

EXPLANATORY MEMORANDUM TO

The Family Proceedings (Amendment) Rules (Northern Ireland) 2022

SR No. 254

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 12 of the Family Law (Northern Ireland) Order 1993 ("the 1993 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Rule amends the Family Proceedings Rules (Northern Ireland) 1996 to enable the High Court or a county court hearing family proceedings to make a special measures direction in relation to a party or witness who is, or is at risk of, being subjected to abusive behaviour carried out by a party, a relative of another party, or a witness, who is personally connected to them. The Rules provide for such a direction to be made by the court of its own motion, or on the application of a party, and prescribe the measures the court may direct (evidence by live link or the use of screens) as well as the factors to which a court must have particular regard when deciding whether to make a direction.

3. Background

- 3.1. The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 includes provision to enhance the support available to victims of domestic abuse giving evidence in family proceedings. Section 37 amends the Family Law (Northern Ireland) Order 1993 to require court rules of procedure, including rules made under Article 12 of the 1993 Order (rules to prescribe procedure in family proceedings in the High Court and county courts) to make specific provision in relation to special measures for victims of domestic abuse.

4. Consultation

- 4.1. The relevant Rules Committee, which is chaired by the Lady Chief Justice and comprised of representatives from the judiciary and the legal profession were consulted prior to their making of the Rule.

5. Equality Impact

- 5.1. The Department conducted a screening exercise of the policy underlying the 2021 Act including the family justice provisions and concluded that there were no significant implications for equality of opportunity and that an equality impact assessment was not necessary.

6. Regulatory Impact

6.1. No regulatory impact assessment was considered necessary. There is no impact on business, charities, voluntary bodies or the public sector

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that this Statutory Rule is compliant.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Court rules in England and Wales make provision for special measures directions for victims of domestic abuse.

11. Additional Information

11.1. Not applicable.