

2008 No. 24

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURTS

**The Family Proceedings (Amendment) Rules (Northern Ireland)
2008**

Made - - - - - *22nd January 2008*

Coming into operation - *25th February 2008*

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 and commencement

1. These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on 25th February 2008.

Amendments to the Family Proceedings Rules (Northern Ireland) 1996(b)

2. In rule 4.9 (*Service under this Part of the Rules*) for paragraph (1) substitute—

“(1) In proceedings to which this Part applies, where these rules require a document to be served, the court may direct that—

- (a) the requirement shall not apply;
- (b) service shall be effected in such manner as may be specified in the direction;
- (c) the time specified by the rules for complying with the requirement shall be abridged to such extent as may be specified in the direction.”.

3. In Appendix 1, in Form C20, in the Notes about the Emergency Protection Order omit “You may apply at any time, but the court will only hear an application to end an order **when 72 hours** have passed since the order was made.”.

(a) S.I. 1993/1576 (N.I. 6); Article 12 was amended by paragraph 90 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
(b) S.R. 1996 No. 322 to which the most recent amendments were made by S.R. 2006 No. 304 and S.R. 2007 No. 324.

*Brian Kerr
Declan Morgan
Hilary Wells
Catherine Dixon
Anne Marie Kelly
Andrew Wells*

Dated 17th January 2008

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.

David Hanson
Minister of State
Ministry of Justice

Dated 22nd January 2008

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), which apply to proceedings in the High Court and county courts, in consequence of the Children (Emergency Protection Orders) Act (Northern Ireland) 2007 (c.3) to:

- amend rule 4.9 (which makes provision in relation to service of documents in proceedings under the Children (Northern Ireland) Order 1995) to provide that the court may abridge time for service of documents; and
- amend Form C20 (Emergency Protection Order) to reflect that there is no longer a prohibition on the court hearing an application to discharge an emergency protection order for 72 hours after the order is made.