FAMILY PROCEEDINGS RULES

SUPPLEMENT No 7

FEBRUARY 2016

Before commencing, please ensure Supplement 6 (and all previous Supplements) have been properly filed.

This supplement contains amendments to the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322) ("the principal Rules") incorporating amendments made in April and December 2010 and March and July 2011.

Where the supplement makes an amendment to the principal Rules, every effort has been taken to correct typographical errors, marginal supplement references and minor amendments identified during the preparation of this supplement.

The supplement inserts/replaces/omits (as appropriate) the following pages:

Section	Pages	Comment
Arrangement of Rules	3 to 11A	Pages 3 to 20 inclusive are to be substituted. The last amendment on page 20 being to Rule 2.6A(6)(b). The Rule continues on page 21 with 2.6A(b)(i).
Rule 1.1 to Rule 2.6A(6)(b)	12 to 20	
Rule 2.23(2) to Rule 2.28(1)(b)(ii)	29 to 30	-
Rule 2.41(1) to Rule 2.45(1)	37 to 38	-
Rule 2.53(1)(a) to Rule 2.55(2)(a)	45 to 46	Rule 2.53(1)(a) starts on page 44.
Rule 2.61(2)(b)(ii) to Rule 2.73(15)(j)(ii)	49 to 56	-
Rule 2.73(19)(aa) to Rule 3.7(2)	59 to 64	An intentionally blank sheet has been inserted after page 62A.
Rule 3.35(2) to Rule 4.5(2)(b)	79 to 82	Rule 3.35(2) starts on page 78. An intentionally blank sheet has been inserted after page 80E.
Rule 4.8(2)(a) to Rule 4.11(1)	85 to 86	-
Rule 4.15(3)(c) to Rule 4.18(1)(a)(iv)(d)	91 to 92	-
Rule 4.23(2)(c) to Rule 4A.1	95 to 98	Page 98 ends with definition of "Convention country".
Rule 4A.6(1)(a) to Rule 4A.10(3)	101 to 102	-
Rule 4A.15(5)(b) to Rule 4A.22(1)	105 to 106	-
Rule 4B.11(2) to Rule 4C.1(6)(a)	111 to 112	-
Rule 7.5 to Rule 7.13A(2)	123 to 124	-
Rule 8.31 to Rule 8.68(4)	135 to 148	-

Arrangement of Forms	Substitute lead and return page beginning with the words "Form A10" and ending with "PART IV – ADDITIONAL INFORMATION REQUIRED FOR A CONVENTION ADOPTION APPLICATION."	
Appendix 1	Forms M1 to M4	Only includes first page of M4 ending with "from the Yellow Pages" on the return side.
	Form M4	2 pages beginning with the Heading "5. Education and training details" and ending with Heading "Part IV – To the Respondent".
	Form M5	Only includes first page of M5 ending with "before it is finally settled." on the return side.
	Form M6	Whole Form, ending with "Address for service:" on the return side.
	Forms M7 to 12A	4 pages ending with "Dated this day of 20 .]" on the return side.
	Form C1	Page beginning the Heading "Social Services" and ending with "(Applicant)" on the return side.
	Form C1A	Whole Form including the "Notes for Guidance", ending with Heading "7. Attending the Court." on the return side.
	Form C4 to C5	2 pages ending with "State that address." on the return side.
	Form C7A	Page beginning the Heading "5. Your financial assets" and ending with the Heading "7 Court Orders" on the return side.
	Form C20	Whole Form, ending with "eligible for legal aid:" on the return side.
Appendix 1 and 2	Form A27 to Appendix 2 (first page only)	Only last lead page of Form A27 beginning the "AND IT IS FUTHER DIRECTED", Form CS1, CS2 and only first (return) page of Appendix 2 ending with "and the respondent;"
Appendix 2 and 3	-	Last (lead) page of Appendix 2 beginning with "[(a) (pa) in a civil partnership cause" and ending with "(ii) to be a party to pending proceedings" on the return side of the first page of Appendix 3.

THE FAMILY PROCEEDINGS RULES

SUPPLEMENT No. 6

DECEMBER 2008

This supplement contains new pages replacing in the Arrangement of Rules pages 5, 6 and 6A; pages 13 and 14; pages 79, 80, 80A, 80B, 80C and 80D; pages 115 and 116; Appendix 1 Arrangement of Forms, from Form C11 to Form A9; New Form F10, Form F11, Form F12, Form F13, Form F14, Form F15, Form F16 and Form F17.

These new pages incorporate amendments made by the following Statutory Rule:—

The Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2008 (S.R. 2008 No. 466)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322) ("the 1996 Rules") to make provision for applications for a forced marriage protection order under Schedule 1 to the Forced Marriage (Civil Protection) Act 2007. Rule 5.1 of these Rules is also amended to provide for appeals in respect of a forced marriage protection order from a designated county court to the Court of Appeal.

It amends Rules 1.3 and 5.1. It inserts new rules 3.41 to 3.46 and new Forms F10 to F17.

These amendments came into operation on 22nd December 2008.

Insertions and amendments are printed between square brackets, with a footnote showing the authority for them.

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The supplement incorporates amendments made to the principal Rules by the following Statutory Rules:

The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010

(S.R. 2010 No.133):-

- This Order abolished the Northern Ireland Court Service (which was established as a unified and distinct civil service of the Crown under section 69 of the Judicature (Northern Ireland) Act 1978) and transfers its functions to the Department of Justice. This Order also made a number of consequential amendments and repeals to primary and secondary legislation.

These amendments came into operation on 12th April 2010.

The Family Proceedings (Amendment) Rules (Northern Ireland) 2010

(S.R. 2010 No. 379) to amend:-

- rule 1.3(7) to remove a reference to the Civil Partnership Act 2004 ("the 2004 Act") as a result of an amendment made by the Presumption of Death Act (Northern Ireland) 2009 ("the 2009 Act");
- rule 2.6(1)(a) to remove a reference to the Matrimonial Causes (Northern Ireland) Order 1978 as a result of an amendment made by the 2009 Act;
- rule 2.6(1)(b) to remove a reference to the 2004 Act as a result of an amendment made by the 2009 Act; and
- inserts new rules 3.47 to 3.52 and Forms CS1 and CS2 which prescribe the procedure for applications for orders preventing avoidance under Article 32L of the Child Support (Northern Ireland) Order 1991.

