
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 324

Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996

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

15.—(1) Where an application is made for an order under Articles 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 all parties, shall be substituted for the time and place appointed by the summons.