SCHEDULE (*Con.*)

(1) Petty Sessions Districts	(2) Times of Holding Petty Sessions. Day of the Month	Hour of Opening: For Juvenile Cases	Hour of Opening: For other Business
Co. TYRONE			
Donemanagh	3rd Friday	10.30 a.m.	11.00 a.m.
Dromore	1st Wednesday	10.45 a.m.	11.00 a.m.
Dungannon	2nd & 4th Mondays	—	11.00 a.m.
	2nd Monday	10.45 a.m.	—
Fintona	2nd Tuesday	10.45 a.m.	11.00 a.m.
Fivemiletown	2nd Wednesday	10.45 a.m.	11.00 a.m.
Gortin	3rd Wednesday	10.45 a.m.	11.00 a.m.
Moy	2nd Wednesday	10.45 a.m.	11.00 a.m.
Newtownstewart	3rd Thursday	10.45 a.m.	11.00 a.m.
Omagh	1st & 3rd Mondays	—	11.00 a.m.
	1st Monday	10.45 a.m.	—
*Pomeroy	4th Tuesday	10.45 a.m.	11.00 a.m.
Sixmilecross	1st Thursday	10.45 a.m.	11.00 a.m.
Stewartstown	1st Wednesday	10.45 a.m.	11.00 a.m.
Strabane	2nd & 4th Thursdays	—	11.00 a.m.
	2nd Thursday	10.45 a.m.	—
*Trillick	2nd Thursday	10.45 a.m.	11.00 a.m.

* These Courts are held in the months of January, March, May, July, September, and November, only.

† These Courts are held in the months of January, February, April, June, July, August, September, October and December, only.

Separation and Maintenance

RULES, DATED 28TH JUNE, 1946, MADE BY THE LORD CHIEF JUSTICE OF NORTHERN IRELAND UNDER SECTION 13 OF THE SUMMARY JURISDICTION (SEPARATION & MAINTENANCE) ACT (NORTHERN IRELAND), 1945 (Reprint 1946).

1946. No. 161

I, THE RIGHT HONOURABLE SIR JAMES ANDREWS, Baronet, Deputy Lieutenant, Lord Chief Justice of Northern Ireland in exercise of the powers conferred on me by Section 13 of the Summary Jurisdiction (Separation & Maintenance) Act (Northern Ireland), 1945 (Reprint 1946), (hereinafter referred to as " the Act "), and of all other powers in that behalf thereunto me enabling do hereby make the following Rules :—

1. The forms set out in the First Schedule to these Rules or forms to the like effect shall be used in proceedings in Courts of Summary Jurisdiction in Northern Ireland under the Act.

2. The form of Appeal prescribed by the Second Schedule to the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, for use in respect of appeals to a Court of Quarter Sessions may be used in respect of appeals under the Act, notices of appeal may be given in Form No. 1 set out in the Second Schedule to these Rules, and orders made on appeal may be in Form No. 2 set out in the Second Schedule to these Rules.

3. The fees from time to time payable under the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, shall be payable in respect of proceedings under the Act and the provisions of the Petty Sessions Clerk (Ireland) Act, 1858, as to fees shall apply to fees payable in respect of proceedings under the Act.

4. In all proceedings under the Act costs may be allowed in accordance with the scale of costs set out in the Third Schedule to these Rules, and such additional sum as the Resident Magistrate or County Court Judge considers reasonable, may be allowed to cover the expenses of witnesses including such sum as they may have lost by their attendance on the hearing.

5. The Interpretation Act, 1889, as applied to Northern Ireland by the Interpretation Act, 1921, shall apply for the purpose of the interpretation of these rules as it applies for the purpose of the interpretation of an Act of Parliament.

6. These Rules may be cited as the Summary Jurisdiction (Separation & Maintenance) Rules (Northern Ireland), 1946.

Given under my hand this 28th day of June, 1946.

James Andrews,
Lord Chief Justice of Northern Ireland.

FIRST SCHEDULE

FORM No. 1

THE SUMMARY JURISDICTION (SEPARATION AND MAINTENANCE) ACT (NORTHERN IRELAND), 1945 (Reprint 1946).

SUMMONS ON COMPLAINT OF WIFE.
(under Section 1).

Complainant; } Petty Sessions District of
Defendant } County of

WHEREAS a complaint has been made to me by the above-named Complainant, being a married woman, for that you, being the husband of the said Complainant within six months last past at

*

This is therefore to command you to appear as a Defendant on the hearing of the said complaint at the Petty Sessions Court House, on the day of 19 , at o'clock in the forenoon, before such Resident Magistrate as shall be there, to show cause why an Order or Orders should not be made upon you under the provisions of the above-mentioned Act.

Dated this day of 19 .

To the said Defendant. Justice of the Peace for the said County.