These amendments came into operation on 20th December 2010.

The Family Proceedings (Amendment) Rules (Northern Ireland) 2011

(S.R. 2011 No. 64):–

- enabling the transposition of article 6 (enforceability of agreements resulting from mediation) and article 7 (confidentiality of mediation) of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, by inserting new rules under the heading "Mediation Directive" in Part VII (Enforcement of Orders); and
- for proceedings under the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children; Council Regulation (EC) No.2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility; and the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 (SI 2005/3334).

These amendments came into operation on 25th March 2011.

The Family Proceedings (Amendment) Rules (Northern Ireland) 2011

(S.R. 2011 No. 243) to:–

- prescribe the procedure for applications for pension compensation sharing orders and pension compensation attachment orders.

These amendments came into operation on 25th July 2011.

Note: insertions and substituted or added words are shown in square brackets, with footnotes showing the authority for them.

Deletions are indicated by [...] with a footnote showing the authority for them.

Supp 5 filed

FAMILY PROCEEDINGS RULES

SUPPLEMENT No. 4

FEBRUARY 2008

This supplement contains new pages replacing in the Arrangement of Rules page 9; rule 4.9 pages 85 and 86; rules 8.44 and 8.45 page 139 and rule 8.48 page 140. New rule 7.8A is inserted in page 123 and new page 124 inserted. Form C20 is replaced by new Form C20.

The new pages incorporate amendments made by the following Statutory Rules to the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322) ("the principal Rules") which apply to proceedings in the High Court and county courts:—

The Family Proceedings (Amendment) Rules (Northern Ireland) 2007 (S.R. 2007 No. 324); and
The Family Proceedings (Amendment) Rules (Northern Ireland) 2008 (S.R. 2008 No. 24)

The Family Proceedings (Amendment) Rules (Northern Ireland) 2007 (S.R. 2007 No. 324) amends the principal Rules to:

- enable the court to allow a witness to give evidence by video link or any other means of direct communication; and
- make provision in relation to the service, registration and rectification of a certificate of a judgment issued pursuant to Article 42 of Council Regulation (EC) 2201/2003 of 27th November 2003.

These amendments came into operation on 5th September 2007.

The Family Proceedings (Amendment) Rules (Northern Ireland) 2008 (S.R. 2008 No. 24) amends the principal Rules to:

- amend rule 4.9 (which makes provision in relation to service of documents in proceedings under the Children (Northern Ireland) Order 1995) to provide that the court may abridge time for service of documents; and
- amend Form C20 (Emergency Protection Order) to reflect that there is no longer a prohibition on the court hearing an application to discharge an emergency protection order for 72 hours after the order is made.

These amendments came into operation on 25th February 2008.

Substituted or added words are printed between square brackets, with a footnote showing the authority for them.

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FAMILY PROCEEDINGS RULES

SUPPLEMENT No. 3

AUGUST 2006

This supplement contains minor amendments to the Family Proceedings Rules.

These amendments incorporate amendments made by the following Statutory Rule:—

The Family Proceedings (Amendment) Rules (Northern Ireland) 2006 (S.R. 2006 No. 304)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 to remove the requirement to lodge a bundle of pleadings in undefended causes and make minor amendments consequential to the Constitutional Reform Act 2005.

These amendments come into operation on 1st August 2006.

Insertions are printed between square brackets, with a footnote showing the authority for them.

These Rules also make an amendment to the Arrangement of Rules.

This supplement also contains a correction to a previous printing error in supplement No. 2.

Corrections are printed at Form A27.

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FAMILY PROCEEDINGS RULES

SUPPLEMENT No. 2

DECEMBER 2005

This supplement contains major amendments to the Family Proceedings Rules.

These amendments incorporate amendments made by the following Statutory Rules:—

The Family Proceedings (Amendment No. 2) Rules (Northern Ireland) 2005 (S.R. 2005 No. 497)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 which apply to proceedings in the High Court and county court, in consequence of the Civil Partnership Act 2004, the Gender Recognition Act 2004, Council Regulation (EC) No. 2201/2003 of 27th November 2003 and also the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005.

These amendments come into force on 5th December 2005.

The Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2005 (S.R. 2005 No. 558)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 which apply to proceedings in the High Court and county courts, to extend the rules in respect of the procedure for recognition of a judgment under Council Regulation (EC) No. 2201/2003 to apply equally to a judgment pronounced by a court in a Member State to which the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 applies.

These amendments come into operation on 6th January 2006.

Both of these Rules contain amendments to the Arrangement of Rules and the Arrangement of Forms.

Insertions are printed between square brackets, with a footnote showing the authority for them.

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FAMILY PROCEEDINGS RULES

SUPPLEMENT No. 1

APRIL 2005

This supplement contains amendments to pages 12 and 73.

These amendments incorporate amendments made by the following Statutory Rule:—

The Family Proceedings (Amendment) Rules (Northern Ireland) 2005 (S.R. 2005 No. 144)

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 to amend the definition of Master so that in relation to proceedings in the High Court it means Master (High Court) rather than Master (Probate and Matrimonial) and to enable the court to hold a directions appointment by telephone or by using any other method of direct oral communication.

These amendments come into operation from 18th April 2005.

Insertions are printed between square brackets, with a footnote showing the authority for them.

