STATUTORY RULES OF NORTHERN IRELAND

2010 No. 381

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2010

Made - - - -	*18th November 2010*
Coming into operation	*20th December 2010*

The Northern Ireland Court of Judicature Rules Committee(**1**) makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**2**).

Citation and commencement

1.—(1) These Rules may be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2010 and shall come into operation on 20th December 2010.

(2) These Rules amend the Rules of the Court of Judicature (Northern Ireland) 1980(**3**) and an Order or Form referred to by number or an Appendix referred to by letter means the Order or Form so numbered or the Appendix so lettered in the amended Rules.

Amendments

2. In Order 6, rule 4(1)(a), after "within the jurisdiction", insert "or any other EEA state".

3. In Order 12, rule 3(3)(c), after "within the jurisdiction", insert "or any other EEA state".

4. In Order 64—

(a) in rule 5(1)(f), for "Lord Chancellor", substitute" "Department of Justice";

(b) in rule 5(2), for "Lord Chancellor", substitute "Department of Justice".

5. In Order 65, rule 5(3), for "Lord Chancellor", substitute" "Department of Justice".

(**1**) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4).

(**2**) 1978 C.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4) and by Article 15 of and Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).

(**3**) S.R. 1980 No. 346; to which the most recent amendments were made by S.R. 2009 No. 264, S.R. 2009 No. 345 and S.R. 2010 No. 49.

6. In Order 73, rule 7(2)(c)(i), after "within the jurisdiction", insert "or any other EEA state".

7. In Order 80, rule 15(2)—

(a) for "Lord Chancellor", substitute "Department of Justice";

(b) for "Treasury", substitute "Department of Finance and Personnel".

8. In Order 84A,

(a) for rule 1(1), substitute—

"**Interpretation**

1.—(1) In this Order unless the context otherwise requires—

"the 2008 Act" means the Human Fertilisation and Embryology Act 2008(**4**) and expressions which are defined in the 2008 Act have the same meaning as in that Act;

"the 1987 Order" means the Adoption (Northern Ireland) Order 1987(**5**) as applied with modifications by the Parental Orders Regulations and expressions which are defined in the 1987 Order have the same meaning as in that Order;

"the Parental Orders Regulations" means the Human Fertilisation and Embryology (Parental Orders) Regulations 2010(**6**);

reference to a Form by number is reference to the Form as numbered in Appendix H;

"the birth mother" means the woman who carried the child;

"the other parent" means any person, other than the birth mother, who is a parent of the child but is not one of the petitioners and includes any man who is the father by virtue of section 35 of the 2008 Act or any woman who is a parent by virtue of section 42 or 43 of the 2008 Act;

"the birth parents" means the birth mother and the other parent;

"the Office" means the Office of Care and Protection and "the Master" means the Master (Care and Protection).";

(b) in rule 2, for "1990", substitute "2008";

(c) in rule 3(2), for "husband and wife", substitute "the persons who may apply for a parental order pursuant to section 54 of the 2008 Act";

(d) in rule 5(1)(a), for "section 30(1) to (7) of the 1990 Act;", substitute "section 54(1) to (8) of the 2008 Act;".

9. In Order 97, rule 2(2), after "within the jurisdiction", insert "or any other EEA state".

10. In Order 117, rule 3(5), for "Lord Chancellor", in each place that it occurs, substitute "Department of Justice".

11. In Appendix A, in note 8 of Form 12, omit "in Northern Ireland".

12. In Appendix H—

(a) for Form 1, substitute Form 1 as set out in the Schedule to these Rules;

(**4**) 2008 (c.22).
(**5**) S.I. 1987/2203 (N.I.22).
(**6**) S.I. 2010/985.

(b) in Form 5, for "section 30 of the Human Fertilisation and Embryology Act 1990", substitute "section 54 of the Human Fertilisation and Embryology Act 2008" and, for "Parental Orders (Human Fertilisation and Embryology) Regulations 1994", substitute "Human Fertilisation and Embryology (Parental Orders) Regulations 2010".

Declan Morgan
F P Girvan
W R B Stephens
Bernard McCloskey
John Gillen
Paul Maguire

Dated 11th November 2010

In exercise of the powers conferred by section 55A(3) of the Judicature Act 1978, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 18th November 2010

L.S.

David Ford
Minister of Justice