

2006 No. 304

FAMILY PROCEEDINGS

SUPREME COURTS

COUNTY COURTS

**The Family Proceedings (Amendment) Rules (Northern Ireland)
2006**

Made - - - -

4th July 2006

Coming into operation -

1st August 2006

To be laid before Parliament

The Family Proceedings Rules Committee makes the following Rules in exercise of the powers conferred by Article 12 of the Family Law (Northern Ireland) Order 1993^(a).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on 1st August 2006.

(2) In these Rules a reference to a rule by number alone is a reference to the rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996^(b) (“the 1996 Rules”).

Amendment to the 1996 Rules

2. In rule 1.3 (Interpretation), in paragraph (1)—

- (a) in the definition of “civil partnership proceedings county court”, after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”; and
- (b) in the definition of “divorce county court”, after “Lord Chancellor” insert “with the concurrence of the Lord Chief Justice”.

3. In rule 2.28 (Entry for hearing and certificate of readiness)—

- (a) in paragraph (3), for “The party lodging the certificate of readiness” substitute “Where a cause is defended, the party lodging the certificate of readiness”; and
- (b) in paragraph (4), before “there are any further proceedings” insert “a cause is defended and”.

^(a) S.I. 1993/1576 (N.I. 6).

^(b) S.R. 1996 No. 322 as amended by S.R. 1999 No. 88, S.R. 2000 No. 329, S.R. 2002 No. 137, S.R. 2003 No. 75, S.R. 2005 No. 144, S.R. 2005 No. 497 and S.R. 2005 No. 558.

4. In rule 2.31 (Setting down for trial)—

- (a) in paragraph (3), omit “and the bundle of pleadings”; and
- (b) in paragraph (4), omit “and the bundle of pleadings”.

5. After rule 2.73 insert—

“Pension Protection Fund

2.73A.—(1) This rule applies where—

- (a) rule 2.73 applies; and
- (b) the party with pension rights or the civil partner with pension rights (“the member”) receives or has received notification in compliance with the Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005^(a) (“the 2005 Regulations”)—
 - (i) from the person responsible for the pension arrangement that there is an assessment period in relation to the pension arrangement; or
 - (ii) from the Board that it has assumed responsibility for the pension arrangement, or part of it.

(2) If the person responsible for the pension arrangement notifies or has notified the member that there is an assessment period in relation to the pension arrangement, the member shall send to the other party or other civil partner—

- (a) a copy of the notification; and
- (b) a copy of the valuation summary,

in accordance with paragraph (3).

(3) The member shall send the documents referred to in paragraph (2)—

- (a) if available, when he sends the information under rule 2.73(2); or
- (b) otherwise, within 7 days of receipt.

(4) If—

- (a) the pension arrangement is in an assessment period; and
- (b) the Board notifies the member that it has assumed responsibility for the pension arrangement, or part of it,

the member shall—

- (i) send a copy of the notification to the other party or other civil partner within 7 days of receipt; and
- (ii) comply with paragraph (5).

(5) Where paragraph (4) applies, the member shall—

- (a) within 7 days of receipt of the notification, request the Board in writing to provide a forecast of his compensation entitlement as described in the Table in paragraph 1(2) of Schedule 1 to the 2005 Regulations; and
- (b) send a copy of the forecast of his compensation entitlement to the other party or other civil partner within 7 days of receipt.

(6) In this rule—

- (a) in a matrimonial cause, all words and phrases defined in Article 27E(9) of the Order of 1978 have the meanings assigned by that paragraph;
- (b) in a civil partnership cause, all words and phrases defined in paragraph 32 of Schedule 15 to the Act of 2004 have the meanings assigned by that paragraph; and

^(a) S.R. 2005 No. 129 as amended by S.R. 2005 No. 357, S.R. 2005 No. 381 and S.R. 2006 No. 140.

- (c) “valuation summary” has the meaning assigned to it by paragraph 1(1) of Schedule 2 to the 2005 Regulations.
- (7) Paragraph (19) of rule 2.73 shall apply to this rule as it applies to rule 2.73.”.

Brian Kerr
Charles Redpath
Richard McLaughlin
Anne Marie Kelly

Dated 4th July 2006

Signed by the authority of the Lord Chancellor

In exercise of the powers conferred by Article 12A(2) of the Family Law (Northern Ireland) Order 1993, I allow these Rules.

Bridget Prentice
Parliamentary Under-Secretary of State
Department for Constitutional Affairs

Dated 5th July 2006

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322). They remove the requirement to lodge a bundle of pleadings in undefended causes and make minor amendments consequential to the Constitutional Reform Act 2005. Where there is an application for ancillary relief which includes an application for a pension sharing order or a pension attachment order, the Rules provide for information to be given to the other party by the party with pension rights in certain circumstances. The circumstances relate to the involvement of the Board of the Pension Protection Fund with the pension arrangement. The Pension Protection Fund was established by the Pensions Act 2004 (c.35) (“the Pensions Act”). The Board pays compensation to members of certain pension schemes when a qualifying insolvency event in relation to the employer occurs and there are insufficient assets in the pension scheme to cover the levels of compensation which would be payable by the Board of the Pension Protection Fund under the Pensions Act or the Pensions (Northern Ireland) Order 2005 (S.I.2005/255 (N.I. 1)).

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Stationery Office Limited
under the authority and
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Her Majesty’s Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N2763, C2, 7/06, Gp. 130, 14567.

£3.00