NOTE: Attention is drawn to Section 10 of the Act which provides—

10. Any person for the time being under an obligation to make payments (including costs) under an Order made under this Act shall give notice to such persons (if any) as may be specified in the Order of every change of his address, and any person failing to give such notice without reasonable excuse shall in respect of each such failure be liable on summary conviction to a fine not exceeding two pounds.

* Here set out the appropriate ground of complaint specified in Section 1 (1).

SPECIMEN COUNTS UNDER SECTION 1 (1)

(*a*) have been convicted summarily of an aggravated assault upon your wife within the meaning of Section 43 of the Offences Against the Person Act, 1861;

(*b*) have been convicted upon indictment of an assault upon your wife and sentenced to pay a fine of more than £5 or to a term of imprisonment exceeding 2 months;

(*c*) while suffering from a venereal disease and knowing that you were so suffering insisted on having sexual intercourse with your wife;

(*d*) have compelled your wife to submit herself to prostitution;

(*e*) have been a habitual drunkard as defined by Section 3 of the Habitual Drunkards Act, 1879; or have habitually taken/used, except upon medical advice, a dangerous drug within the meaning of the Dangerous Drugs Acts (Northern Ireland), 1920, to 1932, to wit,—

(*f*) have deserted your wife;

(*g*) have been guilty of persistent cruelty to your wife and/or to her children;

(*h*) have been guilty of wilful neglect to provide reasonable maintenance for your wife and/or her children under the age of 16 years whom you are legally liable to maintain;

(*i*) have been guilty of adultery.

FORM No. 2

THE SUMMARY JURISDICTION (SEPARATION AND MAINTENANCE) ACT (NORTHERN IRELAND), 1945 (Reprint 1946).

SUMMONS ON COMPLAINT OF HUSBAND
(Under Section 2).

Complainant; } Petty Sessions District of
Defendant. } County of

WHEREAS a complaint has been made to me by the above-named Complainant, being a married man, for that you, being the wife of the said Complainant, within six months last past at

*

This is therefore to command you to appear as a Defendant on the hearing of the said complaint at the Petty Sessions Courthouse, on the day of 19 , at o'clock in the forenoon, before such Resident Magistrate as shall be there, to show cause why an Order or Orders should not be made upon you under the provisions of the above-mentioned Act.

Dated this day of 19 .

To the said Defendant.

.....
Justice of the Peace for the said County.

NOTE: Attention is drawn to Section 10 of the Act which provides:—

10. Any person for the time being under an obligation to make payments (including costs) under an Order made under this Act shall give notice to such persons (if any) as may be specified in the Order of every change of his address, and any person failing to give any such notice without reasonable excuse shall in respect of each such failure be liable on summary conviction to a fine not exceeding two pounds.

* Here set out the appropriate ground of complaint specified in Section 2.

SPECIMEN COUNTS UNDER SECTION 2

(*a*) have been a habitual drunkard as defined by Section 3 of the Habitual Drunkards Act, 1879; or have habitually taken/used, except upon medical advice, a dangerous drug within the meaning of the Dangerous Drugs Acts, (Northern Ireland), 1920 to 1932, to wit,

(*b*) have been guilty of persistent cruelty to your husband and/or his children;

(*c*) have been guilty of adultery.

FORM No. 3

THE SUMMARY JURISDICTION (SEPARATION AND MAINTENANCE) ACT (NORTHERN IRELAND), 1945 (Reprint 1946).

ORDER ON COMPLAINT OF WIFE
(Under Section 3).

Complainant; Defendant. } Petty Sessions District of County of

BEFORE the Court of Summary Jurisdiction sitting at aforesaid on the day of 19 .

WHEREAS a complaint has been made by the above-named Complainant, a Married Woman, for that the Defendant, being the husband of the Complainant, within six months last past at

(1)

And the Complainant has made application that an Order or Orders may be made upon the Defendant under the provisions of the above-mentioned Act.

It is Adjudged that the Court is satisfied of the truth of the following complaint(s)

(2)

(3) "*And the Court is satisfied that the future safety of the Complainant is in peril.*"

AND IT IS ORDERED THAT the Complainant is no longer bound to cohabit with her husband, the Defendant. (4)

(5) AND IT IS ALSO ORDERED THAT the legal custody of—

..... *born on* .....*and*

..... *born on* .....*and*

..... *born on* .....*and*

..... *born on* .....

children of the marriage of the said parties, while under the age of 16 *years, be given to the wife/husband and that the husband/wife shall, during the continuance of this part of this Order, have right of access to such children.*

AND IT IS ALSO ORDERED THAT the said husband do pay *to the wife personally/for the use of the wife to the Clerk of Petty Sessions for the said District/to on her behalf, for her maintenance,* a weekly sum of (6) *and in addition a weekly sum of for the maintenance of the said children committed to the custody of the wife, apportioned as follows :—*

..... *per week in respect of* .....

..... *per week in respect of* .....

..... *per week in respect of* .....

..... *per week in respect of* .....

until the said children shall respectively attain the age of sixteen years the first of such weekly sums to be paid on the day of 19 .