
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 119

FAMILY PROCEEDINGS

The Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002

To be laid before Parliament

Made - - - - 23rd March 2002

Coming into operation 15th April 2002

The Lord Chancellor, in exercise of the powers conferred on him by Article 164(5) of, and Schedule 7 to, the Children (Northern Ireland) Order 1995⁽¹⁾, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002 and shall come into operation on 15th April 2002.

Interpretation

2. In this Order—

“the Order of 1989” means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989⁽²⁾; and

“petty sessions districts” means the petty sessions districts into which Northern Ireland is divided by order made by the Lord Chancellor under Article 11(2) of the Magistrates' Courts (Northern Ireland) Order 1981⁽³⁾.

Classes of Court

3. For the purposes of this Order there shall be the following classes of court—

- (a) family proceedings courts, being those courts of summary jurisdiction constituted as juvenile courts for the petty sessions districts specified in Schedule 1; and
- (b) family care centres, being those county courts specified in Schedule 2.

(1) S.I.1995/755 (N.I. 2) Schedule 7 was amended by section 66(5) of, and paragraph 7 of Schedule 8 to, the [Child Support, Pensions and Social Security Act \(Northern Ireland\) \(c. 4\)](#)

(2) S.I. 1989/677 (N.I. 4)

(3) S.I. 1981/1675 (N.I. 26)

Commencement of proceedings

4. Proceedings under Article 31B of the Order of 1989⁽⁴⁾ may be commenced in a family proceedings court, a family care centre or the High Court.

Transfer from a family proceedings court to a family care centre or the High Court

5. A family proceedings court may, upon application by a party or of its own motion, transfer proceedings under Article 31B of the Order of 1989 to a family care centre or the High Court where it considers that—

- (a) the proceedings are exceptionally important or complex; or
- (b) it would be appropriate for the proceedings to be heard together with other proceedings pending in such a court.

Transfer from a family care centre to the High Court

6. A family care centre may, upon application by a party or of its own motion, transfer proceedings under Article 31B of the 1989 Order to the High Court if it considers that the proceedings are appropriate for determination in that Court.

Transfer from a family care centre to a family proceedings court

7. A family care centre may transfer to a family proceedings court before trial, proceedings which were transferred by that court under Article 5 where it considers that the criterion cited by the court as the reason for transfer does not apply.

Transfer from High Court to family proceedings court

8. The High Court may transfer to a family proceedings court before trial, proceedings which were transferred by that court under Article 5 where it considers that the criterion for transfer no longer applies.

Transfer from the High Court to a family care centre

9. The High Court may transfer to a family care centre, before trial, proceedings which were transferred by that court under Article 6 where it considers that the proceedings are appropriate for determination in that court.

Contravention of this Order

10. Where proceedings are commenced or transferred in contravention of this Order, the contravention shall not have the effect of making the proceedings invalid and no appeal shall lie against the determination of the proceedings on the basis of such contravention alone.

Dated 23rd March 2002

Irvine of Lairg, C.

(4) S.I. 1989/677 (N.I. 4) Article 31B was inserted by section 66 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

SCHEDULE 1

Article 3(a)

Family Proceedings Courts

PETTY SESSIONS DISTRICTS

Londonderry
Ballymena
Omagh
Craigavon
Newry and Mourne
Ards
Belfast and Newtownabbey

SCHEDULE 2

Article 3(b)

Family Care Centres

Belfast Recorder's Court
Londonderry Recorder's Court
Craigavon County Court

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the commencement and transfer of proceedings under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (declarations of parentage), as inserted by section 66 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000. That Article combines proceedings under the former Article 32(1)(a) of the 1989 Order and proceedings under the former Article 28 of the Child Support (Northern Ireland) Order 1991. It will be possible (but not obligatory, as was the case with proceedings under Article 28 of the 1991 Order) to begin proceedings under Article 31B of the 1989 Order in a court of summary jurisdiction.