STATUTORY INSTRUMENTS

# 1993 No. 1576

## The Family Law (Northern Ireland) Order 1993

Miscellaneous

**Family proceedings rules**

**12.**—(1) There shall be a committee known as the Northern Ireland Family Proceedings Rules Committee ("the Committee") which may, with the concurrence of the Lord Chancellor, make rules of court for the purposes of family proceedings.

(2) Schedule 2 shall have effect with respect to the Committee.

(3) Without prejudice to the generality of paragraph (1), rules of court made under this Article—

(a) may, for the purposes mentioned in paragraph (1), make, in relation to both the High Court and county courts, any provision of a kind which could be made by rules of court as defined by section 21(4) of the Interpretation Act (Northern Ireland) 1954(**1**) and, in relation to county courts, any provision of a kind which could be made by county court rules (and accordingly in any statutory provision empowering the making of rules of court as so defined, any reference to the Supreme Court or the High Court shall, for the purposes of this Article, include a reference to a county court);

(b) without prejudice to sub-paragraph (a), may provide that a decree pronounced by an officer of a class designated by the rules shall have the same effect as a decree pronounced by a county court judge;

(c) may apply, with or without modifications, any rules of court (as so defined) and any county court rules;

(d) may modify or exclude the application of any such rules or of any provision of the County Courts (Northern Ireland) Order 1980(**2**);

(e) without prejudice to sub-paragraph (a), may make with respect to proceedings in a county court any provision regarding the Official Solicitor or any solicitor of the Supreme Court which could be made by rules of court with respect to proceedings in the High Court;

(f) may provide for the enforcement of orders made in a county court as if they were orders of the High Court, and for that purpose apply any statutory provision, with or without modification;

(g) may provide that the sums payable under Article 13(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**3**) to a solicitor or counsel acting in a matrimonial cause within the meaning of Article 48 of the Matrimonial Causes (Northern Ireland) Order 1978(**4**) which is treated for the purposes of that Article 48 as undefended shall, at his election, be either—

(i) such fixed amount specified in the rules as may be applicable under the rules; or

(**1**) 1954 c. 33 (N.I.)
(**2**) 1980 NI 3
(**3**) 1981 NI 8
(**4**) 1978 NI 15

(ii) an amount ascertained on taxation or assessment of costs as provided by Schedule 2 to the Order of 1981;

and may provide for modifying that Schedule in relation to any proceedings which for the purposes of that Article 48 are at any stage treated as pending in a divorce county court;

(h) which relate to the costs of proceedings, may—

(i) amend or repeal any statutory provision relating to the practice and procedure of the Supreme Court or county courts so far as may be necessary in consequence of provision made by the rules; and

(ii) notwithstanding anything in the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**5**), make different provision according to whether each or any of the parties is entitled to legal aid under Part II of that Order in connection with the proceedings.

(4) Rules of court made under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946(**6**) shall apply accordingly.

(5) In this Article—

"family business" means business of any description in the High Court assigned to the Family Division and to no other Division by rules of court except business—

(a) in connection with the grant and revocation of probate and letters of administration of estates of deceased persons;

(b) under Part VIII of the Mental Health (Northern Ireland) Order 1986(**7**) and the Enduring Powers of Attorney (Northern Ireland) Order 1987(**8**);

"family proceedings" means proceedings which are family business and any corresponding proceedings in a county court.

(**5**) 1981 NI 8
(**6**) 1946 c. 36
(**7**) 1986 NI 4
(**8**) 1987 NI 16