

**EXPLANATORY MEMORANDUM TO**  
**THE FAMILY HOMES AND DOMESTIC VIOLENCE (ALLOCATION OF PROCEEDINGS) (AMENDMENT) ORDER (NORTHERN IRELAND) 2007**

**SR 2007 No. 469**

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

2. **Description**

The instrument amends the Family Homes and Domestic Violence (Allocation of Proceedings) Order (Northern Ireland) 1999 ('the 1999 Order') [S.R. 1999 No. 61] in consequence of the Civil Partnership Act 2004 ('the 2004 Act') to add civil partnership proceedings county courts to the classes of county court specified to hear proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ('the 1998 Order').

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

None.

4. **Legislative Background**

The 1999 Order makes provision for the allocation and transfer of proceedings under the 1998 Order as between courts of summary jurisdiction, county courts and the High Court. Proceedings under the 1998 Order heard at the county court tier are currently assigned to either family care centres or divorce county courts.

The Civil Partnership Proceedings County Courts Order (Northern Ireland) 2005 [S.R. 2005 No. 499] (made under section 188(4) of the 2004 Act) specifies county courts known as "civil partnership proceedings county courts", in which civil partnership causes may be commenced and undefended civil partnership causes may be tried. A civil partnership proceedings county court is the civil partnership equivalent of a divorce county court.

5. **Territorial Extent and Application**

The instrument applies only to Northern Ireland.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

The Family Homes and Domestic Violence (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2007 amends the 1999 Order in consequence of the 2004 Act, to add civil partnership proceedings county courts to the classes of county court empowered to hear proceedings under the 1998 Order.

**8. Impact**

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

8.2 This instrument has no impact on the public sector.

**9. Contact**

Jane Maguire at the Northern Ireland Court Service (Tel: 028 9041 2319 or e-mail [janemaguire@courtsni.gsi.gov.uk](mailto:janemaguire@courtsni.gsi.gov.uk)) can answer any queries regarding this instrument

**Northern Ireland Court Service**

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