
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 137

**The Family Proceedings (Amendment)
Rules (Northern Ireland) 2002**

Declarations of parentage

8. After rule 8.32 insert the following new rules—

“Registration and Enforcement under the Council Regulation

Interpretation

8.33. In rules 8.34 to 8.42 “judgment” is to be construed in accordance with the definition in Article 13 of the Council Regulation.

Filing of applications

8.34. Every application to the High Court under the Council Regulation, other than an application under rule 8.42 for a certified copy of a judgment, shall be filed with the Matrimonial Office.

Application for registration

8.35. An application for registration of a judgment under Article 21(2) of the Council Regulation shall be made without notice being served on any other party.

Evidence in support of application

8.36.—(1) An application for registration under Article 21(2) of the Council Regulation must be supported by a statement that is sworn to be true or an affidavit—

(a) exhibiting—

- (i) the judgment or a verified or certified or otherwise duly authenticated copy thereof together with such other document or documents as may be requisite to show that, according to the law of the Contracting State in which it has been given, the judgment is enforceable and has been served;
- (ii) in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document;
- (iii) where it is the case, a document showing that the party making the application is in receipt of legal aid in the Contracting State in which the judgment was given;
- (iv) where the judgment or document is not in the English language, a translation thereof into English certified by a notary public or a person qualified for the purpose in one of the Contracting States or authenticated by witness statement or affidavit;

- (v) the certificate, in the form set out in Annex IV or Annex V of the Council Regulation, issued by the Contracting State in which judgment was given;
 - (b) stating—
 - (i) whether the judgment provides for the payment of a sum or sums of money;
 - (ii) whether interest is recoverable on the judgment or part thereof in accordance with the law of the State in which the judgment was given, and if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue;
 - (c) giving an address within the jurisdiction of the court for service of process on the party making the application and stating, so far as is known to the witness, the name and the usual or last known address or place of business of the person against whom judgment was given; and
 - (d) stating to the best of the information or belief of the witness—
 - (i) the grounds on which the right to enforce the judgment is vested in the party making the application;
 - (ii) as the case may require, either that at that date of the application the judgment has not been satisfied, or the part or amount in respect of which it remains unsatisfied.
- (2) Where the party making the application does not produce the documents referred to in paragraphs 1(a)(ii) and (iii), the court may—
- (a) fix a time within which the documents are to be produced;
 - (b) accept equivalent documents; or
 - (c) dispense with production of the documents.

Order for registration

8.37.—(1) An order giving permission to register a judgment under Article 21(2) of the Council Regulation must be drawn up by the court.

(2) Every such order shall state the period within which an appeal may be made against the order for registration and shall contain a notification that the judgment will not be enforced until after the expiration of that period.

(3) The notification referred to in paragraph (2) shall not prevent any application for protective measures under Article 12 of the Council Regulation pending final determination of any issue relating to enforcement of the judgment.

Register of judgments

8.38. There shall be kept by the proper officer a register of the judgments ordered to be registered under Article 21(2) of the Council Regulation.

Notice of registration

8.39.—(1) Notice of the registration of a judgment under Article 21(2) of the Council Regulation must be served on the person against whom judgment was given by delivering it to him personally or by sending it to him at his usual or last known address or place of business or in such other manner as the court may direct.

(2) The notice of the registration must state—

- (a) full particulars of the judgment registered and the order for registration;

- (b) the name of the party making the application and his address for service within the jurisdiction;
- (c) the right of the person against whom judgment was given to appeal against the order for registration; and
- (d) the period within which an appeal against the order for registration may be made.

Enforcement of judgment

8.40.—(1) A judgment registered under Article 21(2) of the Council Registration shall not be enforced until after the expiration of the period specified in accordance with rule 8.37 or, if that period has been extended by the Court, until after the expiration of the period so extended.

(2) Any party wishing to apply for the enforcement of a judgment registered under Article 21(2) of the Council Regulation must produce to the proper officer a witness statement or affidavit of service of the notice of registration of the judgment and of any order made by the court in relation to the judgment.

(3) Nothing in this rule shall prevent the court from granting protective measures under Article 12 of the Council Regulation pending final determination of any issue relating to enforcement of the judgment.

Application for recognition

8.41.—(1) Registration of the judgment under these rules shall serve for the purposes of Article 14(3) of the Council Regulation as a decision that the judgment is recognised.

(2) Where it is sought to apply for recognition of a judgment, the rules of this Part shall apply to such application as they apply to an application for registration under Article 21(2) of the Council Regulation, with the exception that the applicant shall not be required to produce—

- (a) a document or documents which establish that according to the law of the Contracting State in which it has been given the judgment is enforceable and has been served, or
- (b) the document referred to in rule 8.36(1)(a)(iii).

Enforcement of judgments in other Contracting States

8.42.—(1) Subject to rules 7.9(2) and 7.12, an application for a certified copy of a judgment referred to in Article 32(1) of the Council Regulation must be made to the court which made the order and supported by a witness statement or affidavit, without notice being served on any other party.

(2) A witness statement or affidavit by which such an application is made must—

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) have annexed to it a copy of the petition or application by which the proceedings were begun, the evidence of service thereof on the respondent, copies of the pleadings and particulars, if any, and a statement of the grounds on which the judgment was based together, where appropriate, with any document showing that the applicant is entitled to legal aid or assistance by way of representation for the purposes of the proceedings;
- (c) state whether the respondent did or did not object to the jurisdiction and, if so, on what grounds;

- (d) show that the judgment has been served in accordance with rules 4.9, 7.3, 7.4, 7.9 or 7.10 and is not subject to any order for the stay of proceedings;
 - (e) state that the time for appealing has expired, or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the judgment has been given; and
 - (f) state—
 - (i) whether the judgment provides for the payment of a sum of money;
 - (ii) whether interest is recoverable on the judgment or part thereof and if so, the rate of interest, the date from which interest is recoverable and the date on which interest ceases to accrue.
- (3) The certified copy of the judgment shall be an office copy sealed with the seal of the court and signed by the Master and there shall be issued with the copy of the judgment a certified copy of any order which has varied any of the terms of the original order.

Authentic instruments and court settlements

8.43. Rules 8.33 to 8.42 (except rule 8.36(1)(a)(ii)) shall apply to an authentic instrument and a settlement to which Article 13(3) of the Council Regulation applies, as they apply to a judgment subject to any necessary modifications.”.