STATUTORY RULES OF NORTHERN IRELAND

2005 No. 558

FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURTS

The Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2005

Made - - - -	*7th December 2005*
To be laid before Parliament	
Coming into operation	*6th January 2006*

We, the Family Proceedings Rules Committee, in exercise of the powers conferred on us by Article 12 of the Family Law (Northern Ireland) Order 1993(**1**) with the concurrence of the Lord Chancellor, make the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2005 and shall come into operation on 6th January 2006.

(2) In these Rules a reference to a rule by number alone is a reference to the rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996(**2**) ("the 1996 Rules").

Amendment to the 1996 Rules

2. For rule 8.33 substitute—

"Interpretation

8.33.—(1) In rules 8.34 to 8.42—

(a) "judgment" is to be construed in accordance with the definition in Article 2(4) of the Council Regulation or, where the Jurisdiction and Recognition of Judgments Regulations apply, in accordance with regulation 6(1) of those Regulations; and

(**1**) S.I. 1993/1576 (N.I. 6)
(**2**) S.R. 1996 No. 322 as amended by S.R. 1999 No. 88, S.R. 2000 No. 137, S.R. 2003 No. 75, S.R. 2005 No. 144 and S.R. 2005 No. 497

(b) "the Jurisdiction and Recognition of Judgments Regulations" means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005(**3**).

(2) In rules 8.44, 8.45, 8.47 and 8.48 "the Central Authority of Northern Ireland" means the Northern Ireland Court Service.".

3. In rule 8.34 (Filing of applications), after "Council Regulation" insert "or the Jurisdiction and Recognition of Judgments Regulations".

4. In rule 8.41 (Application for recognition or non-recognition)—

(a) in paragraph (1), after "Council Regulation" insert "or regulations 7 and 8 of the Jurisdiction and Recognition of Judgments Regulations, as the case may be,";

(b) in paragraph (2), after "of a judgment" insert "under the Council Regulation";

(c) after paragraph (2) insert—

"(3) Where it is sought to apply for recognition or non-recognition of a judgment under the Jurisdiction and Recognition of Judgments Regulations, rules 8.33 to 8.43 shall apply to such application as they apply to an application for registration under Article 28(2) of the Council Regulation, with the following modifications—

(a) substitute paragraph (1)(a) of rule 8.36 (evidence in support of application) with—

"(a) exhibiting—

(i) the judgment or a verified or certified or otherwise duly authenticated copy thereof;

(ii) where a judgment has been given in default, the original or certified true copy of the document which established that the party in default was served with the document instituting the proceedings or with an equivalent document; and

(iii) where the judgment or document is not in the English Language, a translation thereof into English certified by a notary public or person qualified for the purpose or authenticated by witness statement or affidavit.";

(b) in paragraph (2) of rule 8.36 omit "and (iii)"; and

(c) in rule 8.37—

(i) in paragraph (2) omit from "and" to "that period"; and

(ii) omit paragraph (3).".

5. In Appendix 2 (Contents of Petition), in paragraph 1—

(a) for sub-paragraph (*bb*) substitute—

"(bb) where it is alleged that the court has jurisdiction—

(i) under the Council Regulation, the grounds of jurisdiction under Article 3(1) of the Council Regulation;

(ii) under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005(**4**), the grounds of jurisdiction under regulation 3 of those Regulations."; and

(b) in sub-paragraph (*c*), after "Council Regulation" insert "or the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, as the case may be".

(**3**) S.I. 2005/3334
(**4**) S.I. 2005/3334