

1980 No. 371

**MAGISTRATES' COURTS****Magistrates' Courts (Domestic Proceedings) Rules  
(Northern Ireland) 1980***Made* . . . . . 20th October 1980*Coming into operation* . . . . . 1st December 1980

The Lord Chancellor in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) and Articles 8(8), 14(2)(b), 18(8), 18(9), 21(4), 25(1) and 26(2) of the Domestic Proceedings (Northern Ireland) Order 1980(b) on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice hereby makes the following rules:—

*Citation and commencement*

1. These rules may be cited as the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

*Interpretation*

2.—(1) In these rules—

- (a) "the Order" means the Domestic Proceedings (Northern Ireland) Order 1980 and any reference to an Article by number is a reference to that Article as numbered in the Order;
- (b) "the Order Book" means the Order Book kept under Rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1974(c);
- (c) any reference to a form is a reference to a form in the Schedule to these rules and includes a reference to a form to the like effect with such variations as the circumstances may require;
- (d) expressions used shall have the same respective meanings as in the Order.

(2) The provisions of the Magistrates' Courts Rules (Northern Ireland) 1974 shall have effect subject to these rules.

*Application for order under Article 4 (orders for financial provision)*

3.—(1) An application by way of complaint to a justice of the peace or clerk of petty sessions for an order under Article 4 may be made orally and the ground or grounds on which the application is made must be stated.

(2) Where an application under paragraph (c) or (d) of Article 4 alleges adultery or such behaviour by the respondent that the applicant cannot reasonably be expected to live with the respondent, particulars of the adultery or alleged behaviour shall not be stated in the summons, but, where the respondent or his solicitor, in writing, requests any such particulars, the applicant shall forthwith furnish particulars, in writing, to the respondent or his solicitor and to the clerk of petty sessions.

(3) A summons issued in consequence of such an application shall be in Form 1 and shall be prepared in triplicate and a copy served on the respondent.

---

(a) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

(b) 1980 No. 563 (N.I. 5)

(c) S.R. 1974 No. 334 (II, p. 1541)

*Application for order under Article 8 (orders for payments agreed by parties)*

4.—(1) An application by way of complaint to a justice of the peace or clerk of petty sessions for an order under Article 8 may be made orally specifying the type or types of financial provision applied for, and the amount of any payment to be made thereunder.

(2) A summons issued in consequence of such an application shall be in Form 2 and shall be prepared in triplicate and a copy served on the respondent.

(3) For the purposes of Article 8(8) evidence of the consent of the respondent to the making of the order and of the financial resources of the respondent shall be proved by way of a written statement in Form 3 signed by the respondent in the presence of one of the following persons:—

(a) in Northern Ireland—

a justice of the peace or clerk of petty sessions;

(b) in England and Wales—

a justice of the peace or justice's clerk;

(c) in Scotland—

a justice of the peace or sheriff;

(d) outside the United Kingdom—

(i) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;

(ii) a British consular officer;

(iii) a notary public; or

(iv) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

(4) For the purposes of the said Article 8(8) a written statement purporting to be signed and witnessed in accordance with paragraph (3) shall be admissible as evidence without further proof of the signature of the respondent or of the witness and shall be deemed to have been so signed and witnessed on the date and at the place specified in the document, unless the contrary is proved.

*Application for order under Article 9 (orders for payments where parties are living apart by agreement)*

5.—(1) An application by way of complaint to a justice of the peace or clerk of petty sessions for an order under Article 9 may be made orally.

(2) A summons issued in consequence of such an application shall be in Form 4 and shall be prepared in triplicate and a copy served on the respondent.

(3) Where under Article 9(4) the court decides to treat such an application as if it were an application for an order under Article 4 the court shall state which of grounds (a) and (b) of Article 9(4) is considered applicable and a memorandum of the decision and the grounds therefor shall be entered in the Order Book.

(4) Where the court decides to treat the application as aforesaid and the respondent is not present or represented in court, or the respondent or his representative does not agree to the continuance of the hearing, the court shall adjourn the hearing and the clerk of petty sessions shall serve notice of the decision and the grounds therefor in Form 5 on the respondent.

*Lodgement of birth certificate*

6. On any application for an order under Article 4, 8, 9 or 10 or for the variation or revocation of such an order under Article 22 or 23 the applicant shall lodge with the

clerk of petty sessions before the hearing of the application, where the birth of the child in respect of which the order is sought has been registered, a copy of the entry relating to its birth in the Register of Births or, where it has been adopted, a copy of the entry in the Adopted Children Register, as the case may be.

