



2021 CHAPTER 2

PART 2

Provision for civil proceedings

Cross-examination and special measures

Special measures directions in family proceedings

37 In the Family Law (Northern Ireland) Order 1993, after Article 11J (as inserted by this Act) insert—

“Special measures directions in family proceedings

Special measures in family proceedings: victims of abusive behaviour

11K.—(1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person (P) where—

- (a) P is a party to or witness in family proceedings,
- (b) P is, or is at risk of being, subjected to abusive behaviour by a person who is—
 - (i) a party to the proceedings,
 - (ii) a relative of a party to the proceedings (other than P), or
 - (iii) a witness in the proceedings, and
- (c) P and that person are personally connected.

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 37. (See end of Document for details)

(2) Rules under paragraph (1) must provide for the court to consider, on the application of a party or of the court's own motion, whether a special measures direction (or more than one direction) should be made.

(3) Provision in rules by virtue of paragraph (2) may include provision about what factors the court is to take into account when considering whether a special measures direction should be made, in particular (but not limited to)—

- (a) the availability of the special measures in question, and
- (b) any views expressed by P.

(4) The following apply for the purposes of this Article as they apply for the purposes of Chapter 1 of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (to give meanings to certain expressions)—

- (a) section 2 (as read with section 3(2)) of that Act,
- (b) sections 4 and 5 of that Act.

(5) In this Article—

“family proceedings” means—

- (a) proceedings which are family proceedings for the purposes of Article 12 (family proceedings rules),
- (b) proceedings in a court of summary jurisdiction when exercising its jurisdiction under one or more of the following—
 - (i) the Domestic Proceedings (Northern Ireland) Order 1980,
 - (ii) Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989,
 - (iii) the Children (Northern Ireland) Order 1995,
 - (iv) the Family Homes and Domestic Violence (Northern Ireland) Order 1998,
 - (v) Schedule 16 to the Civil Partnership Act 2004,

“relative” has the meaning given by Article 2(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998,

“rules of court” includes—

- (a) rules of court under Article 12, and
- (b) magistrates' courts rules,

as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954,

“special measures” means such measures specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings,

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 37. (See end of Document for details)

“special measures direction” means a direction by the court granting special measures.

Power to alter definition of family proceedings

11L.—(1) The Department of Justice may by regulations amend Article 11K so as to alter the definition of family proceedings in paragraph (5) of that Article.

(2) Regulations that contain (with or without other provisions) provision under paragraph (1) may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.”.

Commencement Information

II [S. 37](#) in operation at 28.11.2022 by [S.R. 2022/253](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 37.