1986 No. 218

COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1986

Made	*2nd July 1986*
Coming into operation –	
rules 1-5	*1st August 1986*
rules 6, 7	*1st September 1986*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred on us by Article 47 of that Order and by sections 10 and 24 of the Child Abduction and Custody Act 1985(**b**) and all other powers enabling us in that behalf, hereby make the following rules:—

Citation

1. These rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1986.

Interpretation

2. In these rules a reference to an Order, Rule, Appendix or Form is a reference to that Order, Rule, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(**c**).

Amendment of references to "committee"

3. Rule 12 of Order 3, Rule 5(2) of Order 6 and Rule 1(1)(*b*) of Order 44 shall be amended by substituting for the word "committee" the word "controller".

Forms of decree in consumer credit proceedings

4. Order 30 shall be amended by inserting a new Rule 17 as follows:—

"*Forms of decree and orders*

17. A decree or order made in proceedings under this Order shall be in such of Forms 286 to 291 as the circumstances of a particular case shall allow.".

Child Abduction and Custody Act 1985

5. The new Rules set out in Schedule 1 shall be inserted as Order 51.

Road Traffic (Northern Ireland) Order 1981(**d**)

6. The new Rules set out in Schedule 2 shall be inserted as Order 52.

Forms

7. The new Forms set out in Schedule 3 shall be inserted in Appendix 1.

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) 1985 c. 60
(**c**) S.R. 1981 No. 225
(**d**) S.I. 1981/154 (N.I. 1)

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

John K. Pringle
John J. Curran
B. J. A. C. Valentine
T. F. Glass
K. G. Nixon
W. Hanna

After consultation with the Lord Chief Justice, I allow these rules of which rules 1-5 shall come into operation on 1st August 1986 and rules 6 and 7 shall come into operation on 1st September 1986.

Dated 2nd July 1986 *Hailsham of St. Marylebone, C.*

SCHEDULE 1 Rule 5

Rules to be inserted as Order 51

ORDER 51

Child Abduction and Custody Act 1985

Interpretation

1. In this Order—

(*a*) a section referred to by number means the section so numbered in the Child Abduction and Custody Act 1985; and

(*b*) "the Hague Convention" means the Convention defined in section 1(1);

"the High Court" includes the High Court of Justice in England and Wales.

Stay of pending custody proceedings

2.—(1) Where proceedings relating to the merits of the rights of custody (as construed in section 9) are pending before a court and that court receives notification from the High Court or the Court of Session of proceedings under the Hague Convention in respect of the child concerned, those pending proceedings shall be stayed and the chief clerk shall notify the parties to the pending proceedings accordingly.

(2) Where a court in which pending proceedings have been stayed under paragraph (1) receives notification 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, those pending proceedings shall be dismissed and the chief clerk shall notify the parties to those proceedings accordingly.

(3) Where a court in which pending proceedings have been stayed under paragraph (1) receives notification from the High Court or the Court of Session that the application under the Hague Convention has been dismissed, the stay on the pending proceedings shall be removed and the chief clerk shall notify the parties to those proceedings accordingly.

Notification of registration under section 16

3. Where any proceedings such as are mentioned in section 20(2) are pending before a court and that court receives notification from the High Court or the Court of Session—

(*a*) that an application has been made under section 16 for registration of a decision relating to custody (other than a decision mentioned in section 20(3)) in respect of the child concerned; or

(*b*) that such a decision is registered under section 16;

and the condition specified in section 20(1)(*b*) is satisfied, the chief clerk shall notify the parties to the pending proceedings accordingly.

Application for copy court order

4.—(1) Any person who intends to make an application under the Hague Convention in a Contracting State (as defined in section 2) other than the United Kingdom may apply in writing to the chief clerk of a court for a copy of any order of that court relating to the child concerned.

(2) An application under paragraph (1) shall specify—

(*a*) the name and date of birth of the child concerned;

(*b*) the date (or approximate date) of the proceedings to which the court order relates and the nature of those proceedings;

(*c*) the Contracting State in which the application under the Hague Convention is to be made; and

(*d*) the relationship of the applicant to the child concerned.

(3) On receipt of an application under paragraph (1), and upon being satisfied as to the applicant's intention to make an application under the Hague Convention relating to the child concerned, the chief clerk shall send to the applicant a copy of any such order.

(4) The court seal, duly authenticated as provided by Rule 3(2) of Order 56, shall be affixed to a copy order provided under this Rule.

Application for declaration under section 23(2)

5. An application under section 23(2) in custody proceedings (as defined in section 27(1)), for a declaration that the removal from the United Kingdom of the child concerned was unlawful, shall be made by notice in those proceedings under Rule 1 of Order 14.