*Respondents to application for order under Articles 16(3), 22 and 23*

7.—(1) The following persons (not being the applicant) shall be made respondents on an application (under Article 16(3), 22 or 23) for the variation or revocation of an order that is to say:—

- (a) in the case of the variation or revocation of an order made under Article 4(1) (a) or (c), 8, 9 or 13(2)(a), the parties to the marriage in question;
- (b) in the case of the variation or revocation of an order made under Article 13(3)(a) requiring payments to be made to or for the benefit of a child of a person who is a parent of the child but not a party to the marriage in question and who has the legal custody of the child—
  - (i) that person;
  - (ii) the parties to the marriage in question;
- (c) in the case of the variation or revocation of an order made under Article 13(4) requiring payments to be made to the Department or to a child whose care has been committed to the Department—
  - (i) the Department;
  - (ii) the parties to the marriage in question;
- (d) in the case of the variation or revocation of an order made under Article 16(1) requiring access to a child to be given to a grandparent—
  - (i) the person who has the legal custody of the child;
  - (ii) the grandparent concerned;
- (e) in the case of the variation or revocation of an order made under Article 20 the parties to the marriage in question and also—
  - (i) if the order requires payments to be made for the benefit of a child who has his home with a person who is a parent of the child but not a party to the marriage in question, that person; or
  - (ii) if the order gives the legal custody of a child to a person who is not a party to the marriage in question, that person;
- (f) in the case of the variation or revocation of an order referred to in sub-paragraphs (a) to (e) requiring payments to be made to or for the benefit of a child who is 16 years of age or over, that child, in addition to the persons who are to be made respondents by virtue of those sub-paragraphs;
- (g) in the case of the variation or revocation of an order made under Article 10 in respect of the custody of or access to a child of the family—
  - (i) the parties to the marriage in question;
  - (ii) any person who is a parent of the child but not a party to the marriage; and also if the child is required by an order made under Article 11 to be under the supervision of the Department, the Department;
- (h) in the case of the variation or revocation of an order made under Article 11 requiring a child to be under the supervision of the Department—
  - (i) the parties to the marriage in question;
  - (ii) any person who is a parent of the child but not a party to the marriage;
  - (iii) the Department;

- (i) in the case of the revocation of an order made under Article 12 committing the care of a child to the Department—
- (i) the parties to the marriage in question;
  - (ii) any person who is a parent of the child but not a party to the marriage;
  - (iii) the Department.

(2) References in paragraph (1) to the parent of a child include the father of an illegitimate child if, but only if, he has been adjudged by a court to be the father of that child.

*Notice to Department with regard to child*

8. Where a court is required under Article 12(2)(a) to notify the Department of the court's intention to make an order committing the care of the child to the Department the clerk of petty sessions shall cause notice in Form 6 to be delivered or sent by recorded delivery post to the Department.

*Notice to applicant of court's powers to make provision with regard to children*

9. In a case where the powers of a court under Article 10, 11, 12 or 13 to make provision with regard to any child of the family are or may be exercisable the clerk of petty sessions shall upon the making of an application under Article 3, 8, or 9, send by ordinary post a duplicate copy of the summons to the applicant or his solicitor.

*Notice to parent of child (other than a party to the marriage) of court's powers to make provision with regard to children*

10.—(1) In the case of an application for an order under Article 4, 8, 9, 16 or 23 where—

- (a) there is a child of the family of the parties to the marriage in question who is not a child of both parties to the marriage; and
- (b) the court is required under Article 14(2) to be satisfied that prescribed steps have been taken with a view to giving notice of the application, and of the time and place appointed for the hearing, to any person who, though not a party to the marriage in question is a parent of that child

the court may exercise its power under Articles 10 to 12 in relation to that child if there has been read aloud before the court at the hearing a statement signed by the clerk of petty sessions that the steps required by paragraph (2) have been taken with a view to giving notice to the parent as aforesaid.

(2) Subject to paragraph (3) the steps required by this rule are the following—

- (a) before the summons is issued on the application the applicant shall be required to say whether or not there is a child of the family who is not a child of both parties to the marriage in question and in respect of whom a notice is required to be given to his parent or parents under Article 14(2), and, if there is such a child, to give the name and address of the parent or parents so far as this information is known to or can be obtained by the applicant;
- (b) at least 10 days before the hearing at which the court proposes to make an order on the application, the clerk of petty sessions shall cause a notice in Form 7 to be sent by post to any parent referred to in sub-paragraph (a) whose name and address are known to him, whether from information given by the applicant in accordance with that sub-paragraph or otherwise.

