



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 2

DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

General provisions

185 Relief for respondent in dissolution proceedings

- (1) If in any proceedings for a dissolution or separation order the respondent alleges and proves any such fact as is mentioned in section 168(5)(a), (b), (c) or (d) the court may give to the respondent the relief to which he would have been entitled if he had made an application seeking that relief.
- (2) When applying subsection (1), treat—
 - (a) the respondent as the applicant, and
 - (b) the applicant as the respondent,for the purposes of section 168(5).

186 Restrictions on making of orders affecting children

- (1) In any proceedings for a dissolution, nullity or separation order, the court must consider—
 - (a) whether there are any children of the family to whom this section applies, and
 - (b) if there are any such children, whether (in the light of the arrangements which have been, or are proposed to be, made for their upbringing and welfare) it should exercise any of its powers under the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) with respect to any of them.

Status: This is the original version (as it was originally enacted).

- (2) If, in any case to which this section applies, it appears to the court that—
- (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the 1995 Order with respect to any such child,
 - (b) it is not in a position to exercise the power or (as the case may be) those powers without giving further consideration to the case, and
 - (c) there are exceptional circumstances which make it desirable in the interests of the child that the court should give a direction under this section,
- it may direct that the order is not to be made final, or (in the case of a separation order) is not to be made, until the court orders otherwise.
- (3) This section applies to—
- (a) any child of the family who has not reached 16 at the date when the court considers the case in accordance with the requirements of this section, and
 - (b) any child of the family who has reached 16 at that date and in relation to whom the court directs that this section shall apply.

187 Parties to proceedings under this Chapter

- (1) Rules of court may make provision with respect to—
- (a) the joinder as parties to proceedings under sections 161 to 179 of persons involved in allegations of improper conduct made in those proceedings,
 - (b) the dismissal from such proceedings of any parties so joined, and
 - (c) the persons who are to be parties to proceedings on an application under section 181.
- (2) Rules of court made under this section may make different provision for different cases.
- (3) In every case in which the court considers, in the interest of a person not already a party to the proceedings, that the person should be made a party, the court may if it thinks fit allow the person to intervene upon such terms, if any, as the court thinks just.