
STATUTORY INSTRUMENTS

1993 No. 1576

The Family Law (Northern Ireland) Order 1993

Miscellaneous

Family proceedings rules

12.—(1) There shall be a committee known as the Northern Ireland Family Proceedings Rules Committee (“the Committee”)^[F1] which may make rules of court in accordance with Article 12A] for the purposes of family proceedings.

(2) Schedule 2 shall have effect with respect to the Committee.

(3) Without prejudice to the generality of paragraph (1),^[F2] family proceedings rules]

(a) may, for the purposes mentioned in paragraph (1), make, in relation to both the High Court and county courts, any provision of a kind which could be made by rules of court as defined by section 21(4) of the Interpretation Act (Northern Ireland) 1954^{F3} and, in relation to county courts, any provision of a kind which could be made by county court rules (and accordingly in any statutory provision empowering the making of rules of court as so defined, any reference to the ^[F4]Court of Judicature] or the High Court shall, for the purposes of this Article, include a reference to a county court);

(b) without prejudice to sub-paragraph (a), may provide that a decree pronounced by an officer of a class designated by the rules shall have the same effect as a decree pronounced by a county court judge;

(c) may apply, with or without modifications, any rules of court (as so defined) and any county court rules;

(d) may modify or exclude the application of any such rules or of any provision of the County Courts (Northern Ireland) Order 1980^{F5};

(e) without prejudice to sub-paragraph (a), may make with respect to proceedings in a county court any provision regarding the Official Solicitor or any solicitor of the ^[F6]Court of Judicature] which could be made by rules of court with respect to proceedings in the High Court;

(f) may provide for the enforcement of orders made in a county court as if they were orders of the High Court, and for that purpose apply any statutory provision, with or without modification;

^{F7}(g)

(h) which relate to the costs of proceedings, may—

(i) amend or repeal any statutory provision relating to the practice and procedure of the ^[F8]Court of Judicature] or county courts so far as may be necessary in consequence of provision made by the rules; and

(ii) notwithstanding anything in the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981^{F9}, make different provision according to whether each or any of the parties is entitled to legal aid under Part II of that Order in connection with the proceedings.

Changes to legislation: *The Family Law (Northern Ireland) Order 1993, Section 12 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F10}(4) Family proceedings rules shall be subject to negative resolution.]

(5) In this Article [^{F11} and Article 12A]

“family business” means business of any description in the High Court assigned to the Family Division and to no other Division by rules of court except business—

- (a) in connection with the grant and revocation of probate and letters of administration of estates of deceased persons;
- (b) under Part VIII of the Mental Health (Northern Ireland) Order 1986^{F12} and the Enduring Powers of Attorney (Northern Ireland) Order 1987^{F13};

“family proceedings” means proceedings which are family business and any corresponding proceedings in a county court.

[^{F14}“family proceedings rules” means rules of court made under this Article.]

- F1** Words in art. 12(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 90(2); S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(b)
- F2** Words in art. 12(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 90(3); S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(b)
- F3** 1954 c. 33 (NI)
- F4** Words in art. 12(3)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**
- F5** 1980 NI 3
- F6** Words in art. 12(3)(e) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**
- F7** Art. 12(3)(g) repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 49(2), **Sch. 5**; S.R. 2015/194, art. 2, Sch. (with art. 3)
- F8** Words in art. 12(3)(h)(i) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(d)**
- F9** 1981 NI 8
- F10** Art. 12(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 150** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F11** Words in art. 12(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 90(5)(a); S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(b)
- F12** 1986 NI 4
- F13** 1987 NI 16
- F14** Art. 12(5): definition of "family proceedings rules" inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 90(5)(b); S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(b)

Changes to legislation:

The Family Law (Northern Ireland) Order 1993, Section 12 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- art. 12(3)(g) words substituted by [2015 c. 9 \(N.I.\) Sch. 1 para. 103](#) (Art. 12(3)(g) repealed by [2003/435 \(NI 10\), Sch. 5](#))

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 11A-11J and cross-heading inserted by [2021 c. 2 \(N.I.\) s. 36](#)
- art. 12(3)(i) inserted by [2011 c. 24 \(N.I.\) s. 95\(2\)](#)