STATUTORY RULES OF NORTHERN IRELAND

1997 No. 538

MAGISTRATES' COURTS

Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 1997

Made - - - - 15th December 1997

Coming into operation 5th January 1998

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and of all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 5th January 1998.

(2) In these Rules "the principal Rules" means the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996(**2**).

Amendment of principal Rules

2. The principal Rules should be amended as follows:—

(a) in Rule 1(2)—

(i) after paragraph (*a*) (definition of "the Order")there shall be inserted the following paragraph—

"(aa) "the 1981 Order" means the Magistrates' Courts (Northern Ireland) Order 1981(**2**);"

(ii) after paragraph (*b*) (definition of "the Order Book") there shall be inserted the following paragraph—

"(bb) "a means of payment order" means an order made in exercise of the powers conferred on the court by Article 85(3) of the 1981 Order";

(b) for Rule 8 there shall be substituted the following new Rule—

(**1**) S.I. 1981/1675 (N.I. 26)
(**2**) S.R. 1996 No. 324
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"**Form of order**

8.—(1) An order for financial provision under Articles 4, 8 or 9 shall be in Form D6.

(2) Where the court makes a means of payment order, the clerk of petty sessions shall record on the order for financial provision to which the means of payment order relates the means of payment which the court has ordered.

(3) Where the court orders that payments are to be made by a method of payment falling within Article 85(7) of the 1981 Order the clerk of petty sessions shall notify the person liable to make payments under the order of the number and location of the account into which the payment should be made.";

(c) after Rule 8 there shall be inserted the following Rule—

"**Variation of means of payment order**

8A. Where the clerk of petty sessions receives an application under Article 22A(2) of the Order or Article 86(4) of the 1981 Order for the method of payment to be varied, he shall notify in writing, as soon as is practicable, any interested party of the result of the application, including any decision to refer the matter to the court."; and

(d) for Form D6 there shall be substituted the new Form D6 set out in the Schedule.

Dated 15th December 1997 *Irvine of Lairg,* C