
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 322

The Family Proceedings Rules (Northern Ireland) 1996

Part VII

Procedure

Applications for relief which are precluded by the Order of 1991

7.14.—(1) Where an application is made for an order which in the opinion of the Master, the court would be prevented from making by Article 10 or 11 of the Order of 1991 the proper officer or chief clerk as the case may be, shall send a notice in Form M31 to the applicant and to the other parties.

(2) In the first instance, the Master shall consider the matter under paragraph (1), without holding a hearing.

(3) An applicant who has been sent a notice under paragraph (1) may within 14 days of receipt of the notice inform the proper officer or chief clerk, as the case may be, in writing, that he wishes to pursue his application and upon being so informed the proper officer shall act in accordance with paragraph (4) and the chief clerk shall refer the matter to the district judge who shall act in accordance with paragraph (4).

(4) Where the Master acts in accordance with this paragraph he shall fix an appointment for the matter to be heard and determined by the court and may direct that the hearing shall be *ex parte*.

(5) Where an appointment has been fixed in accordance with paragraph (4) the proper officer or chief clerk, as the case may be, shall give the applicant notice of the date and time of the appointment and in relation to the other parties—

(a) where the hearing is to be *ex parte*, inform them that the matter is being resolved *ex parte* and that they will be informed of the result in due course;

(b) where the hearing is to be *inter partes*, inform them of the date and time of the appointment.

(6) Where a notice is sent under paragraph (1) and the proper officer or chief clerk, as the case may be, is not informed under paragraph (3) the application shall be treated as having been withdrawn.

(7) Where the matter is heard in accordance with paragraph (4) and the court determines that it would be prevented by Article 10 or 11 of the Order of 1991 from making the order sought it shall dismiss the application.

(8) Where the court dismisses an application under this rule it shall give its reasons in writing, copies of which shall be sent to the parties by the proper officer or chief clerk, as the case may be.

(9) In this rule “the matter” means the question whether the making of an order in the terms sought by the application would be prevented by Article 10 or 11 of the Order of 1991.