
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 538

MAGISTRATES' COURTS

**Magistrates' Courts (Domestic Proceedings)
(Amendment) Rules (Northern Ireland) 1997**

Made - - - - 15th December 1997

Coming into operation 5th January 1998

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) and of all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 5th January 1998.

(2) In these Rules “the principal Rules” means the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996(2).

Amendment of principal Rules

2. The principal Rules should be amended as follows:—

(a) in Rule 1(2)—

(i) after paragraph (a) (definition of “the Order”) there shall be inserted the following paragraph—

“(aa) “the 1981 Order” means the Magistrates' Courts (Northern Ireland) Order 1981(2);”

(ii) after paragraph (b) (definition of “the Order Book”) there shall be inserted the following paragraph—

“(bb) “a means of payment order” means an order made in exercise of the powers conferred on the court by Article 85(3) of the 1981 Order”;

(b) for Rule 8 there shall be substituted the following new Rule—

(1) S.I. 1981/1675 (N.I. 26)
(2) S.R. 1996 No. 324
(2) S.R. 1996 No. 324

“Form of order

8.—(1) An order for financial provision under Articles 4, 8 or 9 shall be in Form D6.

(2) Where the court makes a means of payment order, the clerk of petty sessions shall record on the order for financial provision to which the means of payment order relates the means of payment which the court has ordered.

(3) Where the court orders that payments are to be made by a method of payment falling within Article 85(7) of the 1981 Order the clerk of petty sessions shall notify the person liable to make payments under the order of the number and location of the account into which the payment should be made.”;

(c) after Rule 8 there shall be inserted the following Rule—

“Variation of means of payment order

8A. Where the clerk of petty sessions receives an application under Article 22A(2) of the Order or Article 86(4) of the 1981 Order for the method of payment to be varied, he shall notify in writing, as soon as is practicable, any interested party of the result of the application, including any decision to refer the matter to the court.”; and

(d) for Form D6 there shall be substituted the new Form D6 set out in the Schedule.

Dated 15th December 1997

Irvine of Lairg, C

SCHEDULE

Rule 2(d)

FORM D6DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980(Articles 4, 8 and 9: Rule 8(1))

Order for financial provision

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

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 the lump sum of £ .
- * The applicant shall pay to the respondent £ per 19 ., the first payment to be made on the day of
- * The applicant shall pay to the respondent the lump sum of £ .
- * The [respondent] [applicant] shall pay [to the applicant/respondent (or name of parent) for the benefit of (name of child)] [to (name of child)] a lump sum of £ .

MEANS OF PAYMENT ORDER

The payment required to be made periodically shall be paid * [through the clerk of [this court] [the magistrates' court at] [by (state whether by standing order, or direct debit etc)] [by an attachment of earnings order] [by direct payment to]].

Dated this day of 19 .

Resident Magistrate

NOTES:

* Delete whichever is/are inapplicable.

You may within 14 days appeal against this order.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996 to take account of amendments to the Magistrates' Courts (Northern Ireland) Order 1981 [S.I.1981/1675 (N.I. 26)] and the Domestic Proceedings (Northern Ireland) Order 1980 [S.I. 1980/563 (N.I. 5)] effected by Articles 7 and 8 of the Family Law (Northern Ireland) Order 1993 [S.I. 1993/1576 (N.I. 6)].

The Rules make provision in relation to

- the making of a means of payment order in relation to orders for periodical payment; and
- the variation of periodical payments orders to include a means of payment order.