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STATUTORY RULES OF NORTHERN IRELAND

1996 No. 322

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURTS

The Family Proceedings Rules (Northern Ireland) 1996

Made . . . . . *19th July 1996*

Coming into operation . . *4th November 1996*

To be laid before Parliament

ARRANGEMENT OF RULES

PART I

PRELIMINARY

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1.1	Citation and commencement
1.2	Revocation and saving
1.3	Interpretation
1.4	Application of other rules

PART II

MATRIMONIAL CAUSES [AND CIVIL PARTNERSHIP CAUSES(a)]: PETITION, PLEADINGS AND AMENDMENT

2.1	Application for leave to present a petition for nullity
2.2	Discontinuance before service of petition
2.3	Cause to be begun by petition
2.4	Contents of petition
2.5	Signing of petition
2.6	Presentation of petition
[2.6A	Petition for nuulity on ground of issue of interim gender recognition certificate
2.6B	Petition for nullity on ground that respondent's gender had become acquired gender at time of marriage or civil partnership(b)]

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05

Rule No.	*Subject*
2.7	Conciliation
2.8	Parties
2.9	Service of petition
2.10	Proof of service
[2.10A	Acknowledgement of service of petition for nullity brought on ground relating to gender recognition(a)]
2.11	Notice of intention to defend
2.12	[Consent to grant of decree or civil partnership order(b)]
2.13	Supplemental petition, pleadings and amendment of petition
2.14	Filing of answer to petition
[2.14A	Answer praying for decree of nullity on ground of issue of interim gender recognition certificate.
2.14B	Answer praying for decree of nullity on ground that petitioner's gender had become acquired gender at time or marriage or civil partnership(c)]
2.15	Filing of reply and subsequent pleadings
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2.19	Service of pleadings
2.20	Supplemental answer and amendment of pleadings
2.21	Service and amendment of pleadings
2.22	Particulars
2.23	[Re-transfer of cause to divorce county court or civil partnership proceedings county court(e)]
	PREPARATION FOR TRIAL
2.24	Discovery of documents
2.25	Discovery by interrogatories
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2.27	Conduct of medical examination
2.28	Entry for hearing and certificate of readiness
2.29	Stay under Schedule 1 to the Order of 1978
2.29A	Stay under the Council Regulation

(a) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05

Rule No.	*Subject*
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2.31	Setting down for trial
2.32	Order for transfer of cause
2.33	Trial of issue
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2.46	Decrees and orders
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2.48	[Application under Article 12(2) of the Order of 1978 or section 172(2) of the Act of 2004(a)]
2.49	Intervention to show cause by the Crown Solicitor
2.50	Intervention to show cause by person other than Crown Solicitor
2.51	[Rescission of decree nisi or conditional order by consent(a)]
2.52	[Decree absolute or final order on lodging notice(a)]
2.53	[Decree absolute or final order on application(a)]
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[2.54A	Indorsement and certificate of final order
2.54B	Application under section 6 of the Gender Recognition Act 2004(b) (c)]
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2.56	Application by parent, guardian etc for ancillary relief in respect of children
2.57	Application in Form M13 or M14
2.58	Application for ancillary relief after order of court of summary jurisdiction
2.59	Children to be separately represented on certain applications
2.60	General provisions as to evidence, etc, on application for ancillary relief
2.61	Evidence on application for property adjustment or avoidance of disposition order

(a) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) 2004 c. 7

Rule No.	Subject
2.62	Evidence on application for variation order
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2.67	Transfer of application for ancillary relief: general provisions
2.68	Transfer for purpose of expedition
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2.71	[Application for order under Article 39(2)(a) of the Order of 1978 or paragraph 67(2) of Schedule 15 to the Act of 2004(a)]
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2.73	Pensions
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3.9	[Transfer of certain tenancies on divorce etc., dissolution etc., of civil partnership or on separation of cohabitees(a)]
3.10	Application for declaration as to marital status
[3.10A	Application under section 181 of the Act of 2004 for declaration as to civil partnership status(d)]
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3.13	[Application for an order for financial relief or an avoidance of transaction order under Part IV of the Order of 1989 or under Schedule 17 to the Act of 2004(a)]

(a) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Heading inserted by S.R. 2006 No. 304 with effect from 01.08.06
(c) Rule inserted by S.R. 2011 No. 243 with effect from 25.07.11
(d) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05

Rule No.	*Subject*
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3.22	Transfer of proceedings under the Order of 1998
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3.28	Notice of petition to be given to the Attorney General
3.29	Service of petition
3.30	Appearance by respondent
3.31	Answer by respondent
3.32	Application for directions
3.33	Answer by the Attorney General
3.34	Joining of parties
3.35	Setting down for hearing
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[3.39	Reference under section 8(5) of the Gender Recognition Act 2004 (b)]
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3.42	Leave stage for applications for a forced marriage protection order
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3.49	Parties to proceedings under Article 32L of the Order of 1991
3.50	Service of an application under Article 32L of the Order of 1991
3.51	Application under Article 32L(1) of the Order of 1991 without notice
3.52	Hearing of applications under Article 32L of the 1991 Order (d)]

(a) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Rules 3.40-3.46 inserted by S.R. 2008 No. 466 with effect from 22.12.08
(d) Rules 3.47-3.52 inserted by S.R. 2010 No. 379 with effect from 20.12.10

Rule No. *Subject*

PART IV

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4.3 Matters prescribed for the purposes of the Order of 1995
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4.8 Parties
4.9 Service under this Part of the Rules
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4.12 Powers and duties of guardian ad litem
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4.17 Attendance at a directions appointment and hearing
4.18 Documentary evidence
4.19 Expert evidence – examination of child
4.20 Amendment
4.21 Hearing
4.22 Attachment of penal notice to Article 8 order
4.23 Appeals
4.24 Confidentiality of documents
4.25 Notification of consent
4.25A Exclusion requirements: interim care orders and emergency protection orders
4.26 Secure accommodation
4.27 Investigation under Article 56

[APPLICATIONS RELATING TO THE COUNCIL REGULATION AND THE 1996 HAGUE CONVENTION

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4.29 Transfer of proceedings under Article 15 of the Council Regulation or under Article 8 of the 1996 Hague Convention
4.30 Application by a party for transfer of the proceedings
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Rule No. *Subject*

