STATUTORY RULES OF NORTHERN IRELAND

1996 No. 322

The Family Proceedings Rules (Northern Ireland) 1996

Part I

Preliminary

Interpretation

1.3.—(1) In these Rules, unless the context otherwise requires—

"the Order of 1978" means the Matrimonial Causes (Northern Ireland) Order 1978(**1**);

"the Order of 1989" means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(**2**);

"the Order of 1991" means the Child Support (Northern Ireland) Order 1991(**3**);

"the Order of 1995" means the Children (Northern Ireland) Order 1995(**4**);

"ancillary relief" means—

(a) an avoidance of disposition order,

(b) a financial provision order,

(c) an order for maintenance pending suit,

(d) a property adjustment order, or

(e) a variation order;

"avoidance of disposition order" means an order under Article 39(2)(*b*) or (*c*) of the Order of 1978;

"Board" means a Health and Social Services Board;

"business day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(**5**);

"cause" means a matrimonial cause under the Order of 1978;

"certificate of readiness" means a certificate under rule 2.28;

"chief clerk" means the chief clerk for the county court division in which proceedings are pending;

"child" and "child of the family" have, except in Part IV, the same meanings, respectively assigned to them by Article 2(2) of the Order of 1978;

"consent order" means an order under Article 35A of the Order of 1978;

(**1**) S.I.1978/1045 (N.I. 5)
(**2**) S.I. 1989/677 (N.I. 6)
(**3**) S.I. 1991/2628 (N.I. 23)
(**4**) S.I. 1995/755 (N.I. 2)
(**5**) 1971 c. 80

"county court office" means the office of the chief clerk for the county court division in which proceedings are pending;

"court" means the judge or the Master;

"defended cause" means a cause not being an undefended cause;

"Department" means the Department of Health and Social Services;

"divorce county court" means a county court so designated by the Lord Chancellor pursuant to Article 48(1) of the Order of 1978;

"document exchange" means any document exchange for the time being approved by the Lord Chancellor;

"family proceedings" means any proceedings with respect to which rules may be made under Article 12 of the Family Law (Northern Ireland) Order 1993;

"financial provision order" means any of the orders mentioned in Article 23(1) of the Order of 1978 except an order under Article 29(6) of that Order;

"financial relief" has the same meaning as in Article 39 of the Order of 1978;

"judge" means—

(a) in relation to proceedings in the High Court, a judge of the High Court; and

(b) in relation to proceedings in a county court, a county court judge;

"Master" means—

(a) in relation to proceedings in the High Court, the Master (Probate and Matrimonial) or the Master (Care and Protection) as the case may be; and

(b) in relation to proceedings in a county court, a district judge;

"Matrimonial Office" means the Probate and Matrimonial Office of the Supreme Court of Judicature of Northern Ireland;

"matrimonial proceedings" means subject to rule 2.4 any proceedings under the Order of 1978;

"notice of intention to defend" has the meaning assigned to it by rule 2.11;

"Office of Care and Protection" means the Office of Care and Protection of the Supreme Court of Judicature of Northern Ireland;

"person named" includes a person described as "passing under the name of A.B.";

"proper officer" means the proper officer of the High Court;

"property adjustment order" means an order under Article 26(1) of the Order of 1978;

"sealed copy" means a copy examined against the original, marked as examined by the examining officer and sealed with the appropriate seal;

"taxing master" means—

(a) in relation to proceedings in the High Court, the Master (Taxing Office); and

(b) in relation to proceedings in a county court, a district judge;

"Trust" means a Health and Social Services Trust by whom a function is exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(**6**);

"undefended cause" means—

(a) in the case of an application under Article 16 of the Order of 1978, a cause in which the respondent has not given notice of intention to defend within the time limited, or

(**6**) S.I. 1994/429 (N.I. 2)

(b) in any other case—

(i) a cause in which no answer has been filed or any answer filed has been struck out, or

(ii) a cause which is proceeding only on the respondent's answer and in which no reply or answer to the respondent's answer has been filed or any such reply or answer has been struck out, or

(iii) a cause to which rule 2.14(3) applies and in which no notice has been given under that rule or any notice so given has been withdrawn, or

(iv) a cause in which an answer has been filed claiming relief but in which no pleading has been filed opposing the granting of a decree on the petition or answer or any pleading or part of a pleading opposing the granting of a decree;

"variation order" means an order under Article 33 of the Order of 1978(**7**);

(2) Unless the context otherwise requires, a cause may be treated as pending for the purpose of these Rules notwithstanding that a final decree or order has been pronounced or made on the petition.

(3) In these Rules a form referred to by number means the form so numbered in Appendix 1 or a form substantially to the like effect, with such variations as the circumstances of the particular case may require.

(4) In these Rules any reference to an Order and rule is—

(a) if prefixed by the letters "R.S.C.", a reference to that Order and rule in the Rules of the Supreme Court (Northern Ireland) 1980(**8**), and

(b) if prefixed by the letters "C.C.R.", a reference to that Order and rule in the County Court Rules (Northern Ireland) 1981(**9**).

(5) Unless the context otherwise requires, any reference in these Rules to any rule or statutory provision shall be construed as a reference to that rule or statutory provision as amended, extended or applied by any other rule or statutory provision.

(6) In these Rules any reference to a county court shall, in relation to matrimonial proceedings, be construed as a reference to a divorce county court.

(**7**) Article 33 was amended by Article 9 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I. 4))
(**8**) S.R. 1980 No. 346
(**9**) S.R. 1981 No. 225