1973. No. 515 **[NC]**

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Rules of the Supreme Court (Northern Ireland) (No. 2) 1973

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. Order 70 of the Rules of the Supreme Court (Northern Ireland) 1936(b) shall be amended as follows:—

(1) In rule 2(1) paragraphs (*c*), (*d*) and (*e*) shall be deleted and the following paragraphs inserted in the places appropriate to their letters—

"(*c*) the full names (including surname) and dates of birth of every living child of the family;

(*d*) where is is alleged that the Court has jurisdiction by virtue of section 13(2)(*a*) or (3)(*a*) of the Act of 1973 the domicile of the petitioner and respondent; or

where it is alleged that the Court has jurisdiction by virtue of section 13(4)(*a*) of the Act of 1973 the domicile of the petitioner; or

where it is alleged that the Court has jurisdiction by virtue of section 13(2)(*b*) or (3)(*b*) of the Act of 1973 the habitual residence of the petitioner and respondent throughout the period of one year ending with the date when the proceedings are begun; or

where it is alleged that the Court has jurisdiction by virtue of section 13(4)(*b*) of the Act of 1973 the habitual residence of the petitioner throughout the period of one year ending with the date when the proceedings are begun;

where it is alleged that the Court has jurisdiction by virtue of the habitual residence of the petitioner or respondent the details of the habitual residence relied on including the places of residence and the length of residence at each place;

(*e*) the occupation and residence of the parties to the marriage;

(*j*) whether or not there are to the knowledge of the petitioner any proceedings continuing in any country outside Northern Ireland which are in respect of the marriage to which the petition relates or are capable of affecting its validity or subsistence, and if there are any such proceedings, shall give particulars of them including—

(i) the court in or tribunal or authority before which they were begun,

(a) 10 & 11 Eliz. 2 c. 30. (b) S.R. & O. 1936, No. 70 (II, p. 2559).

(ii) the date when they were begun,

(iii) the names of the parties,

(iv) the date, or as the case may be, the expected date of any trial in the proceedings, and

(v) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under Schedule 1 to the Act of 1973 as applied by Schedule 5 to the said Act.

"Proceedings continuing in any country outside Northern Ireland" includes any proceedings in that country which are not instituted in a court of law, if those proceedings are instituted before a tribunal or other authority in that country having power under the law having effect there to determine questions of status, and proceedings shall be treated as continuing in a country outside Northern Ireland if they have been begun and have not been finally disposed of.

(*k*) where a petitioner in reliance on section 7 or 8 of the Civil Evidence Act (Northern Ireland) 1971(c) intends to adduce evidence that a person

(i) was convicted of an offence by or before a court in the United Kingdom or by a court-martial there or elsewhere, or

(ii) was found guilty of adultery in matrimonial proceedings or was adjudged to be the father of a child in affiliation proceedings before a court in the United Kingdom, a statement of his intention with particulars of—

(A) the conviction, finding or adjudication and the date thereof,

(B) the court or court-martial which made the conviction, finding or adjudication and, in the case of a finding or adjudication, the proceedings in which it was made, and

(C) the issue in the proceedings to which the conviction, finding or adjudication is relevant.".

(2) In rule 15 immediately after paragraph (3) there shall be inserted the following paragraphs:—

"(4) Where an answer contains a prayer for relief, it shall contain the information required by rule 2(1)(*j*) in the case of the petition in so far as it has not been given by the petitioner.

(5) Rule 2(1)(*k*) shall apply with the necessary modifications to an answer as it applies to a petition.

(6) Where a petition includes such a statement as is mentioned in rule 2(1)(*k*), then if the opposite party—

(*a*) denies the conviction, finding or adjudication to which the statement relates, or

(*b*) alleges that the conviction, finding or adjudication was erroneous, or

(*c*) denies that the conviction, finding or adjudication is relevant to any issue in the proceedings,

he must make the denial or allegation in his answer.".

(c) 1971. c. 36 (N.I.).