STATUTORY RULES OF NORTHERN IRELAND

2019 No. 235

FAMILY PROCEEDINGS

COURT OF JUDICATURE

COUNTY COURTS

The Family Proceedings (Amendment) Rules (Northern Ireland) 2019

Made - - - - 16th December 2019

Coming into operation in accordance with rule 1

The Family Proceedings Rules Committee makes the following Rules in exercise of the powers conferred by Article 12 of the Family Law (Northern Ireland) Order 1993(**1**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 2019 and shall come into operation on exit day.

(2) In these Rules a reference to a rule, Appendix or Form is a reference to that rule, Appendix or Form so numbered in the Family Proceedings Rules (Northern Ireland) 1996(**2**).

Amendments to the Family Proceedings Rules (Northern Ireland) 1996

2. The Family Proceedings Rules (Northern Ireland) 1996 are amended as follows—

(1) In the Arrangement of Rules—

(a) omit the entry for rule 2.29A;

(b) in the heading for rules 4.28 to 4.39, omit "The Council Regulation and";

(c) in the heading for rules 8.33 to 8.63, omit "The Council Regulation and";

(d) omit the entries for rules 8.37 to 8.38; 8.42 to 8.43, 8.46, 8.57 to 8.58 and 8.60 to 8.62;

(e) omit the heading and entries relating to rules 8.64 to 8.68.

(2) In rule 1.3(1) omit the definitions of "the Council Regulation" and "Member State".

(**1**) S.I 1993/1576 (N.I. 6); Article 12 was amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/ 976).

(**2**) S.R. 1996 No. 322 to which the most recent relevant amendments were made by S.R 2011 No. 64.

(3) Omit rule 2.29(A).

(4) In rule 4.28—

(a) in paragraph (1)—

(i) omit the definition of "judgment";

(ii) in the definition of "parental responsibility", omit paragraph (a);

(iii) omit the definition of "seised" and the "and" preceding it.

(b) in paragraph (2), for from "Member State or" to "Council Regulation and" insert "Contracting State include".

(5) In rule 4.29—

(a) in the heading, omit "under Article 15 of the Council Regulation or";

(b) in paragraph (1), omit "Member State or";

(c) in paragraph (3)—

(i) omit "Member State or";

(ii) omit "the Council Regulation or";

(iii) omit "(as appropriate)";

(d) in paragraph (5), omit "Member State or".

(6) In rule 4.30—

(a) in paragraph (1), omit "under Article 15(1) of the Council Regulation or";

(b) in paragraph (1)(a), omit "Member State or";

(c) in paragraph (1)(b), omit "another Member State or";

(d) for paragraph (3), insert—

"(3) The applicant must file the application and serve it on the respondent not less than 6 weeks before the hearing of the application.".

(7) In rule 4.31, in paragraph (1)—

(a) omit "another Member State or";

(b) omit "under Article 15(2) of the Council Regulation or".

(8) In rule 4.32(1), omit "Article 15 of the Council Regulation or".

(9) In rule 4.33—

(a) in the heading, omit "under Article 15 of the Council Regulation";

(b) in paragraph (1)—

(i) omit "another Member State or";

(ii) omit "under Article 15 of the Council Regulation";

(iii) omit "(as the case may be)";

(c) in paragraph (4), omit "Member State or".

(10) In rule 4.34—

(a) in the heading, omit "Member State or";

(b) in paragraph (1), omit "Member State or";

(c) in paragraph (2), omit "Member State or";

(d) in paragraph (4), omit "Member State or".

(11) In rule 4.35—

(a) in the heading, omit "the Council Regulation or";

(b) omit "Member State or".

(12) In rule 4.36(1) omit "under any of Articles 16 to 18 of the Council Regulation it does not or may not have jurisdiction to hear the application, or that under Article 19 of the Council Regulation or".

(13) In rule 4.37—

(a) in paragraph (1), omit sub-paragraph (a) and the "or" preceding sub-paragraph (b);

(b) in paragraphs (2) and (3), omit "Member State or".

(14) In rule 4.38—

(a) in the heading, omit "Member State or";

(b) in paragraph (1), omit "another Member State under Article 56 of the Council Regulation or";

(c) in paragraph (4), omit "Member".

(15) In rule 8.33—

(a) in the heading before rule 8.33, omit "the Council Regulation and";

(b) omit sub-paragraphs (a) and (c) and the "and" preceding sub-paragraph (c).

(16) In rule 8.34—

(a) in sub-paragraph (b), omit ", other than a Member State,";

(b) in sub-paragraph (c)—

(i) omit heads (i) and (ii) and the "or" preceding head (iii);

(ii) in head (iii), omit "where that Convention applies";

(c) omit sub-paragraphs (d) and (e);

(d) in sub-paragraph (f), omit head (i) and the "and" preceding head (ii);

(e) omit sub-paragraph (g).

(17) In rule 8.35—

(a) in paragraph (1), omit "or under rule 8.61, for rectification of a certificate issued under Articles 41 or 42 of the Council Regulation,";

(b) in paragraph (2)—

(i) omit "Council Regulation,";

(ii) omit "or the Jurisdiction and Recognition of Judgments Regulations".

(18) In rule 8.36(3), omit "the Jurisdiction and Recognition of Judgments Regulations or".

(19) Omit rules 8.37 and 8.38.

(20) In rule 8.39(1), for sub-paragraph (f) insert—

"(f) stating—

(i) whether the judgment provides for the payment of a sum or sums of money;

(ii) whether interest is recoverable on the judgment or part of it in accordance with the law of the Convention State in which the judgment was given, and if so, the rate of interest, the date from which the interest is recoverable, and the date on which interest ceases to accrue;

(g) giving an address within the jurisdiction of the court for service of process on the party making the application and stating, so far as is known to the witness, the name and the