EXPLANATORY MEMORANDUM ON THE CHILDREN (ALLOCATION OF PROCEEDINGS) (AMENDMENT) ORDER (NORTHERN IRELAND) 2004

1. Title of the instrument

i). The Children (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2004

Laying Authority and Purpose

ii). This explanatory memorandum is laid before Parliament by Command of Her Majesty.

Department responsible

iii). Department for Constitutional Affairs (Northern Ireland Court Service).

2. Description

The instrument amends The Children (Allocation of Proceedings) Order (Northern Ireland) 1996 to allow for the transfer of proceedings, under the Children (Northern Ireland) Order 1995, from one family proceedings court to another family proceedings court and to designate Dungannon county court as a family care centre. It also amends references in the 1996 Order to other provisions which have since been revoked.

3. Matters of special interest to the Joint Committee on Statutory Instruments/Select Committee on Statutory Instruments

There are no matters of special interest.

4. Legislative Background

The Children (Allocation of Proceedings) Order (Northern Ireland) 1996 provides for the courts in which proceedings under the Children (Northern Ireland) Order 1995 are to be commenced and the circumstances in which they might be transferred to other courts. The 1996 Order provides for two specific types of courts to hear proceedings under the 1995 Order: family proceedings courts (which are magistrates' courts sitting with a resident magistrate and two lay members) and family care centres (which are specified county courts).

5. Extent

The instrument extends to Northern Ireland only.

6. European Convention on Human Rights

It is the Minister's view that the Order is compatible with the European Convention on Human Rights.

7. Policy background

The Children (Allocation of Proceedings) Order (Northern Ireland) 1996 does not currently allow for the lateral transfer of proceedings from one family proceedings court to another. It is considered that such provision would allow courts greater flexibility in managing cases where that is in the interests of the child.

The 1996 Order specifies three county courts in Northern Ireland as family care centres to which proceedings, which are exceptionally grave, important or complex, might be transferred. It is considered that designating Dungannon County Court as an additional family care centre will provide greater flexibility, increase access to justice and assist in reducing delays in hearing these cases.

The Children (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2004 will therefore amend the 1996 Order to provide in certain circumstances for the lateral transfer of Children Order proceedings from one family proceedings court to another and to specify Dungannon County Court an additional family care centre.

8. Impact

It is considered that the instrument will have no significant impact on business, charities, voluntary bodies or the Exchequer.

9. Contact

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Northern Ireland Court Service
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