(3) Where after such notice has been sent to a parent, the hearing at which the court proposes to exercise the said powers is adjourned, the court may exercise the said powers at the adjourned hearing if it is satisfied that reasonable steps have been taken to give the parent adequate notice of the time and place thereof.

*Form of order under Article 4, 8, 9, 10, 11, 12 or 13*

11. An order for financial provision under Article 4, 8 or 9, for custody of or access to children under Article 10, for supervision of children under Article 11, for committal of children to care under Article 12, or for maintenance of children under Article 13, shall be in Form 8.

*Applications for personal protection orders and exclusion orders*

12.—(1) An application by way of complaint to a justice of the peace or clerk of petty sessions for a personal protection order under Article 18(1) or an exclusion order under Article 18(2) may be made orally.

(2) A summons issued in consequence of such an application shall be in Form 9 and shall be prepared in triplicate and a copy served on the respondent.

(3) In the case of an application for an exclusion order the date fixed for the hearing of the application shall be as soon as practicable.

*Consideration of applications for personal protection orders and exclusion orders*

13. Where such an application as is mentioned in rule 12 has been made and the applicant makes a sworn statement to the effect that there is imminent danger of physical injury to the applicant or a child of the family, a justice of the peace shall take such steps as may be necessary to ensure that the court or resident magistrate shall consider forthwith whether or not to exercise the powers conferred by Article 21(2) to make an interim protection order or an interim exclusion order.

*Form of personal protection order and exclusion order*

14.—(1) A personal protection order under Article 18 shall be in Form 10.

(2) An exclusion order under the said Article shall be in Form 11.

*Notification of personal protection orders and exclusion orders*

15.—(1) Where a court or a resident magistrate makes either an exclusion order under Article 18(2) or an interim personal protection order or an interim exclusion order under Article 21(1) or (2), or both such interim orders, the clerk of petty sessions shall cause notice of the making of the order to be served on the respondent personally:

Provided that, if the court or the resident magistrate is satisfied by evidence on oath that prompt personal service on the respondent is impracticable, service may be effected—

(a) by sending a copy of the order by post addressed to him at his usual or last known place of abode; or

(b) by leaving a copy of the order for him with some person at his usual or last known place of abode.

(2) In the case of an exclusion order or an interim exclusion order the copy order sent under paragraph (1) shall be accompanied by a notice in either Form 12 or Form 13 as the case may be.

(3) Where the court or the resident magistrate makes a personal protection order or an exclusion order the notice required under Article 18(8)(e) to be served on the divisional commander (or commanders as the case may be) of police shall be a certified copy of the order.

(4) Where such an order is varied or revoked the notice required by Article 18(8)(f) shall likewise be a certified copy of the varying or revoking order.

(5) In the case of an order made under Article 21(2), a certified copy shall not be sent to the divisional commander of police until notice of the making of the order has been served on the respondent in accordance with paragraph (1) and the clerk of petty sessions shall, before sending it to the divisional commander, endorse on it a signed statement that it has been so served and the date on which the order takes effect.

*Proceedings against person outside Northern Ireland on application for variation or revocation of an order*

16.—(1) The period referred to in Article 26(2) shall be the period of one month ending on the date of the hearing.

(2) Before proceeding in a case where Article 26(2) applies the court in addition to being satisfied of the fact referred to in that provision must also be satisfied that the applicant has taken steps to give notice to the respondent of the making of the application and of the time and place appointed for the hearing by—

- (a) causing a notice in Form 14 to be delivered to the respondent; or
- (b) causing a notice in Form 14 to be sent by post addressed to the respondent at his usual or last known place of abode or business.

(3) Where an application for the revocation or variation of an order requiring payments to be made by the applicant to the respondent is heard by virtue of Article 26(2) in the absence of the respondent the court shall not make the order unless it is satisfied that during the period of 6 months immediately preceding the making of the application the respondent was continuously outside Northern Ireland or was not in Northern Ireland on more than 30 days, and that, having regard to any communication in writing to the court purporting to be from the respondent, it is reasonable in all the circumstances so to do.

(4) Paragraph (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1974 shall apply for the purpose of proving the delivery of a written notice in pursuance of paragraph (2)(a) as it applies for the purpose of proving the service of a summons.

*Transfer of proceedings for order under Article 4, 8, 9 or 18*

17.—(1) Where an application is made for an order under Article 4, 8, 9 or 18 and as a consequence a summons is issued, then, on an application made by the respondent in accordance with paragraph (2) the court may, if it appears that the case could more conveniently be heard in another court of summary jurisdiction having jurisdiction to hear it by virtue of Article 32(1), determine that the proceedings shall be removed to that other court.

