1986 No. 219

MAGISTRATES' COURTS

Magistrates' Courts (Child Abduction and Custody) Rules (Northern Ireland) 1986

Made	*4th July 1986*
Coming into operation . . .	*1st August 1986*

The Lord Chancellor, in exercise of the power conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**), as extended by sections 10 and 24 of the Child Abduction and Custody Act 1985(**b**), 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 (Child Abduction and Custody) Rules (Northern Ireland) 1986 and shall come into operation on 1st August 1986.

Interpretation

2. In these Rules:—

"the 1985 Act" means the Child Abduction and Custody Act 1985;

"the Hague Convention" means the Convention defined in section 1(1) of the 1985 Act;

"Contracting State" means a Contracting State defined in section 2 of the 1985 Act;

"the High Court" means the High Court in England and Wales or the High Court in Northern Ireland.

Stay of proceedings pending in a court of summary jurisdiction

3. Where any proceedings in which a decision falls to be made on the merits of rights of custody (as construed under section 9 of the 1985 Act) are pending in a court of summary jurisdiction and that court receives notice from the High Court or the Court of Session that an application in respect of the child concerned has been made under the Hague Convention, the court of summary jurisdiction shall order that all further proceedings in the proceedings pending before it shall be stayed, and shall cause notice to be given to the parties to the proceedings accordingly.

Dismissal of complaint

4.—(1) Where a court of summary jurisdiction which has stayed any proceedings under Rule 3 receives notice from the High Court or the Court of Session that an order has been made under Article 12 of the Hague Convention for the return of the child concerned, the court shall dismiss the complaint and cause notice to be given to the parties to the proceedings accordingly.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) 1985 c. 60