STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 321

# SUPREME COURT, NORTHERN IRELANDPROCEDURE

## The Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 1996

| | |
|---|---|
| *Made - - - -* | *25th July 1996* |
| *To be laid before Parliament* | |
| *Coming into operation* | *4th November 1996* |

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**1**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

### Citation, commencement and interpretation

**1.**—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 1996 and shall come into operation on 4th November 1996.

(2) In these Rules any reference to an Order by number or an Appendix by letter means the Order so numbered and the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(**2**).

### Disability

**2.** Order 80 shall be amended by the addition at the end of the following new rule—

"**Appointment of guardian of child's estate or fortune**

**14.**—(1) In any of the circumstances mentioned in paragraph (2)(*a*) to (*d*) the court may appoint the Official Solicitor or some other suitable person to be a guardian of the fortune or estate of a child provided that

(a) the appointment is to subsist only until the child reaches the age of eighteen; and

(**1**) 1978 c. 23
(**2**) S.R. 1980 No. 346 to which relevant amendments were made by S.R. 1989 No. 287

(b) the consent of the persons with parental responsibility for the child (within the meaning of Article 6 of the Children (Northern Ireland) Order 1995(**3**)

(i) has been signified to the court; or

(ii) in the opinion of the court cannot be obtained or may be dispensed with.

(2) The circumstances referred to in paragraph (1) above are:

(a) where money is paid into court on behalf of the child in accordance with directions given under rule 10 (control of money recovered by person under disability);

(b) where a court or tribunal outside Northern Ireland notifies the court that it has ordered or intends to order that money be paid to the child;

(c) where the child is absolutely entitled to the proceeds of a pension fund;

(d) where such an appointment seems desirable to the court."

**Declaration as to Parentage, legitimacy or legitimation**

**3.** Order 98 shall be amended as follows—

(1) for the heading in Part II there shall be substituted the following heading "DECLARATIONS AS TO PARENTAGE, LEGITIMACY OR LEGITIMATION";

(2) in rule 2 the words "for a declaration of legitimacy or legitimation" are revoked;

(3) for rule 3 there shall be substituted the following new rules—

"**Application under Article 32(1)(a) for declaration of parentage**

**3.**—(1) Unless otherwise directed, a petition by which proceedings are begun under Article 32(1)(*a*) of the Order of 1989 shall state—

(a) the name (including forenames and surname) of the petitioner, and if the petitioner is known by a name other than that which appears in the certificate of his birth, that other name shall be stated in the petition and in any decree made thereon;

(b) the sex of the petitioner;

(c) the date and place of birth of the petitioner;

(d) if it is known, the name (including forenames and surname) of the father of the petitioner, his place and date of birth, residential address and occupation;

(e) if they are known, the place and date of birth, the residential address and occupation of the mother of the petitioner and her name (including forenames and surname) at the following times—

(i) at the date of her birth;

(ii) if it is different, at the date of her first marriage;

(iii) if it is different, at the date of birth of the petitioner;

(iv) if it is different, at the date of her most recent marriage;

(v) if it is different, at the time of the presentation of the petition;

(f) the grounds on which the petitioner relies and all other material facts alleged by him to justify the making of the declaration;

(g) whether there are or have been any other proceedings in any court, tribunal or authority in Northern Ireland or elsewhere relating to the parentage of the petitioner, and, if so—

(**3**) S.I.1995/755 (N.I. 2)