1988 No. 113

MAGISTRATES' COURTS

Magistrates' Courts (Family Law Act 1986) Rules (Northern Ireland) 1988

Made	*30th March 1988*
Coming into operation . .	*4th April 1988*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**), sections 27 and 39 of the Family Law Act 1986(**b**) 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 and commencement

1. These rules may be cited as the Magistrates' Courts (Family Law Act 1986) Rules (Northern Ireland) 1988 and shall come into operation on 4th April 1988.

Interpretation

2.—(1) In these rules, the following expressions have the meanings hereby assigned to them:—

"the Act" means the Family Law Act 1986;

"the appropriate court" means, in relation to England and Wales, the High Court and, in relation to Scotland, the Court of Session;

"custody order" means a custody order within the meaning of any of sections 1, 32, 40, 42(5) and (6) of the Act;

"the Deputy Principal Clerk" means the Deputy Principal Clerk of Session;

"the Secretary of the Principal Registry" means the Secretary of the Principal Registry of the Family Division of the High Court of Justice in England and Wales.

(2) Any requirement in these rules for a clerk of petty sessions to note any matter in his court is a requirement for him to note it by means of a minute entered in the Order Book kept under Rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984(**c**).

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) 1986 c. 55
(**c**) S.R. 1984 No. 225

Application for registration of a custody order

3.—(1) An application under section 27 of the Act for the registration in the appropriate court of a custody order made by a magistrates' court in Northern Ireland shall be made in writing in Form 1 in the Schedule to these Rules or in a similar form containing the information specified in the said Form 1 to the court which made the order.

(2) An application to which paragraph (1) above relates shall be accompanied by the following documents, namely—

(*a*) a certified copy of the order; and

(*b*) where the order has been varied, a certified copy of any variation order which is in force; and

(*c*) any other documents relevant to the application.

(3) Subject to paragraph (4) below, unless it appears to the court to which an application is made in accordance with paragraphs (1) and (2) above that the order to which the application relates is no longer in force it shall cause the clerk of petty sessions to send a copy of the application, together with copies of the documents set out in paragraph (2) above, to the Secretary of the Principal Registry or the Deputy Principal Clerk of the appropriate court or to both, as the case may be.

(4) If it appears to the court to which an application is made in accordance with paragraphs (1) and (2) above that the order to which the application relates is no longer in force in respect of a child in respect of whom the order was made or that any such child has attained the age of 16, it shall refuse to send the documents referred to in paragraph (2) above to the appropriate court, or shall indicate thereon with respect to which child or children the order is not to be registered, and the clerk of the court shall notify the applicant of its refusal or indications accordingly.

(5) Where the documents referred to in paragraph (2) are to be sent to the appropriate court the clerk of petty sessions shall cause particulars of the application for registration and the sending of the documents to be noted in his court.

(6) Where the clerk of petty sessions of the court to which an application has been made under paragraphs (1) and (2) above receives notice of the registration in the appropriate court of the order to which the application relates, he shall note particulars thereof in his court.

Revocation and variation of a registered order

4.—(1) Where a magistrates' court in Northern Ireland has revoked or varied a registered order it shall cause the clerk of petty sessions to send a certified copy of the order of revocation or variation to the Secretary of the Principal Registry or the Deputy Principal Clerk or to both, as the case may be, and to the court which made the custody order, if that court is different from the court making the order of revocation or variation.

(2) Where a certified copy of an order of revocation or variation is sent to the appropriate court in accordance with paragraph (1) of this rule, the clerk of petty sessions shall cause the sending of the certified copy to be noted in his court.