(2) An application under paragraph (1) may be made orally or in writing by or on behalf of the respondent and, unless the respondent applied in person, there shall be lodged with the clerk of petty sessions for the court in which the proceedings were begun a statutory declaration by the respondent stating—

- (a) the grounds upon which the application is made;
- (b) the address of the respondent to which notices may be sent;
- (c) a summary of the evidence to be adduced by the respondent in the proceedings, including the names, addresses and occupations, if known, of any witnesses to be called by the respondent;
- (d) the occupation of the respondent and, if known, of the applicant in the proceedings.

(3) Unless the court determines that the application be refused forthwith, it shall afford to the person who applied for the order an opportunity of making representations, either orally or in writing, thereon.

(4) Where the court determines under paragraph (1) that proceedings shall be removed into another court of summary jurisdiction, it shall cause the clerk of petty sessions of the court in which the proceedings were begun to send to the clerk of petty sessions of that other court a copy of the summons and any other relevant documents; and on receipt thereof in that other court, the application shall be deemed to have been made in, and the summons to have been issued by, that other court, and the time and place appointed by that court for the hearing of the proceedings, upon notice thereof being sent to the parties, shall be substituted for the time and place appointed by the summons.

*Entries in the Order Book*

**18.**—(1) Where in the exercise of its powers under section 108 of the Magistrates' Courts Act (Northern Ireland) 1964 a court allows time for payment of a lump sum required to be paid under the Order or orders that any such lump sum shall be paid by instalments or, under Article 24, varies the number of instalments payable, the amount of any instalment payable or the date on which any instalment becomes payable, particulars thereof shall be entered in the Order Book.

(2) Where the clerk of petty sessions receives notice of any direction given by the High Court or a divorce county court under Article 30(1) by virtue of which an order made by the court under the Order ceases to have effect, particulars thereof shall be entered in the Order Book.

*Certified copy order under Article 10(2) to be sent to grandparent applying under Article 16(1)*

**19.**—(1) Where at any time while an order made under Article 10(2) regarding the legal custody of a child is in force, an application is made to a court under Article 16(1) by a grandparent of the child for an order requiring access to the child to be given to that grandparent, the clerk of petty sessions shall send to that grandparent a certified copy of the order made under Article 10(2).

(2) Such an application may be made orally by or on behalf of the grandparent and shall be treated as an application to vary the order.

*Notification of orders made under Article 15*

**20.** Where a court makes an order under Article 15(1) regarding a dispute between two persons who have a parental right or duty jointly by virtue of an order made by a court of summary jurisdiction sitting for another petty sessions district under Article 10(2) and (4) or makes an order under Article 15(2) varying or revoking any such order made under Article 15(1) the clerk of petty sessions of that court shall send a copy of that order to the clerk of petty sessions of the court which made the order under Article 10(2).

Dated 20th October 1980.

*Hailsham of St. Marylebone, C.*

SCHEDULE

FORM 1

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Articles 4, 10, 11 and 12: Rules 3(3) and 9)

Summons to Respondent on application for order for financial provision

of

Applicant

Respondent

Petty Sessions District of

County Court Division of

WHEREAS application has been made for an order under Article 4 of the above mentioned Order on the ground(s) that you—

- \*(a) have failed to provide reasonable maintenance for the applicant; or
- \*(b) have failed to provide or to make a proper contribution towards reasonable maintenance for any child of the family viz: here set out the names and dates of birth of child(ren); or
- \*(c) have, since the date of the marriage, committed adultery; or
- \*(d) have behaved in such a way that the applicant cannot reasonably be expected to live with the respondent; or
- \*(e) have deserted the applicant.

THIS IS TO COMMAND YOU to appear as respondent on the hearing of the said application at on the day of 19 at a.m. before a Court of Summary Jurisdiction for the above mentioned Petty Sessions District.

Dated this day of 19

Justice of the Peace  
[or Clerk of Petty Sessions]

\*Delete whichever is inappropriate.

Note: Children's birth certificates must be lodged before the hearing of the application.

Notice to parties to the marriage of court's powers to make provision with regard to children

NOTICE is hereby given to parties to proceedings under the above mentioned Order that at the hearing the court has power to make provision for any of the following purposes as regards any child of the family—

- (a) legal custody (which may be awarded to either party or to a third person who is a parent of the child);
- (b) access to the child by either or both of the parties (or by a third person who is a parent of the child);
- (c) the payment of maintenance for the child by either or both of the parties.



