EXPLANATORY MEMORANDUM TO

THE CHILDREN (ALLOCATION OF PROCEEDINGS) (AMENDMENT) ORDER (NORTHERN IRELAND) 2007

SR 2007 No. 468

1. This explanatory memorandum has been prepared by the Ministry of Justice (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Description

The instrument amends the Children (Allocation of Proceedings) Order (Northern Ireland) 1996 ('the 1996 Order') [S.R. 1996 No. 300] to enable proceedings under the Children (Northern Ireland) Order 1995 ('the 1995 Order') to be transferred from one family care centre to another.

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

None.

4. Legislative Background

The 1996 Order provides for the allocation and transfer of proceedings under the 1995 Order as between the High Court, county courts and courts of summary jurisdiction. Proceedings under the 1995 Order heard at the county court tier are assigned to county courts designated by the 1996 Order as family care centres.

5. Territorial Extent and Application

The instrument applies only to Northern Ireland.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 1996 Order makes provision for transfer of proceedings from one family proceedings court (a court of summary jurisdiction) to another however there is presently no provision for transfers between family care centres. Family care centre judges have indicated that it would be useful to have the latter

facility, although it is anticipated that such a power would only be used occasionally.

7.2 The Children (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2007 will therefore amend the 1996 Order to enable the transfer of a case from one family care centre to another, where the court considers that such transfer is in the best interests of the child and the receiving court consents.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 This instrument has no impact on the public sector.

9. Contact

Jane Maguire at the Northern Ireland Court Service (Tel: 028 9041 2319 or e-mail: janemaguire@courtsni.gsi.gov.uk can answer any queries regarding this instrument.

Northern Ireland Court Service
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