

**EXPLANATORY MEMORANDUM TO
THE FAMILY PROCEEDINGS (AMENDMENT) RULES (NORTHERN
IRELAND) 2005**

2005 No.144

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The instrument amends the Family Proceedings Rules (Northern Ireland) 1996 (“the principal Rules”) to:

- amend the definition of Master so that in relation to proceedings in the High Court it means Master (High Court) or the Master (Probate and Matrimonial); and
- enable the court to hold a directions appointment by telephone or by using any other method of direct oral communication.

2.2 The Rules will come into operation on 18th April 2005.

3. Matters of special interest to the Joint Committee on Statutory Instruments/Select Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 None – the Rules give effect to recommendations of the Society of Masters in Northern Ireland. They also make provision for the directions hearing in certain family matters to be held by telephone conferencing, following a pilot which was run by the Family Division of the High Court.

5. Extent

5.1 The instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 As noted above, the amendments give effect to recommendations from a Report carried out by the Society of Masters. This report recommended a greater flexibility in the appointments of Masters to move to a common title for all Masters. In the light of this recommendation the Rules provide that, in

relation to proceedings before the High Court, “Master” shall mean the Master (High Court) or the Master (Probate and Matrimonial).

- 7.2 The Family Division, in partnership with BT, ran a pilot scheme in relation to conducting directions hearings in certain family matters by telephone conferencing. The operation was found to be both helpful and cost effective and was well received by professionals involved. The Rules provide that the court may hold a directions appointment by telephone or by using any other method of direct oral communication.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities, or voluntary bodies.

9. Contact

- 9.1 Geraldine Fee at the Northern Ireland Court Service (telephone: 028 9041 2250); e-mail: geraldinefee@courtsni.gov.uk) can answer any queries about this instrument.