1986 No. 203

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1986

Made	*30th June 1986*
Coming into operation . . .	*1st August 1986*
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**) and sections 10 and 24 of the Child Abduction and Custody Act 1985(**b**) to make rules to give effect to Parts I and II of that Act, 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. 3) Rules 1986 and shall come into operation on 1st August 1986.

(2) In these Rules an Order referred to by number or an Appendix referred to by letter means the Order so numbered and the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(**c**).

Business of the Supreme Court

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

Originating Summonses

3. Order 7, rule 2(2), shall be amended by the insertion before the words "Order 90" of the words "Part II of".

Proceedings relating to minors and the Child Abduction and Custody Act 1985

4. Order 90 shall be amended as follows—

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

(2) By dividing the Order into parts, of which Part I shall consist of rules 1 and 2 under the heading "GENERAL" and Part II shall consist of rules 3 to 9 under the heading "PROCEEDINGS RELATING TO MINORS".

(3) By inserting, in rule 9(1), before the words "this Order applies" the words "this Part of".

(4) By adding, after rule 9, the Part set out in Schedule 1 hereto.

(**a**) 1978 c. 23
(**b**) 1985 c. 60
(**c**) S.R. 1980 No. 346

Dated 25th June 1986.

Lowry
John MacDermott
Hugh P. Kennedy
W. A. Campbell

I concur, *Hailsham of St. Marylebone, C.*

Dated 30th June 1986.

Rules to be inserted in Order 90

III. CHILD ABDUCTION AND CUSTODY ACT 1985

Interpretation

10. In this Part of this Order, unless the context otherwise requires—

(*a*) "the Act" means the Child Abduction and Custody Act 1985 and words or expressions bear the same meaning as in the Act;

(*b*) "the Hague Convention" means the convention defined in section 1(1) of the Act and "the European Convention" means the convention defined in section 12(1) of the Act.

Mode of Application

11.—(1) Except as otherwise provided by this Part, every application under the Hague Convention and the European Convention shall be made by originating summons, which shall be in Form No. 6 in Appendix A and shall be issued out of the Office of Care and Protection.

(2) An application in custody proceedings for a declaration under section 23(2) of the Act shall be made by summons in those proceedings.

Contents of Originating Summons: general provisions

12. The originating summons under which any application is made under the Hague Convention or the European Convention shall state—

(*a*) the name and date of birth of the child in respect of whom the application is made;

(*b*) the names of the child's parents or guardians;

(*c*) the whereabouts or suspected whereabouts of the child;

(*d*) the interest of the plaintiff in the matter and the grounds of the application; and

(*e*) particulars of any proceedings (including proceedings out of the jurisdiction and concluded proceedings) relating to the child,

and shall be accompanied by all relevant documents including but not limited to the documents specified in Article 8 of the Hague Convention or, as the case may be, Article 13 of the European Convention.

Contents of originating summons: particular provisions

13.—(1) In applications under the Hague Convention, in addition to the matters specified in rule 12—

(*a*) the originating summons under which an application is made for the purposes of Article 8 for the return of a child shall state the identity of the person alleged to have removed or retained the child and, if different, the identity of the person with whom the child is alleged to be;

(*b*) the originating summons under which an application is made for the purposes of Article 15 for a declaration shall identify the proceedings in which the request that such a declaration be obtained was made.

(2) In applications under the European Convention, in addition to the matters specified in rule 12 the originating summons shall identify the decision relating to custody or on rights of access which is sought to be registered or enforced or in relation to which a declaration that it is not to be recognised is sought.

Defendants

14. The defendants to an application under the Act shall be—

(*a*) the person alleged to have brought into the United Kingdom the child in respect of whom an application under the Hague Convention is made;

(*b*) the person with whom the child is alleged to be;

(*c*) any parent or guardian of the child who is within the United Kingdom and is not otherwise a party; and

(*d*) the person in whose favour a decision relating to custody has been made, if he is not already a party; and