

1989 No. 302

MAGISTRATES' COURTS**Magistrates' Courts (Maintenance and Affiliation)
(Amendment) Rules (Northern Ireland) 1989***Made* 26th July 1989*Coming into operation* 1st September 1989

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a), on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Maintenance and Affiliation) (Amendment) Rules (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2. In these Rules "the Principal Rules" means the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966(b) and a Rule or Form referred to by number means the Rule or Form so numbered in the Principal Rules.

Amendment of the Principal Rules

3.—(1) In Rule 6—

(a) for the heading there shall be substituted the following heading—

"Registration of High Court or county court order in a court of summary jurisdiction";

(b) after the words "High Court" where they first occur there shall be inserted the words "or an officer of a county court";

(c) after the words "High Court" where they secondly occur there shall be inserted the words "or a county court".

(2) In Rule 7 after the words "High Court" where they occur in paragraphs (1), (2) and (4) there shall be inserted the words "or a county court".

(3) In Rule 8 after the words "High Court" there shall be inserted the words "or a county court".

(a) S.I. 1981/1675 (N.I. 26)

(b) S.R. & O. 1966 No. 292

(4) In Rule 9—

- (a) after the words "High Court" where they first occur in paragraphs (1) and (2), there shall be inserted the words "or a county court and";
- (b) after the words "High Court" where they first occur in paragraph (3) there shall be inserted the words "or a county court";
- (c) after the words "High Court" where they otherwise occur in paragraphs (1), (2) and (3) there shall be inserted the words "or the county court";
- (d) in paragraph (5) after the words "High Court" there shall be inserted the words "or to the officer of the county court".

(5) In Rule 10—

- (a) for the heading there shall be substituted the following heading—
"Notices received from the High Court, or a county court or from a person entitled to payments";
- (b) after paragraph (b) there shall be inserted the following paragraph—
"(bb) of the discharge or variation by a county court of a maintenance order made in a county court registered in a court of summary jurisdiction".

4. For Forms 9, 10, 12, 13 and 14 there shall be substituted the new forms set out in the Schedule.

Dated 26th July 1989

Mackay of Clashfern, C.

MAINTENANCE AND AFFILIATION ORDERS ACT
(NORTHERN IRELAND) 1966
(Section 15(4) and Rule 7(1))

FORM 9

Notice that payments under a maintenance order made by the High Court or a county court have ceased to be payable through an officer or person on behalf of the person entitled thereto

TAKE NOTICE that the sums payable by you under

(insert particulars of maintenance order) made on the day of 19 ,
by the [High Court] [the county court for the Division of]*
and registered in this court under Part II of the Maintenance and Affiliation Orders
Act (Northern Ireland) 1966 have ceased to be payable through
(insert name of officer or person) and any such payments shall, as from the date of this
notice, become payable to *(insert name of person to whom future
payments may be made)*.

Dated the day of 19 .

Clerk of Petty Sessions for the Petty
Sessions District of in the
County Court Division of

To:

*Delete if inapplicable

MAINTENANCE AND AFFILIATION ORDERS ACT
(NORTHERN IRELAND) 1966
(Section 15(4) and Rule 7(2))

FORM 10

Notice that payments have become payable through a collecting officer

TAKE NOTICE that the sums payable by you under

(insert particulars of maintenance order) made on the day of 19 ,
by the [High Court] [the county court for the Division of]* and
registered in this court under Part II of the Maintenance and Affiliation Orders Act
(Northern Ireland) 1966 have under an order of this court dated the day of
19 , become payable through [me] [the collecting officer at
].*

Payments under the said maintenance order (including payments in respect of any
sums due on the date of the receipt by you of this notice) should henceforth be sent to
the collecting officer at

(state address).

Dated the day of 19 .

Clerk of Petty Sessions for the Petty
Sessions District of in the
County Court Division of

To:

*Delete if inapplicable

MAINTENANCE AND AFFILIATION ORDERS ACT
(NORTHERN IRELAND) 1966
(Section 15(6) and Rule 7(4))

FORM 12

**Notice of cancellation of registration in a court of summary jurisdiction of
a maintenance order by the High Court or a county court**

TAKE NOTICE that the registration in this court under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 of
(*insert particulars of maintenance order*) made on the day of 19 ,
by the [High Court] [the county court for the Division of]* has
been cancelled.

Sums payable by you under the said order have by reason of the cancellation of the registration of the said order ceased to be payable through [me] [the collecting officer at].*

Payments under the order (including payments in respect of any sums due on the date of the receipt by you of this notice) shall henceforth be paid to

(*state name and address of person entitled to payments under the order*).

Dated the day of 19 .

Clerk of Petty Sessions for the Petty
Sessions District of in the
County Court Division of

To:

*Delete if inapplicable

MAINTENANCE AND AFFILIATION ORDERS ACT
(NORTHERN IRELAND) 1966
(Section 13(5) and Rule 8)

FORM 13

Order remitting to the original court application for variation of registered maintenance order

of	Complainant	}	Petty Sessions District of
of			County Court Division of
	Defendant	}	

Complaint has been made by _____ of
(hereinafter called the complainant) who states that by _____

(insert particulars of maintenance order) made on the _____ day of _____ 19 _____,
by the [High Court] [the county court for the Division of _____]* and
registered on the _____ day of _____ 19 _____, in the court of summary
jurisdiction sitting for the petty sessions district of _____ in the
County Court Division of _____ *[the above-named _____]
[he/she] was ordered

(state shortly terms of original order and mention any subsequent order and effect thereof).

And the complainant has applied for the said order to be varied by an order requiring
on the ground that

It appearing to this court that it is appropriate to remit the application to the [High
Court] [county court for the Division of _____]* it is ordered that the
application be so remitted.

Resident Magistrate.

This _____ day of _____ 19 _____

*Delete if inapplicable

MAINTENANCE AND AFFILIATION ORDERS ACT
 (NORTHERN IRELAND) 1966
 (Section *[13] [14] and Rule 9)

FORM 14

Certificate of Clerk of Petty Sessions that copy of an order by a court of summary jurisdiction is a true copy of an order by that court of the *[variation] [remission to the original court] [cancellation] [discharge] of a registered order

#[Title or Cause No.]

+[of	Complainant	}	Petty Sessions District of
of	Defendant]	}	County Court Division of

I hereby certify that this is a true copy of

(insert particulars of order) and it is sent to the [High Court] [county court for the Division of]* in accordance with paragraph (5) of Rule 9 of the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966.

Dated the day of 19 .

Clerk of Petty Sessions
for the said Petty Sessions District.

*Delete if inapplicable.

Insert where the registered order was made by the High Court or county court.

+ Insert where registered order was made by a court of summary jurisdiction.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966 in consequence of the coming into operation of Schedule 2 to the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, which amends Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 so as to provide for the registration in a court of summary jurisdiction of a maintenance order made by a county court.