In certain exceptional circumstances the court may commit the care of the child to the Department of Health and Social Services or place him under the supervision of the said Department. The court may exercise these powers whether at the request of the applicant or not and whether any other order is made on the application or the application is dismissed.

At the hearing of the application the court will hear anything the parties may wish to say on these matters.

The court cannot make its final decision on the application until it has decided whether or not and, if so, how to exercise these powers.

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 8: Rule 4(2))

**Summons to Respondent on application for order for payments agreed by parties**

of	}	Applicant	Petty Sessions District of
of		Respondent	County Court Division of

Whereas application has been made for an order under Article 8 of the above mentioned Order on the ground that you have agreed to—

- \*(a) the making of periodical payments to the applicant of £            per beginning on the            day of            19            ;
- \*(b) the payment of a lump sum to the applicant of £            ;
- \*(c) the making of periodical payments to [            (being a child of the family)] [or the applicant for the benefit of (being a child of the family)] of £            per beginning on the            day of            19            ;
- \*(d) the payment of a lump sum to [            (being a child of the family)] [or the applicant for the benefit of            (being a child of the family)] of £

THIS IS TO COMMAND YOU to appear as respondent on the hearing of the said application at on the            day of            19            at            m. before a Court of Summary Jurisdiction for the above mentioned Petty Sessions District.

Dated this            day of            19           

Justice of the Peace  
[or Clerk of Petty Sessions]

\*Delete whichever is inappropriate.

*Notice to parties to the marriage of Court's powers to make provision with respect to children*

NOTICE is hereby given to parties to proceedings under the above mentioned Order that at the hearing the court has power to make provision for any of the following purposes as regards any child of the family:—

- (a) legal custody (which may be awarded to either party or to a third person);
- (b) access to the child by either or both of the parties (or anybody else who is a parent of the child);
- (c) the payment of maintenance for the child by either or both of the parties.

In certain exceptional circumstances the court may commit the care of the child to the Department of Health and Social Services or place him under the supervision of the said Department. The court may exercise these powers whether at the request of the applicant or not and whether any other order is made on the application or the application is dismissed.

The court cannot make its final decision on the application until it has decided whether or not and, if so, how to exercise these powers.

FORM 3

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 8(8): Rule 4(3))

**Respondents' consent to Article 8 order and statement of financial resources**

of  
 Applicant  
 of  
 Respondent

} Petty Sessions District of  
 }  
 } County Court Division of

I, hereby consent to the making of an order under Article 8 of the above mentioned Order in the following terms—

- \*(a) the making of periodical payments to the applicant of £ per beginning on the day of 19 ;
- \*(b) the payment of a lump sum to the applicant of £ ;
- \*(c) the making of periodical payments to [ (being a child of the family)] [or the applicant for the benefit of (being a child of the family)] of £ per beginning on the day of 19 ;
- \*(d) the payment of a lump sum to [ (being a child of the family)] [or the applicant for the benefit of (being a child of the family)] of £

I further declare that my financial resources are as follows:—

*Means*

1. *Employed*

Gross pay (including overtime and bonuses)	£	per week/month/year
Net pay (after deductions)	£	per week/month/year
2. *Self employed*

Gross profits over last twelve months	£	
Outgoings over last twelve months	£	
3. *Unemployed*

State benefits	£	per week
----------------	---	----------
4. *Any other income*

State source	£	per week/month/year
--------------	---	---------------------
5. *Capital*

Bank balance, savings or any other capital — total value	£	
--	---	--

*Expenses*

6. Rent/Mortgage plus rates
7. Hire purchase, bank loans
8. Travelling expenses to and from work

	£	per week/month
	£	per week/month
	£	per week/month

No. 371

*Magistrates' Courts*

1355

Dated this

day of

19

Respondent

Witnessed

Justice of the Peace  
[or Clerk of Petty Sessions]

\*Delete whichever is inappropriate.

## FORM 4

## DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Articles 9, 10, 11 and 12: Rules 5(2) and 9)

**Summons to Respondent on application for order for payments where parties are living apart by agreement**

of	Applicant	}	Petty Sessions District of
of	Respondent		County Court Division of

Whereas application has been made for an order under Article 9 of the above mentioned Order on the grounds that the applicant has been living apart from you for a continuous period exceeding three months, neither of you having deserted the other, and that you have been making periodical payments for the benefit of the [applicant] [and child(ren) of the family].

