STATUTORY RULES OF NORTHERN IRELAND

2008 No. 466

FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURTS

The Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2008

Made - - - -	*20th November 2008*
To be laid before Parliament	*22nd December 2008*
Coming into operation	

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 and commencement

1. These Rules may be cited as the Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2008 and shall come into operation on 22nd December 2008.

Amendment to the Family Proceedings Rules (Northern Ireland) 1996

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

(a) In rule 1.3, after ""the Act of 2004" means the Civil Partnership Act 2004;" insert—

""the Act of 2007" means the Forced Marriage (Civil Protection) Act 2007;"(**3**);

(b) In Part III, after rule 3.39, insert—

"**Proceedings under the 2007 Act: Interpretation**

3.40. In rules 3.41 to 3.46—

(**1**) S.I. 1993/1576 (N.I. 6), Article 12 was amended by paragraph 90 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
(**2**) S.R. 1996 No. 322 to which the most recent amendments were made by S.R. 2007 No. 324, S.R. 2008 No. 24 and S.R. 2008 No. 259.
(**3**) 2007 c.20.

(a) a "forced marriage protection order" means an order under paragraph 1of Schedule 1 to the Act of 2007;

(b) "the person who is the subject of the proceedings" means the person who will be protected by the forced marriage protection order applied for or being considered by the court of its own motion, if that order is made, or who is being protected by such an order.

Applications for forced marriage protection orders

3.41.—(1) An application for a forced marriage protection order, including an application for a forced marriage protection order which is made in other proceedings which are pending, shall be made in Form F10.

(2) An application for a forced marriage protection order shall be filed—

(i) in relation to an application to the High Court, in the Office of Care and Protection; or

(ii) in relation to an application to a county court, in the county court office.

(3) An application for a forced marriage protection order made by an organisation shall state—

(a) the name and address of the person submitting the application; and

(b) the position which that person holds in the organisation.

(4) Where an application is made without notice being given to the respondent it shall be supported by a statement, signed by the applicant and sworn to be true, explaining why notice is not being given.

Leave stage for applications for a forced marriage protection order

3.42.—(1) Where the leave of the court is required to apply for a forced marriage protection order, the person seeking leave shall file in the Office of Care and Protection or, as the case may be, the county court office—

(a) a written request for leave in Form F14 setting out—

(i) the reasons for the application;

(ii) the applicant's connection with the person who is the subject of the proceedings;

(iii) the applicant's knowledge of the circumstances of the person who is the subject to the proceedings; and

(iv) the applicant's knowledge of the wishes and feelings of the person who is the subject of the proceedings;

and

(b) a draft of the application for the making of which leave is sought, together with sufficient copies for one to be served on each respondent and the person who is the subject of the proceedings.

(2) As soon as practicable after receiving a request under paragraph (1), the court shall—

(a) grant the request; or

(b) direct that a date be fixed for the hearing of the request and fix the date,

and the proper officer or, as the case may be, chief clerk shall inform the following persons of the court's action under this paragraph—

(i) the person making the request,

(ii) each respondent,

(iii) the person who is the subject of the proceedings, and

(iv) any other person directed by the court.

(3) Where leave is granted to bring proceedings the application shall proceed in accordance with rule 3.41.

Service of an application for a forced marriage protection order

3.43.—(1) Subject to paragraph (3), in every application made on notice the applicant shall arrange for a copy of the application, together with notice of any hearing or directions appointment set by the court in Form F11 to be served personally on—

(a) the respondent,

(b) the person who is the subject of the proceedings (if not the applicant), and

(c) any other person directed by the court.

not less than 2 days before the date fixed for hearing.

(2) The court may abridge the period specified in paragraph (1).

(3) The applicant shall file a statement in Form F17 after the application has been served.

Parties to proceedings for a forced marriage protection order

3.44.—(1) In proceedings under the Act of 2007, a person may file in the Office of Care and Protection or, as the case may be, the county court office a request in Form F15 that he or another person—

(a) be joined as a party, or

(b) cease to be a party.

(2) As soon as practicable after receiving a request under paragraph (1), the court shall do one of the following—

(a) in the case only of a request under paragraph 1(a), grant the request;

(b) direct that a date be fixed for the hearing of the request and fix a date; or

(c) invite written representations as to whether the request should be granted, to be filed within a specified period, and upon expiry of that period act under sub-paragraph (a) or (b) as it sees fit;

and the proper officer, or as the case may be, chief clerk shall inform the following persons of the court's action under this paragraph—

(i) the person making the request,

(ii) the applicant and the respondent,

(iii) (if different) the person who is the subject of the proceedings, and

(iv) any other person directed by the court.

(3) The court may direct—

(a) that a person who would not otherwise be a respondent under these rules be joined as a party to the proceedings; or

(b) that a party to the proceedings cease to be a party.

and such a direction may be made by the court of its own motion as well as upon a request under paragraph (1).

Hearing of applications for forced marriage protection orders

3.45.—(1) Unless the court otherwise directs, an application for a forced marriage protection order shall be heard by a judge in chambers.

(2) The judge shall make a record of the hearing in Form F12.

(3) The order made on the hearing shall be issued in Form F13.

(4) The applicant shall arrange for—

(a) a copy of the order;

(b) a copy of the record of the hearing; and

(c) where the order is made without the respondent having been given notice of the proceedings; a copy of the application together with any statement supporting it;

to be served personally on the respondent, the person who is the subject of the proceedings (if not the applicant), and any other person named in the order soon as reasonably practical.

(5) Where the order has been made without the respondent having been given notice of the proceedings the proper officer or, as the case may be, the chief clerk shall give the respondent and the other parties at least 5 days notice, or such other period as the court may direct, of the date fixed for a full hearing.

(6) The court may direct that a further hearing be held to consider any representations made by the respondent, the person who is the subject of the proceedings (if not the applicant), or any other person named in the order.

(7) An application to vary, extend or discharge an order made under the Act of 2007 shall be made in Form F16 and this rule shall apply to the hearing of such an application.

Forced marriage protection orders made by the court of its own motion

3.46.—(1) Where the court makes a forced marriage protection order of its own motion under paragraph 3 of Schedule 1 to the Act of 2007, it shall set out in the order—

(a) a summary of its reasons for making the order and

(b) the names of the persons who are to be served with the order.

(2) The court may order service of the order on—

(a) any of the parties to the current proceedings,

(b) (if different) the person being protected by the order; and

(c) any other persons whom the court considers should be served.

(3) The court will give directions as to how the order is to be served.

(4) The court may direct that a further hearing be held to consider any representations made by any of the persons named in the order.";

(c) In rule 5.1 for "from a decree" to the end, substitute "or paragraph 11(3) of Schedule 1 to the Act of 2007 from, as the case may be a decree, civil partnership order, forced marriage protection order, or other order of a judge (or the dismissal of or refusal to grant such decree or order) in proceedings in a designated county court as if the reference to the High Court in Order 59 rule 10(1) were a reference to a designed county court"; and

(d) In Appendix 1, after Form F9 insert the forms set out in the Schedule to these Rules.

Brian Kerr
W.B.S. Stephens
Gemma Loughran
Reginald Weir
Charles Redpath
Dated 14th November 2008 *Anne Marie Kelly*

Signed by the authority of the Lord Chancellor
In exercise of the powers conferred by section 12A (2) of the Family Law (Northern Ireland) Order 1993, I allow these Rules.

Bridget Prentice
Parliamentary Under-Secretary of State
Dated 20th November 2008 Ministry of Justice