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4.35 Service of the court's order or request relating to transfer of jurisdiction under the Council Regulation or the 1996 Hague Convention

4.36 Questions as to the court's jurisdiction or whether the proceedings should be stayed

4.37 Request for consultation as to contemplated placement of child in Northern Ireland

4.38 Request made by court in Northern Ireland for consultation as to contemplated placement of child in another Member State or Contracting State

4.39 Application for a declaration as to the extent, or existence, of parental responsibility in relation to a child under Article 16 of the 1996 Hague Convention(a)]

PART IVA

FREEING FOR ADOPTION AND ADOPTION ORDERS

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4A.2 Proceedings

4A.3 Commencement of proceedings under Article 17

4A.4 Commencement of proceedings under Article 18

4A.5 Appointment of guardian ad litem

4A.6 Duties of the guardian ad litem

4A.7 Agreement

4A.8 Notice of hearing

4A.9 Objections

4A.10 The hearing

4A.11 Proof of identity of child, etc

4A.12 Application for revocation of order freeing a child for adoption

4A.13 Substitution of one adoption agency for another

ADOPTION ORDERS

4A.14 Application for a serial number

4A.15 Commencement of proceedings

4A.16 Statement of facts in dispensation cases

4A.17 Appointment of guardian ad litem

4A.18 Duties of guardian ad litem

4A.19 Agreement

4A.20 Notice of hearing

4A.21 Objections

4A.22 Reports by adoption agency or Board

4A.23 The hearing

4A.24 Proof of identity of child, etc

4A.25 Further proceedings after interim order

(a) Rules 4.28 - 4.39 inserted by S.R. 2011 No. 64 with effect from 25.03.11

Rule No. Subject

PART IVB

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4B.4. Form of consent
4B.5. Notice of hearing
4B.6. Application to annul a Convention adoption or Convention adoption order
4B.7. Application for directions where a full adoption has not been made
4B.8. Application to declare overseas adoption invalid or determination invalid or affected
4B.9. Evidence in support of application
4B.10. Notice of order made under Article 55A
4B.11. Application for removal, return etc of the child in Convention proceedings
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4B.14. Service of documents
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4C.7. Custody, inspection and disclosure of documents and information
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(b) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
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(**a**) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
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(a) Words inserted by S.R. 2011 No. 64 with effect from 25.03.11

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(a) Rules 8.33 - 8.68 inserted by S.R. 2011 No. 64 with effect from 25.03.11

We, the Family Proceedings Rules Committee, in exercise of the powers conferred on us by Article 12 of the Family Law (Northern Ireland) Order 1993(a), hereby with the concurrence of the Lord Chancellor, make the following Rules:

PART I

PRELIMINARY

Citation and commencement

1.1. These Rules may be cited as the Family Proceedings Rules (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Revocation and saving

1.2.—(1) Subject to paragraph (2) the rules specified in paragraph (3) are hereby revoked.

(2) Nothing in these rules shall affect any proceedings which are pending (within the meaning of paragraph 1 of Schedule 8 to the Order of 1995) immediately before these rules come into operation and the rules in operation immediately before that day shall continue to apply to those proceedings.

(3) The rules referred to in paragraph (1) are

— the Matrimonial Causes Rules (Northern Ireland) 1981(b),

— the Matrimonial Causes (Amendment) Rules (Northern Ireland) 1989(c) and

— the Matrimonial Causes (Amendment) Rules (Northern Ireland) 1993(d).

Interpretation

1.3.—(1) In these Rules, unless the context otherwise requires—

"the Order of 1978" means the Matrimonial Causes (Northern Ireland) Order 1978(e);

"the Order of 1989" means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(f);

"the Order of 1991" means the Child Support (Northern Ireland) Order 1991(g);

"the Order of 1995" means the Children (Northern Ireland) Order 1995(h);

[(i) "the Order of 1998" means the Family Homes and Domestic Violence (Northern Ireland) Order 1998(j); and

"the Allocation Order of 1999" means the Family Homes and Domestic Violence (Allocation of Proceedings) Order (Northern Ireland) 1999(k);]

[(l) "the Allocation Order of 2002" means the Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002(m);]

(a) S.I. 1993 1576 (N.I. 6)
(b) S.R. 1981 No. 184
(c) S.R 1989 No. 246
(d) S.R. 1993 No. 134
(e) S.I. 1978/1045 (N.I. 5)
(f) S.I. 1989/677 (N.I. 6)
(g) S.I. 1991/2628 (N.I. 23)
(h) S.I. 1995/755 (N.I. 2)
(i) Definitions added by S.R. 1999 No. 88 with effect from 29.03.99
(j) S.I. 1998/1071 (N.I. 6)
(k) S.R. 1999 No. 61
(l) Definition added by S.R. 2002 No. 137 with effect from 06.05.02
(m) S.R 2002 No. 119

[*Suppl. No. 7 (July 2011)*]

[(a) "the Order of 1999" means the Welfare Reform and Pensions (Northern Ireland) Order 1999(b);]

[(c) "the Act of 2004" means the Civil Partnership Act 2004(d)]

[(e) "the Act of 2007" means the Forced Marriage (Civil Protection) Act 2007;]

"ancillary relief" means

(*a*) an avoidance of disposition order,

(*b*) a financial provision order,

(*c*) an order for maintenance pending suit,

[(c)(*ca*) an order for maintenance pending outcome of proceedings,]

(*d*) a property adjustment order, [(f)...]

(*e*) a variation order [(g), (h)...]

