1993 No. 138

MAGISTRATES' COURTS

Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 1993

Made	*24th March 1993*
Coming into operation . .	*5th April 1993*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and 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 and commencement

1. These rules may be cited as the Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 1993 and shall come into operation on 5th April 1993.

Interpretation

2. In these rules ''the principal rules'' means the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1980(**b**) and a rule or form referred to by number means the rule or form so numbered in the principal rules.

Amendment to the principal rules

3.—(1) In Rule 3(1) for the words ''and the ground or grounds on which the application is made must be stated'' there shall be substituted the words ''specifying the type of order sought and the ground or grounds on which the application is made''.

(2) In Rule 5(1) after the word ''orally'' there shall be added the words ''specifying the aggregate amount of the payments made during the period of three months immediately preceding the date of the making of the application and the type of order sought''.

4.—(1) In Form 2

(*a*) for paragraph (*c*), in the Notice to parties to the marriage of court's powers to make provision with regard to children, there shall be substituted the following ''(*c*) where certain conditions are satisfied the payment of maintenance for the child''.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) S.R. 1980 No. 371 as amended by S.R. 1989 No. 303

(*b*) After the Notice to parties to the marriage of court's powers to make provision with regard to children, there shall be added the following Notice—

"*Notice to parties of requirement to give particulars of other proceedings*

The attention of all parties to these proceedings is drawn to section 39 of the Family Law Act 1986 (c. 55) which requires parties to proceedings for or relating to a custody order to give particulars of other proceedings known to them which relate to the child concerned (including proceedings out of the jurisdiction and concluded proceedings). The information to be supplied to the court is specified in Rule 5 of the Magistrates' Courts (Family Law Act 1986) Rules (Northern Ireland) 1988 [S.R. 1988 No. 113].".

(2) For Forms 1 and 4 there shall be substituted respectively the forms numbered 1 and 4 in the Schedule.

(3) In Form 7, before the words "the payment of maintenance for the child" there shall be inserted the words "where certain conditions are satisfied".

Dated 24th March 1993 *Mackay of Clashfern,* C.

FORM 1

DOMESTIC PROCEEDINGS (NORTHERN IRELAND) ORDER 1980
(Articles 4, 10, 11 and 12: Rules 3(3) and 9)

Summons to Respondent on application for order for financial provision

of Petty Sessions District of

Applicant

of County Court Division of

Respondent

Whereas an application has been made under Article 4 of the above Order for an order that you—

* (*a*) shall make to the applicant such periodical payments, for such term as may be specified;

* (*b*) shall pay to the applicant such lump sum as may be specified;

* (*c*) shall make to the applicant for the benefit of (being a child of the family), or to such child such periodical payments for such term as may be specified;

* (*d*) shall pay to the applicant for the benefit of (being a child of the family) or to such child such lump sum as may be specified;

on the ground(s) that you—

* (*a*) have failed to provide reasonable maintenance for the applicant; or

* (*b*) have failed to provide or make a proper contribution towards reasonable maintenance for any child of the family as named above; or

* (*c*) have, since the date of the marriage, committed adultery; or

* (*d*) have behaved in such a way that the applicant cannot reasonably be expected to live with you; or

* (*e*) have deserted the applicant.

Where an order is sought for periodical payments to or for the benefit of a child of the family it is—

* (*a*) for a stepchild;

* (*b*) in addition to child support maintenance already payable under a Child Support Agency assessment;

* (*c*) to meet expenses arising from a child's disability;

* (*d*) to meet expenses incurred by a child being educated or training for work;

* (*e*) when either the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom;

* (*f*) on some other ground (please specify).

* Delete whichever is inappropriate.