The aggregate amount of the payments made during the period of three months immediately preceding the date of the making of the application is specified as £

THIS IS TO COMMAND YOU to appear as respondent on the hearing of the said application at  
on the            day of            19    at            o'clock in the  
noon before a Court of Summary Jurisdiction for the above mentioned Petty  
Sessions District.

Dated this            day of            19

Justice of the Peace  
[or Clerk of Petty Sessions]

*Notice to parties to the marriage of court's powers to make provision with regard to children*

NOTICE is hereby given to parties to proceedings under the above mentioned Order that at the hearing the court has power to make provision for any of the following purposes as regards any child of the family:—

- (a) legal custody (which may be awarded to either party or to a third person who is a parent of the child);
- (b) access to the child by either or both of the parties (or by a third person who is a parent of the child);
- (c) the payment of maintenance for the child by either or both of the parties.

In certain exceptional circumstances the court may commit the care of the child to the Department of Health and Social Services or place him under the supervision of the said Department. The court may exercise these powers whether at the request of the applicant or not and whether any other order is made on the application or the application is dismissed.

At the hearing of the application the court will hear anything the parties may wish to say on these matters.

The court cannot make its final decision on the application until it has decided whether or not and, if so, how to exercise these powers.

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 9: Rule 5(4))

Notice to Respondent of decision to treat application for order under Article 9 as application for order under Article 4

of	} Applicant	Petty Sessions District of
of	} Respondent	County Court Division of

TAKE NOTICE that on the hearing of an application for an order under Article 9 of the above mentioned Order a Court of Summary Jurisdiction for the above mentioned Petty Sessions District has decided, under Article 9(4), to treat the application as if it were an application under Article 4 because the court considers that the orders which it has the power to make under Article 9—

- \* would not provide reasonable maintenance for the applicant;
- \* would not provide, or make a proper contribution towards reasonable maintenance for any child(ren) of the family.

The hearing has been adjourned until \_\_\_\_\_ m on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Clerk of Petty Sessions

\*Delete whichever is inappropriate.

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 12(2)(a): Rule 8)

**Notice to Department of Health and Social Services of intention to commit the care of a child to the Department**

of		}	Petty Sessions District of
	Applicant		
of		}	County Court Division of
	Respondent		

TAKE NOTICE that proceedings are pending under the above mentioned Order before this court between the applicant and the respondent and the court intends to commit the care of the following child(ren) of the family of the parties to the Department of Health and Social Services, namely:—

If the Department wishes to make any representations in this matter, including representation about payments to the Department for the maintenance of the said child(ren), the court will hear such representations at its sittings on the            day of            19            commencing at            m. at           

Clerk of Petty Sessions

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 14(2): Rule 10(2)(b))

Notice to parent of child (other than a party to the marriage) of court's powers to make provision with regard to children

of	Applicant	}	Petty Sessions District of
of	Respondent	}	County Court Division of

NOTICE is hereby given that proceedings are pending under the above mentioned Order between the above mentioned parties and it has been stated that their family includes a child (name) whose parents are (name) and yourself but who has been treated as one of the family by the said applicant and respondent.

If this information is correct, the court has power to make provision at the hearing for any of the following purposes as regards that child:—

- (a) legal custody (which may be awarded to either party or to a third person, including yourself, who is a parent of the child);
- (b) the payment of maintenance for the child by either or both of the parties.

In certain exceptional circumstances the court may commit the care of the child to the Department of Health and Social Services or place him under the supervision of the said Department.

The hearing will take place on the day of 19 at m. before a Court of Summary Jurisdiction for the above mentioned Petty Sessions District at

At the hearing the court will hear anything which you may, as a parent of the child, wish to say on these matters. For this purpose you may appear in person or be represented by a solicitor.

Dated this day of 19

Clerk of Petty Sessions



## FORM 8

## DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Articles 4, 8, 9, 10, 11, 12 and 13: Rule 11)

**Order for financial provision, custody, access, supervision, care and maintenance**

of

Applicant

Petty Sessions District of

of

Respondent

County Court Division of

By the Court of Summary Jurisdiction sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of  
19 \_\_\_\_\_

Upon the hearing of an application for an order under Article [4] [8] [9] of the above mentioned Order;

\* The court being satisfied that \_\_\_\_\_ hereby makes the following order(s)—

## ORDERS FOR FINANCIAL PROVISION

† The respondent shall pay to the applicant £ \_\_\_\_\_ per \_\_\_\_\_ 19 \_\_\_\_\_ the first payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_

† The respondent shall pay to the applicant a lump sum of £ \_\_\_\_\_

The [respondent] [applicant] shall pay [to the applicant/respondent (or name of parent given legal custody) for the benefit of (name of child)] [to (name of child)] [to the Department of Health and Social Services] £ \_\_\_\_\_ per \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_

† The [respondent] [applicant] shall pay [to the applicant/respondent (or name of parent given legal custody) for the benefit of (name of child)] [to (name of child)] a lump sum of £ \_\_\_\_\_

## ORDERS FOR CUSTODY ETC.

† The legal custody of (name of child) (Date of Birth) shall be given to the [applicant] [respondent] [or name of other parent] from \_\_\_\_\_ until his eighteenth birthday.