(*f*) a pension sharing order; [(i)or

(*g*) a pension compensation sharing order]

["avoidance of disposition order" means—

(*a*) in matrimonial proceedings, an order under Article 39(2)(b) or (c) of the Order of 1978, and

(*b*) in civil partnership proceedings, an order under paragraph 67(3) or (4) of Schedule 15 to the Act of 2004;(j)]

"Board" means [(k) subject to Part IVB] a Health and Social Services Board;

"business day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(l);

["cause" means—

(*a*) a matrimonial cause under the Order of 1978, or

(*b*) a civil partnership cause under the Act of 2004; (j)]

"certificate of readiness" means a certificate under rule 2.28;

"chief clerk" means the chief clerk for the county court division in which proceedings are pending;

["child", except in part IV or Part IVB, in relation to one or both of the parties to a marriage or civil partnership, includes an illegitimate child of that party or, as the case may be, of both parties;

"child of the family" has, except in Part IV or Part IVB, the meaning assigned to it by Article 2(2) of the Order of 1995;(j)]

(a) Definition added by S.R. 2000 No. 329 with effect from 1.12.00
(b) S.I. 1999/3147 (N.I. 11)
(c) Definition added by S.R. 2005 No. 497 with effect from 05.12.05
(d) 2004 c. 33
(e) Definition added by S.R. 2008 No. 466 with effect from 22.12.08
(f) Word deleted by S.R. 2000 No. 329 with effect from 1.12.00
(g) Words inserted by S.R. 2000 No. 329 with effect from 1.12.00
(h) Word omitted by S.R. 2011 No. 243 with effect from 25.07.11
(i) Words inserted by S.R. 2011 No. 243 with effect from 25.07.11
(j) Definition substituted by S.R. 2005 No. 497 with effect from 05.12.05
(k) Words inserted by S.R. 2003 No. 75 with effect from 1.6.03
(l) 1971 c. 80

["civil partnership cause" has the meaning assigned to it by section 190(3) of the Act of 2004;

"civil partnership order" means one of the orders mentioned in section 161 of the Act of 2004;

"civil partnership proceedings" means any proceedings under the Act of 2004;

"civil partnership proceedings county court" means a county court so designated by the Lord Chancellor [(**a**) with the concurrence of the Lord Chief Justice] under section 188(4) of the Act of 2004;(**b**)]

["consent order" means—

(*a*) in matrimonial proceedings, an order under Article 35A of the Order of 1978, and

(*b*) in civil partnership proceedings, an order under paragraph 59 of Schedule 15 to the Act of 2004;(**b**)]

[(**c**)...]

["the Council Regulation" means the Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility;(**b**)]

"county court office" means the office of the chief clerk for the county court division in which proceedings are pending;

"court" means the judge or the Master;

"defended cause" means a cause not being an undefended cause;

"Department" means the Department of Health and Social Services;

["designated county court" means a court designated as—

(*a*) a divorce county court, or

(*b*) a civil partnership proceedings county court, or

(*c*) both a divorce county court and a civil partnership proceedings county court;(**d**)]

"divorce county court" means a county court so designated by the Lord Chancellor [(**a**) with the concurrence of the Lord Chief Justice] pursuant to Article 48(1) of the Order of 1978;

"document exchange" means any document exchange for the time being approved by the Lord Chancellor;

"family proceedings" means any proceedings with respect to which rules may be made under Article 12 of the Family Law (Northern Ireland) Order 1993;

(a) Words inserted by S.R. 2006 No. 304 with effect from 01.08.06
(b) Definitions substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Definition deleted by S.R. 2011 No. 64 with effect from 25.03.11
(d) Definition added by S.R. 2005 No. 497 with effect from 05.12.05

[*Supplt. No. 7 (March 2011)*]

["financial provision order" means–

(*a*) in matrimonial proceedings, any of the orders mentioned in Article 23(1) of the Order of 1978 except an order under Article 29(6) of that Order, and

(*b*) in civil partnership proceedings, any of the orders mentioned in paragraph 2(1) of Schedule 15 to the Act of 2004, made under Part I of Schedule 15 to that Act;(a)]

["financial relief" has—

(*a*) in matrimonial proceedings, the meaning assigned to it by Article 39 of the Order of 1978, and

(*b*) in civil partnership proceedings, the meaning assigned to it by paragraph 67 of Schedule 15 to the Act of 2004;(a)]

["the 1996 Hague Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;(b)]

"judge" means—

(*a*) in relation to proceedings in the High Court, a judge of the High Court; and

(*b*) in relation to proceedings in a county court, a county court judge;

["Master" means—

(*a*) in relation to proceedings in the High Court, the Master (High Court) or the Master (Care and Protection) as the case may be; and

(*b*) in relation to proceedings in a county court, a district judge;(c)]

["Matrimonial cause" has the meaning assigned to it by Article 48(II) of the Order of 1978;(d)]

"Matrimonial Office" means the Probate and Matrimonial Office of the Supreme Court of Judicature of Northern Ireland;

"matrimonial proceedings" means subject to rule 2.4 any proceedings under the Order of 1978;

["Member State" means a Member State of the European Union which is bound by the Council Regulation or a country which has subsequently adopted the Council Regulation; (b)]

"notice of intention to defend" has the meaning assigned to it by rule 2.11;

"Office of Care and Protection" means the Office of Care and Protection of the Supreme Court of Judicature of Northern Ireland;

["order for maintenance pending outcome of proceedings" means an order under paragraph 33 of Schedule 15 to the Act of 2004; (d)]

"person named" includes a person described as "passing under the name of A.B.";

["the President of Gender Recognition Panels" means the office in paragraph 2(1) of Schedule 1 to the Gender Recognition Act 2004; (d)]

(a) Definition substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Definition inserted by S.R. 2011 No. 64 with effect from 25.03.11
(c) Definition substituted by S.R. 2005 No. 144 with effect from 18.04.05
(d) Definition added by S.R. 2005 No. 497 with effect from 05.12.05

"proper officer" means the proper officer of the High Court;

["property adjustment order" means—

(*a*) in matrimonial proceedings, any of the orders mentioned in Article 26(1) of the Order of 1978, and

(*b*) in civil partnership proceedings, any of the orders mentioned in paragraph 7(1) of Schedule 15 to the Act of 2004; (**a**)]

"sealed copy" means a copy examined against the original, marked as examined by the examining officer and sealed with the appropriate seal;

"taxing master" means—

(*a*) in relation to proceedings in the High Court, the Master (Taxing Office); and

