

2004 No. 310

FAMILY PROCEEDINGS

**The Children (Allocation of Proceedings) (Amendment)
Order (Northern Ireland) 2004**

Made - - - - - *10th July 2004*

Coming into operation *6th September 2004*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Articles 164(5) and 166(4)(a) of, and Schedule 7 to, the Children (Northern Ireland) Order 1995(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Children (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 6th September 2004.

Amendment to the Children (Allocation of Proceedings) Order (Northern Ireland) 1996

2. The Children (Allocation of Proceedings) Order (Northern Ireland) 1996(b), is hereby amended:

(1) by deleting sub-paragraph (t) in Article 3(1);

(2) by substituting in Article 3(1)(u) for the words “Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 1993” the words “Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 2002”;

(3) by inserting in Article 4(2) after the words “Articles 5,” the figures “5A,”;

(4) by inserting after Article 5 the following new Article 5A –

“Transfer from one family proceedings court to another

5A.—(1) A family proceedings court (the “transferring court”) shall transfer proceedings to which this Article applies to another family proceedings court (the “receiving court”) where –

(a) having regard to the principle set out in Article 3(2) of the 1995 Order the transferring court considers that the transfer is in the interests of the child –

(i) because it is likely to significantly accelerate the determination of the proceedings,

(ii) because it would be appropriate for those proceedings to be heard together with other family proceedings which are pending in the receiving court, or

(a) S.I. 1995/755 (N.I. 2) Schedule 7 was amended by section 66(7) of, and paragraph 7 of Schedule 8 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

(b) S.R. 1996 No. 300 as amended by S.R. 2002 No. 350

- (iii) for some other reason, and
- (b) the receiving court consents to the transfer.

(2) This Article applies to proceedings of the kind mentioned in sub-paragraph (a) to (c), (f) to (j) and (n) of Article 3(1).”;

(5) by deleting in Article 7(a) the reference to sub-paragraph “(t)”;

(6) by inserting in Article 15 after the words “Londonderry Recorder’s Court”, the words “, Dungannon county court”; and,

(7) by inserting in Schedule 2 after the words “Craigavon county court” the words “Dungannon county court”.

Signed by the authority of the Lord Chancellor

Lord Filkin

Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 10th July 2004

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Children (Allocation of Proceedings) Order (Northern Ireland) 1996:

- to provide in certain circumstances for the transfer of specified proceedings from one family proceedings court to another family proceedings court;
- to specify Dungannon county court as a family care centre; and
- to make other minor amendments.

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