† The aforementioned child shall be under the supervision of the Department of Health and Social Services until his eighteenth birthday.

† Access to the aforementioned child shall be given to [the respondent] [the applicant] [or name of other parent] subject to the following conditions:—

## ORDERS FOR CARE

The care of (name of child) shall be committed to the Department of Health and Social Services until his eighteenth birthday.

[All payments under the above orders shall be made to the clerk of petty sessions] at

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Resident Magistrate

*Notes*

\* Delete where court refuses the order applied for but makes order(s) relating to child(ren) under Article 10(2);

† Delete whichever is/are inapplicable.

You may within 14 days appeal against this order.

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 18(1) and (2): Rule 12)

Summons to Respondent on application for personal protection order or exclusion order

of	Applicant	}	Petty Sessions District of
of	Respondent		County Court Division of

Whereas application has been made for an order under Article 18(1) or 18(2) [or both] on the ground that—

- \* the respondent has used or threatened to use violence against the applicant or a child of the family and that it is necessary for the protection of the applicant or a child of the family; [and] [or]
- \* the respondent has used or threatened to use violence against the applicant or a child of the family or the respondent has molested the applicant or a child of the family in contravention of a personal protection order and that it is necessary for the protection of the applicant or a child of the family.

THIS IS TO COMMAND YOU to appear as respondent on the hearing of the said application at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ m. before a Court of Summary Jurisdiction for the above mentioned Petty Sessions District.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Justice of the Peace  
[or Clerk of Petty Sessions]

\* Delete whichever is inappropriate.

Notice to Respondent of court's powers in relation to the making of personal protection orders and exclusion orders

TAKE NOTICE that on the hearing of the application referred to in the summons overleaf for an order(s) under Article 18(1) and/or (2) of the above mentioned Order the court (if satisfied as to certain circumstances involving violence or threats of violence) has power to make any order under the said Article, whether or not the applicant asks for a particular kind of order to be made and if so, whether or not the particular kind of order asked for by the applicant is made.

Any or all of the following orders may be made under Article 18:—

- (i) under Article 18(1)
  - (a) A "personal protection order" restraining the respondent from molesting the applicant;
  - (b) A "personal protection order" restraining the respondent from molesting a child of the family.
- (ii) under Article 18(2)
  - An "exclusion order"—
    - (a) giving the applicant, as against the respondent and any person claiming through him, the exclusive use of any premises specified in the order as 'the matrimonial home';

- (b) excluding the respondent from any area specified in the order in which the matrimonial home is situated;
- (c) excluding the respondent from any premises so specified (other than the matrimonial home) where the applicant or a child of the family is living;
- (d) excluding the respondent from any area so specified in which any such premises are situated.

FORM 10

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 18(1)(2)(4) and (8)(d): Rule 14)

Personal protection order

of	} Applicant	Petty Sessions District of
of		} Respondent

By the Court of Summary Jurisdiction [or Resident Magistrate] sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. Upon the hearing of an application for an order under Article 18(1) of the above mentioned Order the court being satisfied as to certain circumstances involving violence or threats of violence against the applicant [or a child of the family] hereby makes the following order(s):—

- \* The respondent shall not molest the applicant;
- \* The respondent shall not molest (name) being a child of the family.

This order operates to restrain you from inciting, procuring or assisting any other person to molest the applicant or a child of the family.

*Exceptions, temporary provisions or other conditions:—*  
*(where the order is not an interim order)*

This order shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and shall expire on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

*(Where the order is an interim order)*

This order shall take effect [on the date on which] [or \_\_\_\_\_ days after] notice of the making of the order is served on the respondent and shall expire on the day of \_\_\_\_\_ 19\_\_\_\_

\*Delete whichever is inappropriate.