(*b*) in relation to proceedings in a county court, a district judge;

"Trust" means a Health and Social Services Trust by whom a function is exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(**b**);

"undefended cause" means—

(*a*) in the case of an application under Article 16 of the Order of 1978, a cause in which the respondent has not given notice of intention to defend within the time limited, or

(*b*) in any other case—

(i) a cause in which no answer has been filed or any answer filed has been struck out, or

(ii) a cause which is proceeding only on the respondent's answer and in which no reply or answer to the respondent's answer has been filed or any such reply or answer has been struck out, or

(iii) a cause to which rule 2.14(3) applies and in which no notice has been given under that rule or any notice so given has been withdrawn, or

(iv) a cause in which an answer has been filed claiming relief but in which no pleading has been filed opposing the granting of a decree [(**c**) or civil partnership order, as the case may be,] on the petition or answer or any pleading or part of a pleading opposing the granting of a decree [or civil partnership order(**c**)];

["variation order" means—

(*a*) in matrimonial proceedings, an order under Article 33 of the Order of 1978, and

(*b*) in civil partnership proceedings, an order under Part 10 of Schedule 15 to the Act of 2004; (**a**)]

(2) Unless the context otherwise requires, a cause may be treated as pending for the purpose of these Rules notwithstanding that a final [decree, civil partnership order or other order has been pronounced or made on the petition, or it has been otherwise finally disposed of.(**d**)]

(3) In these Rules a form referred to by number means the form so numbered in Appendix 1 or a form substantially to the like effect, with such variations as the circumstances of the particular case may require.

(4) In these Rules any reference to an Order and rule is—

(*a*) if prefixed by the letters "R.S.C.", a reference to that Order and rule in the Rules of the Supreme Court (Northern Ireland) 1980(e), and

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(a) Definition substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) S.I. 1994/429 (N.I. 2)
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) S.R. 1980 No. 346

(*b*) if prefixed by the letters "C.C.R", a reference to that Order and rule in the County Court Rules (Northern Ireland) 1981 (**a**).

(5) Unless the context otherwise requires, any reference in these Rules to any rule or statutory provision shall be construed as a reference to that rule or statutory provision as amended, extended or applied by any other rule or statutory provision.

[(**b**)(6) In these Rules any references to a "county court" shall—

(*a*) in matrimonial proceedings, be construed as references to a divorce county court, and

(*b*) in civil partnership proceedings, be construed as references to a civil partnership proceedings county court.]

[(7) In these Rules —

(*a*) a reference to a conditional order is a reference to an order made under Chapter 2 of Part 4 of the Act of 2004 of a kind mentioned in [section161(1)(a) or (b) (**c**)] of that Act which has not been made final; and

(*b*) a reference to a final order is a reference to such an order which has been made final.(**b**)]

Application of other rules

1.4.—(1) Subject to the provisions of these Rules and of any statutory provision, the Rules of the Supreme Court (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981 other than C.C.R. Order 25, rule 20 (which deals with a new hearing and rehearing) shall apply with the necessary modifications to the commencement of family proceedings in, and to the practice and procedure in family proceedings pending in, the High Court and a county court respectively.

(2) For the purpose of paragraph (1) any provision of these Rules authorising or requiring anything to be done in family proceedings shall be treated as if it were, in the case of proceedings pending in the High Court, a provision of the Rules of the Supreme Court (Northern Ireland) 1980 and in the case of proceedings pending in a county court, a provision of the County Court Rules (Northern Ireland) 1981.

PART II

MATRIMONIAL CAUSES [(**d**) AND CIVIL PARTNERSHIP CAUSES] PETITION, PLEADINGS AND AMENDMENT

Application for leave to present a petition for nullity

2.1.—(1) An application under Article 16(4) of the Order of 1978 [or under section 175(3) of the Act of 2004(**d**)] for leave to institute proceedings for a decree of nullity [of marriage or civil partnership(**d**)] after the expiration of 3 years from the date of the marriage [or formation of the civil partnership(**d**)] shall be made to the court in which the applicant wishes to present the petition, by originating summons in Form M1.

(**a**) S.R. 1981 No. 225
(**b**) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words substituted by S.R. 2010 No. 379 with effect from 20.12.10
(**d**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(2) There shall be filed in support of the summons an affidavit by the applicant exhibiting a copy of the proposed petition and (unless otherwise directed by the court on an application made ex parte) a certificate of the marriage [or civil partnership(a)] and stating—

(*a*) the grounds of the application;

(*b*) whether there has been any previous application under Article 16(4) of the Order of 1978 [or section 175(3) of the Act of 2004(a)];

(*c*) the date of birth of each of the parties.

(3) When the summons is issued it shall be made returnable for a fixed date before the judge in chambers.

(4) Unless the court otherwise directs, the summons shall be served on the respondent at least 14 clear days before the return date.

(5) The respondent may be heard without filing an affidavit.

(6) This Part of these Rules shall, so far as applicable, apply with the necessary modifications, to the application as if the originating summons were a petition and the applicant a petitioner.

Discontinuance before service of petition

2.2. Before a petition is served on any person, the petitioner may file a notice of discontinuance and the cause shall thereupon stand dismissed.

Cause to be begun by petition

2.3.—(1) Every cause other than an application under Article 16(4) of the Order of 1978 [or under section 175(3) of the Act of 2004(a)] shall be begun by petition.

(2) Where a petition for divorce, nullity [of marriage(a)] or judicial separation [or for dissolution, nullity of civil partnership or separation,(a)] discloses that there is a minor child of the family who is under the age of 16 years or who is over that age and is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, the petition shall be accompanied by a statement signed by the petitioner personally containing the information required by Form M4, to which shall be attached a copy of any medical report mentioned therein.

Contents of petition

2.4.—(1) Unless the court otherwise directs, every petition shall contain the information required by Appendix 2.

