

2016 No. 301

FAMILY PROCEEDINGS

COURT OF JUDICATURE

COUNTY COURTS

**The Family Proceedings (Amendment) Rules (Northern Ireland)
2016**

Made - - - - *4th July 2016*

Coming into operation in accordance with Rule 1

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) 2016 and shall come into operation on the same day as section 1 of the Justice Act (Northern Ireland) 2015(b).

(2) In these Rules—

- (a) “the principal Rules” means the Family Proceedings Rules (Northern Ireland) 1996(c); and
- (b) a reference to an Order, rule, Appendix or Form is a reference to that Order, rule, Appendix or Form so numbered in the principal Rules.

Amendments to the principal Rules

2. The principal Rules are amended as follows—

(1) In rule 1.3—

- (a) in paragraph (1)—
 - (i) omit the definition of “chief clerk”;
 - (ii) omit the definition of “civil partnership proceedings county court”;
 - (iii) in the definition of “county court office”, omit “for the county court division in which proceedings are pending”;

(a) S.I. 1993/1576 (N.I. 6), to which the most recent relevant amendment was made by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/ 976)

(b) 2015 c.9 (N.I.)

(c) S.R. 1996 No. 322, to which the most recent relevant amendments were made by S.R. 1999 No. 88; S.R. 2003 No. 75; S.R. 2005 No. 497; and S.R. 2006 No. 304

- (iv) omit the definition of “designated county court”; and
- (v) omit the definition of “divorce county court”; and
- (b) omit paragraph (6).
- (2) In rule 2.6—
 - (a) in paragraph (1)(a), for “any divorce” substitute “the”;
 - (b) in paragraph (1)(b), for “any civil partnership proceedings” substitute “the”; and
 - (c) in paragraph (5), omit “or at the office of the chief clerk at Enniskillen”.
- (3) In rule 2.14(4), for “a designated” substitute “the”.
- (4) In rule 2.23—
 - (a) in the heading, for “designated” substitute “the”; and
 - (b) in paragraph (1), for “a designated” substitute “the”.
- (5) In rule 2.28(2), for “a designated” substitute “the”.
- (6) In rule 2.30—
 - (a) in the heading, omit “and place”; and
 - (b) omit paragraph (2).
- (7) In rule 2.31(3), for “a designated” substitute “the”.
- (8) In rule 2.32—
 - (a) in paragraph (1), for “A designated” substitute “The”; and
 - (b) omit paragraphs (2) and (3).
- (9) In rule 2.34—
 - (a) in the heading, omit “designated”;
 - (b) in paragraph (1), omit “for each county court division” and “in that division”; and
 - (c) in paragraph (2)(b), omit “division”.
- (10) In rule 2.44(2), for “a designated” substitute “the”.
- (11) In rule 2.45(3), for “a designated” substitute “the”.
- (12) In rule 2.46—
 - (a) in paragraph (1)(b), for “a designated” substitute “the”; and
 - (b) in paragraph (2), for “a designated” substitute “the”.
- (13) In rule 2.49(1), for “a designated” substitute “the”.
- (14) In rule 2.50(9), for “a designated” substitute “the”.
- (15) In rule 2.51(2), for “a designated” substitute “the”.
- (16) In rule 2.54(2)(b), for “a divorce” substitute “the”.
- (17) In rule 2.54A(2)(b), for “a civil partnership proceedings” substitute “the”.
- (18) In rule 2.57(a), for “a designated” substitute “the”.
- (19) In rule 2.59(1), for “a designated” substitute “the”.
- (20) In rule 2.67—
 - (a) in paragraphs (1) to (5) for “a designated” substitute “the” in each place where it occurs;
 - (b) omit paragraph (7); and
 - (c) in paragraph (8), for “(1), (3) or (7)” substitute “(1) or (3)”.
- (21) In rule 2.68, for “a designated” substitute “the” in both places where it occurs.
- (22) In rule 2.69-
 - (a) in paragraph (3), omit “divorce”; and
 - (b) in paragraph (4), omit “civil partnership proceedings”.

- (23) In rule 3.2(1), for “a designated” substitute “the”.
- (24) In rule 3.3(2), for “a designated” substitute “the”.
- (25) In rule 4A.1, in the definition of “the Office” omit “for the county court division in which proceedings are pending”.
- (26) In rule 5.1—
 - (a) in the heading, for “a designated” substitute “the”; and
 - (b) for “a designated”, in both places where it occurs, substitute “the”.
- (27) In Rule 5.3(2), omit “for the county court division in which the appeal will be heard”.
- (28) In rule 7.17—
 - (a) in the heading, for “designated” substitute “the”; and
 - (b) for “designated” substitute “the”.
- (29) In rule 8.27, for “a designated” substitute “the”.
- (30) In rule 8.31, in the heading, omit “designated”.
- (31) In rule 8.32, in the heading, omit “designated”.
- (32) In Appendix 1—
 - (a) in Forms M1 to M4, in the title, omit “for the Division of”;
 - (b) in Form M8, for “designated” substitute “the”;
 - (c) in Forms M18, M20, M21, M26 and M26A, in the title, omit “for the Division of”;
 - (d) in Forms C1 to C3, in the title, omit “Designated” and “for the Division of”;
 - (e) in Form C3A, in the title, omit “Divorce” and “for the Division of”;
 - (f) in Forms C4, C6 to C17 and C20 to C42, in the title, omit “Designated” and “for the Division of”;
 - (g) in the title of Form C43, omit “Designated” and, in each place where it occurs, “for the Division of”;
 - (h) in the title of Forms F1 to F8, omit “Designated” and “for the Division of”;
 - (i) in the title of Form F9, omit “Designated” and, in each place where it occurs, “for the Division of”;
 - (j) in the title of Forms F10, F11 and F13 to F17, omit “for the Division of”; and
 - (k) in the title of Forms A1 and A2, omit “for the Division of”;

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Dated 4th July 2016

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

Sealed with the Official Seal of the Department of Justice on 19th July 2016



Claire Sugden
Minister of Justice

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) to take account of Part 1 of and Schedule 1 to the Justice Act (Northern Ireland) 2015 which creates a single jurisdiction for county courts and magistrates' courts whereby the jurisdiction and powers of those courts are exercisable throughout the whole of Northern Ireland.

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