STATUTORY RULES OF NORTHERN IRELAND

2019 No. 238

MAGISTRATES' COURTS

The Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2019

Made - - - - 16th December 2019

Coming into operation in accordance with rule 1

The Magistrates' Courts Rules Committee makes and the Department of Justice, after consultation with the Lord Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**), Article 165 of the Children (Northern Ireland) Order 1995(**2**) and section 48 of the Civil Jurisdiction and Judgments Act 1982(**3**).

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2019 and shall come into operation on exit day 2019.

(2) In these Rules, a reference to a rule—

(a) in Part 2 of the Rules is a reference to the rule so numbered in the Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules (Northern Ireland) 1986(**4**); and

(b) in Part 3 of these Rules is a reference to the rule so numbered in the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996(**5**).

(**1**) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**2**) S.I. 1995/755 (N.I. 2).

(**3**) 1982 c.27. Section 48 was amended by section 3 of, and paragraph 23 of Schedule 2 to, the Civil Jurisdiction and Judgments Act 1991 (c.12) and Article 4 and paragraph 17 of Schedule 2 to the Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929) and regulation 5 of the Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215). Regulation 7 of the 2011 Regulations applies section 48 to authentic instruments and court settlements.

(**4**) S.R 1986 No. 359, to which the most recent relevant amendment was made by S.R. 2011 No. 225 and S.R. 2012 No. 414.

(**5**) S.R 1996 No. 323, to which the most recent relevant amendments were made by S.R. 2011 No. 61.

PART 2

Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules (Northern Ireland) 1986

Amendments to the Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules (Northern Ireland) 1986

2. The Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules (Northern Ireland) 1986 are amended as follows.

3. In Rule 2—

(a) omit the words from "the 1968 Convention to "1982 Act" in both places where they occur;

(b) omit the definition of "the 1988 Convention";

(c) in the definition of "references to a maintenance order", omit head (i);

(d) omit the definition of the Maintenance Regulation;

(e) omit the definition of Regulation State.

4. In Rule 3, omit ", the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011".

5. In Rule 3A—

(a) in the heading, omit "Article 30 of the Maintenance Regulation or";

(b) omit "under Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or".

6. In Rule 4—

(a) omit paragraphs (1) and (1A);

(b) in paragraph (1B), omit "other than a Member State of the European Union";

(c) in paragraph (2), for "(1) or (1A)" substitute "1(B)";

(d) in paragraph (5), omit from "Article 31 of the 1968 Convention" to "Maintenance Regulation or";

(e) in paragraphs (6) and (7), omit "(1), (1A) or".

7. In Rule 5—

(a) in paragraph (1), omit from "under Article 36 or" to "Maintenance Regulation or";

(b) omit paragraph (2).

8. In Rule 7—

(a) omit "a Contracting State, or a Regulation State or";

(b) omit "other than a Member State of the European Union".

9. In Rules 8(1) and 9, omit "Articles 46 and 47 of the 1968 Convention, under Articles 28 or 29 of the Maintenance Regulation or".

10. Omit Rules 10 and 11.

11. In Rule 12—

(a) in paragraph (1)—

(i) omit "Without prejudice to the provisions of Rules 10(6), 10(7), 11(5) and 11(6) of these Rules,";

(ii) for "to which paragraph (1A) applies" substitute "bound by the 2007 Hague Convention";

(b) omit paragraph (1A);

(c) in paragraph (1B), omit sub-paragraph (a);

(d) in paragraph (5), for "to which paragraph (1A) applies" substitute "bound by the 2007 Hague Convention".

12. In Rule 13—

(a) in paragraph (1), in each place it occurs, for "to which paragraph 12(1A)" substitute "bound by the 2007 Hague Convention";

(b) in paragraph (1)(c), omit "the 1982 Act, the Maintenance Regulation or";

(c) in the words after paragraph (1)(d), omit "the 1982 Act, the Maintenance Regulation or";

(d) in paragraph (8)—

(i) omit "Contracting State or another Regulation";

(ii) after "State" insert "bound by the 2007 Hague Convention";

(iii) omit "the 1982 Act, the Maintenance Regulation or".

13. In Rule 14—

(a) in paragraph (1)—

(i) omit "or in a Contracting State or in a Member State of the European Union other than the United Kingdom";

(ii) omit "(other than a Member State of the European Union)";

(b) in paragraph (1)(a)—

(i) omit "or Contracting State or Member State of the European Union";

(ii) omit "(other than a Member State of the European Union)".

14. In Rule 16—

(a) in paragraph (1), omit sub-paragraphs (a) to (d);

(b) in paragraph (2), for "instruments referred to in paragraph (1)" substitute "2007 Hague Convention".

15. In Rule 17—

(a) in the heading, for "Member State of the European Union" insert "State";

(b) in paragraph (1), for "Member State of the European Union" insert "State";

(c) omit paragraph (3).

16. Omit Rule 18.

17. In Rule 20—

(a) in paragraph (1), omit "Article 58 of the Maintenance Regulation or";

(b) in paragraph (2) omit "Article 56 of the Maintenance Regulation or".