal by this Order of any statutory provision relating to affiliation orders shall not affect any order to which this paragraph applies.

(3) Where—

- (a) an application is made to the High Court or a county court for an order under paragraph 2 of Schedule 1 in respect of a child whose parents were not married to each other at the time of his birth; and
- (b) an affiliation order providing for periodical payments is in force in respect of the child by virtue of this Schedule,

the court may direct that the affiliation order shall cease to have effect on such date as may be specified in the direction.

(1) 1954 c. 21 (N.I.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Property rights where parents not married to each other

33.—(1) In this paragraph “the 1977 Order” means the Family Law Reform (Northern Ireland) Order 1977⁽²⁾.

(2) The repeal by this Order of Article 3 of the 1977 Order (rights on intestacy) shall not affect any rights arising under the intestacy of a person who dies before the repeal comes into operation.

(3) The repeal by this Order of Article 4 of the 1977 Order (presumption in dispositions of property) shall not affect, or affect the operation of section 3 of the Legitimacy Act (Northern Ireland) 1928⁽³⁾ or section 34 of the Trustee Act (Northern Ireland) 1958⁽⁴⁾ in relation to—

- (a) any disposition inter vivos made before the date on which the repeal comes into operation; or
- (b) any disposition by will executed before that date.

(4) The repeal by this Order of Article 6 of the 1977 Order shall not affect the liability of trustees or personal representatives in respect of any conveyance or distribution made before the repeal comes into operation.

Attendance of child before court

34. Section 170 of the Children and Young Persons Act (Northern Ireland) 1968 (power to enforce attendance of child before court) shall apply in relation to any provision of that Act repealed by this Order as if this Order had not been made.

Employment of children

35.—(1) This paragraph (which in effect re-enacts a saving relating to section 37(2)(a) of the Children and Young Persons Act (Northern Ireland) 1968 in Part I of Schedule 2 to the Manual Handling Operations Regulations (Northern Ireland) 1992)⁽⁵⁾ applies only in relation to such employment as is permitted under section 1(2) of the Employment of Women, Young Persons and Children Act 1920⁽⁶⁾.

(2) Article 135 (general restrictions on the employment of children) shall have effect as if for paragraphs (2) and (3) there were substituted the following paragraphs—

“(2) No child shall be employed—

- (a) to lift, carry or move anything so heavy as to be likely to cause injury to the child; or
- (b) in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

(3) If any education and library board serves on the employer of any child a copy of a certificate signed by a medical practitioner—

- (a) that the lifting, carrying or moving of any specified weight is likely to cause injury to the child; or
- (b) that any specified occupation is likely to be injurious to the life, limb, health or education of the child,

(2) 1977 NI 17
 (3) 1928 c. 5 (N.I.)
 (4) 1958 c. 23 (N.I.)
 (5) S.R. 1992 No. 535
 (6) 1920 c. 65

the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.”.

Saving for certain amendments of 1968 Act

36. Notwithstanding the repeal by this Order of Part I of Schedule 16 to the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁷⁾, the Children and Young Persons Act (Northern Ireland) 1968 shall continue to have effect subject to the amendments made by paragraphs 2, 4, 7 and 13 of that Schedule.

⁽⁷⁾ 1972 NI 14