Resident Magistrate

FORM 11

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 18(2)(4) and (8)(d): Rule 14(2))

Exclusion Order

of	} Applicant	Petty Sessions District of
of		} Respondent

By the Court of Summary Jurisdiction [or Resident Magistrate] sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. Upon the hearing of an application for an order under Article 18(2) of the above mentioned Order the court being satisfied as to certain circumstances involving violence or threats of violence against the applicant [or a child of the family] [or that the respondent has molested the applicant [or a child of the family] in contravention of a personal protection order] hereby makes the following order(s):—

- \* The applicant shall have exclusive use of (address) being the matrimonial home, and the respondent is hereby excluded from \_\_\_\_\_ being the area in which the matrimonial home is situated.
- \* The respondent is hereby excluded from (address) being premises other than the matrimonial home in which the applicant or a child of the family is living. And the respondent is further excluded from \_\_\_\_\_ being the area in which the said premises are situated.

*Exception, temporary provisions or other conditions:—*  
*(where the order is an interim order)*

This order shall take effect [on the date on which] [or \_\_\_\_\_ days after] notice of the making of the order is served on the respondent and shall expire on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*(where the order is not an interim order)*

This order shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and shall expire on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Resident Magistrate

\*Delete whichever is inappropriate.

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 18(4) and 18(8)(d): Rule 15(2))

Notice to Respondent as to the operation of an exclusion order excluding him from the matrimonial home

of	Applicant	}	Petty Sessions District of
of	Respondent	}	County Court Division of

TAKE NOTICE that the attached exclusion order made against you by the Magistrates' Court on the day of 19 operates to:

- (a) require you to leave forthwith (address) being the matrimonial home;
- (b) prohibit you from entering the said matrimonial home [and the area in which the said matrimonial home is situated as specified in the said order];
- (c) prohibit you from entering it (subject to any temporary provisions contained in the said order for enabling you to remove personal effects or other goods of a specified kind);
- (d) require you to permit the applicant to enter it (together with any child of the family of whom the applicant has actual custody) and have peaceful use and enjoyment of it and (subject to any exceptions specified in the said order) any goods in it;
- (e) restrain you from disposing of any estate you have in it;
- (f) prohibit you from damaging it or interfering with any services in it; and
- (g) prohibit you from removing any goods from it (subject to any exceptions specified in the said order) or from disposing of, damaging or destroying any goods in it.

And the said order so operates in relation to any person claiming through you as it operates in relation to you.

And the said order further operates to restrain you from inciting, procuring or assisting any other person to do anything prohibited by virtue of the said order.

Resident Magistrate  
[or Clerk of Petty Sessions]

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 18(2)(ii)(bb), (4)(e) & (f) and (7): Rule 15(2))

**Notice to Respondent as to the operation of an exclusion order excluding him from premises other than the matrimonial home**

of

Applicant

Petty Sessions District of

of

Respondent

County Court Division of

TAKE NOTICE that the attached exclusion order made against you by the Magistrates' Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ operates to:

- (a) prohibit you from entering (address) being premises in which the applicant or a child of the family is residing [or the area in which the said premises are situated as specified in the said order];
- (b) prohibit you from damaging the said premises or interfering with any services in those premises;
- (c) prohibit you from removing any goods from the said premises or from disposing of, damaging or destroying any goods in those premises.

And the said order so operates in relation to any person claiming through you as it operates in relation to you.

And the said order further operates to restrain you from inciting, procuring or assisting any other person to do anything prohibited by virtue of the said order.

Resident Magistrate  
[Clerk of Petty Sessions]



DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980

(Article 26(2): Rule 16(2))

Notice to person outside Northern Ireland of application for variation or revocation of an order

of	Applicant	}	Petty Sessions District of
of	Respondent	}	County Court Division of

TAKE NOTICE that I have made an application to the Court of Summary Jurisdiction for the above mentioned Petty Sessions District sitting at [23] of the above mentioned Order that the order made under Article [22] under Article [22] day of 19 should be [varied by ] [revoked]. by that court on the

The application will be heard on the day of 19 at m. at

You may appear in person or be represented by a solicitor at the hearing.

If you do not appear in person or by a representative, the court may deal with the case in your absence.

Dated this day of 19

Applicant  
[or Solicitor]

EXPLANATORY NOTE

*(This note is not part of the rules, but is intended to indicate their general purport.)*

These rules make provision, in relation to courts of summary jurisdiction, for the various matters which are to be prescribed under the Domestic Proceedings (Northern Ireland) Order 1980. The rules provide for applications for orders for financial provision for the parties to a marriage and for the custody of, access to, maintenance of and supervision or care of children of the family.

Provision is further made about orders for the protection of such parties and children from domestic violence and about the enforcement, variation, revocation and cessation of orders to which the rules apply.