(2) A petitioner who, in reliance on section 7 or 8 of the Civil Evidence Act (Northern Ireland) 1971(b), intends to adduce evidence that a person—

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

(*b*) was found guilty of adultery in matrimonial proceedings or was found or adjudged to be the father of a child in relevant proceedings before a court in the United Kingdom,

must include in his petition a statement of his intention with particulars of—

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) 1971 c. 36 (N.I.)

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

(ii) 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

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

(3) In this rule "matrimonial proceedings" and "relevant proceedings" have the same meaning as in section 8(5) of the Civil Evidence Act (Northern Ireland) 1971.

Signing of petition

2.5. Every petition shall be signed by counsel if settled by him or, if not, by the petitioner's solicitor in his own name or the name of his firm, or by the petitioner if he sues in person.

Presentation of petition

2.6.—[(1) A petition may be presented—

(*a*) in a matrimonial cause, to the High Court or [...(**a**)] to any divorce county court, and

(*b*) in a civil partnership cause, to the High Court or [...(**a**)] to any civil partnership proceedings county court.(**b**)]

(2) Unless the court otherwise directs on an application made ex parte, a certificate of the marriage [or civil partnership(**c**)] to which the cause relates together with the certificates of birth of any child of the family under the age of 18 shall be filed with the petition.

(3) [In a matrimonial cause, where(**d**)] there is before the court a petition which has not been dismissed or otherwise [finally disposed of(**d**)], another petition by the same petitioner in respect of the same marriage shall not be presented without leave granted on an application made in the pending proceedings:

Provided that no such leave shall be required where it is proposed, after the expiration of the period of 2 years from the date of the marriage, to present a petition for divorce alleging such of the facts mentioned in Article 3(2) of the Order of 1978 as were alleged in a petition for judicial separation presented before the expiration of that period.

[(3A) In a civil partnership cause, where there is before the court a petition which has not been dismissed or otherwise finally disposed of, another petition by the same petitioner in respect of the same civil partnership shall not be presented without leave granted on an application made in the pending proceedings:

Provided that no such leave shall be required where it is proposed, after the expiration of the period of 2 years from the date of the civil partnership, to present a petition for dissolution alleging such of the facts mentioned in section 168(5) of the Act of 2004 as were alleged in a petition for separation presented before the expiration of that period.(**c**)]

(a) Words omitted by S.R. 2010 No. 379 with effect from 20.12.10
(b) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Paragraphs inserted by S.R. 2005 No. 497 with effect from 05.12.05

(4) Subject to paragraph (5), the petition shall be presented by filing it in the Matrimonial Office together with a notice

[(i) in a matrimonial cause, in Form M5 with Form M6 attached, and

(ii) in a civil partnership cause, in Form M5A with Form M6A attached,(a)]

addressed to the respondent and any co-respondent together with any statement and report required by rule 2.3(2).

(5) The petition and other documents specified in paragraph (4) may be presented at any county court office or at the office of the chief clerk at Enniskillen, for transmission to the Matrimonial Office for filing.

[(6) C.C.R. Order 6, rule 10 (which deals with the service of petitions) shall not apply but on the filing of the petition the Master shall—

(*a*) affix thereto the seal of the Matrimonial Office,

(*b*) enter the cause in the appropriate records, and

(*c*) annex to every copy of the petition for service a notice in Form M5 with Form M6 attached or in Form M5A with Form M6A attached, as the case may be,

and shall also annex to the copy petition for service on a respondent the copy of any statement and report filed pursuant to paragraph (4) of this rule.(b)]

[(c) *Petition for nullity on ground of issue of interim gender recognition certificate*

2.6A.—(1) This rule applies to a petition—

(*a*) for nullity of marriage under Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978, and

(*b*) for nullity of civil partnership under section 174(1)(d) of the Act of 2004.

(2) The petitioner shall file with his petition a copy of an interim gender recognition certificate issued to him or to the respondent, as the case may be, unless otherwise directed on an application made ex parte.

(3) The proper officer or chief clerk, as the case may be, shall give notice in writing to the Secretary of State of a petition to which this rule applies when it is presented under rule 2.6.

(4) A notice in writing under paragraph (3) shall state the names of the parties to the petition, its case number and the court in which it is pending.

(5) Where a copy of an interim gender recognition certificate has been filed under paragraph (2), the notice given under paragraph (3) shall be accompanied by a copy of that certificate.

(6) Where a copy of the certificate has not been filed under paragraph (2), the notice given under paragraph (3) shall also state—

(*a*) in a matrimonial cause—

(i) the names of the parties to the marriage and the date and place of the marriage, and

(ii) the last address at which the parties to the marriage lived together as husband and wife;

(*b*) in a civil partnership cause—

(a) Sub-paragraphs substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05

(i) the names of the parties to the civil partnership and the date on and place at which the civil partnership was formed, and [Suppl. No. 2 (December 2005)]

(ii) the last address at which the parties to the civil partnership lived together as civil partners of each other; and

(c) in any case, such further particulars as the proper officer or chief clerk, as the case may be, considers appropriate.

Petition for nullity on ground that respondent's gender had become acquired gender at time of marriage or civil partnership

2.6B. Where a petition for nullity of marriage is brought under Article 14(h) of the Order of 1978 or a petition for nullity of civil partnership is brought under section 174(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the respondent, the petitioner shall file a copy of that full certificate with his petition, unless otherwise directed on an application made ex parte.]

Conciliation

2.7.—(1) Where—

(*a*) a petition for divorce, nullity of marriage or judicial separation [(a), or for dissolution, nullity of civil partnership or separation,] has been presented and service on the respondent of the petition has been effected or dispensed with, and

(*b*) there are children of the family to whom Article 44 of the Order of 1978 [(b) or section 186 of the Act of 2004] applies;

the Master shall inform the Department with a view to a reference to a suitably qualified person (hereinafter called "the conciliator") to consider the possibility of conciliating the parties to the marriage [(c) or civil partnership].

(2) Where a reference is made under this rule the conciliator, subject to the approval of the Master, may inspect the court file.

(3) This rule shall not prejudice the right of any party to lodge a certificate of readiness.

