STATUTORY RULES OF NORTHERN IRELAND

2000 No. 329

FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURTS

The Family Proceedings (Amendment) Rules (Northern Ireland) 2000

Made - - - -	*1st November 2000*
To be laid before Parliament	
Coming into operation	*1st December 2000*

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**) hereby with the concurrence of the Lord Chancellor make the following Rules:

Citation and commencement

1. These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 2000 and shall come into operation on 1st December 2000.

Transitional provisions

2. These Rules shall apply to any proceedings for divorce, nullity of marriage or judicial separation, commenced on or after 1st December 2000, and any such proceedings commenced before that date shall be treated as if these Rules had not come into operation.

Interpretation

3. 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**).

Amendments to the Family Proceedings Rules (Northern Ireland) 1996

4. In Rule 1.3(1):—

(**1**) S.I.1993/1576 (N.I. 6)
(**2**) S.R. 1996 No. 322; the relevant amending instrument is S.R. 1999 No. 88

(a) after the definition of "the Allocation Order of 1999" there shall be inserted the following —

""the Order of 1999" means the Welfare Reform and Pensions (Northern Ireland) Order 1999(**3**); and"

(b) in the definition of "ancillary relief:"—

(i) in sub-paragraph (*d*), the word "or" shall be omitted; and

(ii) after sub-paragraph (*e*) there shall be inserted the following:—

", or

(f) a pension sharing order,".

5. In rule 2.55(1), after sub-paragraph (*c*) there shall be inserted the following:—

"(d) a pension sharing order,"

6. In rule 2.72—

(a) in paragraph (1) for the words "Articles 25, 26" there shall be substituted the words "Article 25, 26, 26A"; and

(b) after paragraph 1(*d*) there shall be inserted the following:—

"(dd) Where the order includes provision to be made under Article 26A, 27B or 27C of the Order of 1978, a statement confirming that the person responsible for the pension arrangement in question has been served with the documents require by rule 2.73(11) or (12) as the case may be and that no objection to such an order has been made by that person within 21 days from such service."

7. For rule 2.73 there shall be substituted the following:—

"**Pensions**

2.73.—(1) This rule applies where an application for ancillary relief has been made, or notice of intention to proceed with an application has been given, in Form M13 or M15, as the case may be, and the applicant or respondent has or is likely to have any benefits under a pension arrangement.

(2) Within seven days of the notice in Form M13 or M15, as the case may be, having been filed, the party with pension rights shall request the person responsible for each pension arrangement under which he has or is likely to have benefits to furnish the information referred to in regulation 2(2) and (3)(*b*) to (*f*) of the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000(**4**).

(3) Within seven days of receiving information under paragraph (2) the party with pension rights shall send a copy of it to the other party, together with the name and address of the person responsible for each pension arrangement.

(4) A request under paragraph (2) above need not be made where the party with pension rights is in possession of, or has requested, a relevant valuation of the pension rights or benefits accrued under the pension arrangement in question.

(5) In this rule, a relevant valuation means a valuation of pension rights or benefits as at a date to be specified by the court (being not earlier than one year before the date of the petition and not later than the date on which the court is exercising its power), which has been furnished or requested pursuant to any of the following provisions:—

(**3**) S.I. 1999/3147 (N.I. 11)
(**4**) S.R. 2000 No. 142

(a) the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000;

(b) regulation 5 of, and Schedule 2 to, the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**5**) and regulation 11 of, and Schedule 1 to, the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**6**);

(c) section 89A or 90(1)(*a*) or (*aa*) of the Pension Schemes (Northern Ireland) Act 1933(**7**);

(d) section 90(1)(*b*) of the Pension Schemes (Northern Ireland) Act 1993 or paragraph 2(1) (or, where applicable, 2(2)) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**8**).

(6) As soon as practicable after making or giving notice of intention to proceed with an application for ancillary relief including provision to be made under Article 26A (pension sharing) of the Order of 1978, or upon adding a request for such provision to an existing application for ancillary relief, the applicant shall send to the person responsible for the pension arrangement concerned a copy of the notice in Form M13 or M15, as the case may be.

(7) As soon as practicable after making or giving notice of intention to proceed with an application for ancillary relief including the provision to be made under Article 27B or 27C (pension attachment) of the Order of 1978, or upon adding a request for such provision to an existing application for ancillary relief, the applicant shall send to the person responsible for the pension arrangement concerned—

(a) a copy of the notice in Form M13 or M15, as the case may be;

(b) an address to which any notice which the person responsible is required to serve on the applicant under the Divorce etc. (Pensions) Regulations (Northern Ireland) 2000(**9**) is to be sent;

(c) an address to which any payment which the person responsible is required to make to the applicant is to be sent; and

(d) where the address in sub-paragraph (*c*) is that of a bank, a building society or the Department of National Savings, sufficient details to enable payment to be made into the account of the applicant.

(8) A person responsible for a pension arrangement on whom a copy of a notice under paragraph (6) or (7) is served may, within 21 days after service, require the applicant to provide him with an affidavit supporting his application, and the applicant must then provide that person with a copy within 21 days.

(9) A person responsible for a pension arrangement who receives an affidavit as required pursuant to paragraph (8) may within the 21 days after receipt send to the court and the applicant an affidavit in answer.

(10) A person responsible for a pension arrangement who files an affidavit in answer pursuant to paragraph (9) may file therewith a notice to the court requiring an appointment to be fixed, and where such a notice is filed—

(**5**) S.R. 1997 No. 98, the relevant amending instruments are S.R. 1997 No. 160 and S.R. 1999 No. 486
(**6**) S.R. 1996 No. 619
(**7**) 1993 c. 49; Section 89A was inserted by Article 149 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and is amended by paragraph 23 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999. Section 90 was amended by Article 150 of the Pensions (Northern Ireland) Order 1995 and paragraph 24 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**8**) S.R. 1987 No. 288
(**9**) S.R. 2000 No. 210