1988 No. 71

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1988

Made	*7th March 1988*
Coming into operation . .	*4th April 1988*
To be laid before Parliament	

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(**a**) 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, interpretation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1988, and shall come into operation on 4th April 1988.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(**b**).

Business of the Supreme Court

2. Order 1, rule 12(*a*)(iii) shall be amended by substituting for the words "wardship, adoption, guardianship of minors and the Child Abduction and Custody Act 1985" the words "wardship, adoption, guardianship of minors, the Child Abduction and Custody Act 1985 and the Family Law Act 1986".

Proceedings relating to the Family Law Act 1986

3. Order 90 shall be amended as follows—

(1) By substituting for the title to the Order the title "PROCEEDINGS RELATING TO MINORS, THE CHILD ABDUCTION AND CUSTODY ACT 1985 AND THE FAMILY LAW ACT 1986".

(2) By adding, after rule 25, the Part set out in the Schedule hereto.

(**a**) 1978 c. 23
(**b**) S.R. 1980 No. 346

Dated 24th February 1988.

John MacDermott
Donald Murray
J. B. E. Hutton
R. D. Carswell
Owen Catchpole
Aidan A. Canavan

I concur, *Mackay of Clashfern, C.*

Dated 7th March 1988.

SCHEDULE Rule 3(2)

"IV Family Law Act 1986

Interpretation

26.—(1) In this Part of this Order, unless the context otherwise requires—

"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 sections 1, 32, 40, 42(5) and 42(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;

"register" means the register kept for the purposes of the Act;

"registration" means registration under Part I of the Act and "registered" shall be construed accordingly.

(2) The prescribed officer for the purposes of sections 27(4) and 28(1) of the Act shall be the Master, and the jurisdiction of the court under sections 27(3) and 28(1) of the Act shall be exercised by the prescribed officer.

Application to register custody order

27.—(1) An application under section 27 of the Act for the registration of a custody order made by the High Court shall be made by lodging in the Office a certified copy of the order, together with a certified copy of any order which has varied any of the terms of the original order and an affidavit by the applicant and a copy thereof stating:—

(*a*) the name and address of the applicant and his interest under the order;

(*b*) the name and date of birth of the child in respect of whom the order was made, his whereabouts or suspected whereabouts and the name of any person with whom he is alleged to be;

(*c*) the name and address of any other person who is known to the applicant to have an interest under the order and whether it has been served on him;

(*d*) whether the order is to be registered in England and Wales or Scotland or in both jurisdictions;

(*e*) that, to the best of the applicant's information and belief the order is in force;

(*f*) whether, and if so where, the order is already registered; and

(*g*) details of any order affecting the child which is in force in the jurisdiction in which the custody order is to be registered.

(2) There shall be exhibited to the affidavit any document relevant to the application.

(3) Where the documents referred to in paragraphs (1) and (2) are to be sent to the appropriate court the prescribed officer shall—

(*a*) retain the affidavit and send the copy thereof and the other documents to the Secretary of the Principal Registry or to the Deputy Principal Clerk, as the case may be, indicating, where the order relates to more than one child, with respect to which child or children it is to be registered, and

(*b*) record the fact of transmission.