Parties

2.8.—(1) Subject to paragraph (2), where a petition alleges that the respondent has committed adultery, the person with whom the adultery is alleged to have been committed shall be made a co-respondent in the cause unless—

(*a*) that person is not named in the petition and, if the adultery is relied on for the purpose of Article 3(2)(*a*) of the Order of 1978, the petition contains a statement that his or her identity is not known to the petitioner, or

(*b*) the court otherwise directs.

(2) Where a petition alleges that the respondent has been guilty of rape upon a person named, then, notwithstanding anything in paragraph (1), that person shall not be made a co-respondent in the cause unless the court so directs.

(3) Where a petition alleges that the respondent has been guilty of improper conduct (other than adultery) with a person named, the court may direct that the person named be made a co-respondent in the cause, and for that purpose the Master may cause notice to be given to the petitioner and to any other party who has given

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

notice of intention to defend of a date and time when the court will consider giving such a direction.

(4) An application for directions under paragraph (1) may be made ex parte if no notice of intention to defend has been given.

(5) Paragraphs (1) and (3) of this rule do not apply where the person named has died before the filing of the petition.

Service of petition

2.9.—(1) Subject to the provisions of this rule and rules 6.4 and 7.3 a sealed copy of every petition shall be served personally or by post on every respondent or co-respondent together with a copy of the notice in Form M5 with Form M6 attached [(a) or in Form M5A with Form M6A attached, as the case may be,] and with any statement and report required by rule 2.3(2).

(2) Personal service shall in no case be effected by the petitioner himself.

(3) An application for leave to substitute for the modes of service prescribed by paragraph (1) some other mode of service, or to substitute for service notice of the proceedings by advertisement or otherwise, shall be made ex parte by lodging with the Master an affidavit setting out the grounds on which the application is made.

(4) No order giving leave to substitute notice of the proceedings by advertisement shall be made unless it appears to the Master that there is a reasonable probability that the advertisement will come to the knowledge of the person concerned.

(5) Where leave is given to substitute for service notice of the proceedings by advertisement, the form of the advertisement shall be settled by the Master and copies of the newspapers containing the advertisement shall be filed.

(6) Where in the opinion of the Master it is impracticable to serve a party in accordance with any of the foregoing paragraphs or it is otherwise necessary or expedient to dispense with service of a copy of a petition on the respondent or on any other person, the Master may make an order dispensing with such service.

(7) An application for an order under paragraph (6) shall, if no notice of intention to defend has been given, be made in the first instance ex parte by lodging an affidavit setting out the grounds of the application, but the Master may, if he thinks fit, require the attendance of the petitioner on the application.

(8) Where the solicitor for the respondent or co-respondent signs a receipt that he accepts service of the petition on behalf of the party, the petition shall be deemed to have been duly served on that party and to have been so served on the date on which the receipt was signed.

Proof of service

2.10.—(1) A petition shall be deemed to be duly served if—

(*a*) an acknowledgement of service in Form M6 [(b) or Form M6A] is signed by the party to be served or by a solicitor on his behalf and is returned to the Matrimonial Office, and

(*b*) where the form purports to be signed by the respondent, his signature is proved at the hearing.

(2) Where a copy of a petition has been sent to a party and no acknowledgement of service has been returned to the Matrimonial Office, the Master, if satisfied by

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

affidavit or otherwise that the party has nevertheless received the document, may direct that the document shall be deemed to have been duly served on him.

(3) Where a copy of a petition has been served on a party personally and no acknowledgement of service has been returned to the Matrimonial Office, service shall be proved by filing an affidavit of service in Form M7 showing the server's means of knowledge of the identify of the party served.

(4) Where a solicitor has accepted service of a petition in accordance with rule 2.9(8), a copy of his receipt accepting service of the petition shall be lodged in the Matrimonial Office.

(5) Where an acknowledgement of service is returned to the Matrimonial Office, the proper officer shall send a photographic copy thereof to the solicitor for the petitioner or to the petitioner if he sues in person.

[(a)*Acknowledgement of service of petition for nullity brought on ground relating to gender recognition*

2.10A.—(1) This rule applies where a petition for nullity of marriage is brought under—

(a) Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978 and an interim gender recognition certificate has been issued to the respondent; or

(b) Article 14(h) of the Order of 1978 and a full gender recognition certificate has been issued to the respondent.

(2) This rule also applies where a petition for nullity of civil partnership is brought under—

(a) section 174(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the respondent; or

(b) section 174(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the respondent.

(3) Where the respondent returns an acknowledgement of service in Form M6 or Form M6A, as the case may be, to the court office, he shall file with it a copy of that interim certificate or that full certificate, as the case may be, unless otherwise directed on an application made ex parte.]

Notice of intention to defend

2.11.—(1) In these Rules any reference to a notice of intention to defend is a reference to an acknowledgement of service in Form M6 [(b) or in Form M6A] containing a statement to the effect that the person by whom or on whose behalf it is signed intends to defend the proceedings to which the acknowledgement relates, and any reference to giving notice of intention to defend is a reference to returning such a notice to the Matrimonial Office.

(2) In relation to any person on whom there is served a document requiring or authorising an acknowledgement of service to be returned to the Matrimonial Office references in these Rules to the time limited for giving notice of intention to defend are references to 14 days after service of the document, inclusive of the day of service, or such other time as may be fixed.

(3) Subject to paragraph (2), a person may give notice of intention to defend notwithstanding that he has already returned to the Matrimonial Office an acknowledgement of service not constituting such a notice.

(a) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

[Supplt. No. 2 (December 2005)]

Consent to the grant of a decree [or civil partnership order (a)]

2.12.—(1) Where, before the hearing of a petition alleging 2 years' separation coupled with the respondent's consent to a decree [(b) or civil partnership order] being granted, the respondent wishes to indicate to the court that he consents to the grant of a decree [(c) or civil partnership order], he must do so by giving the Master a notice to that effect signed by the respondent personally. For the purposes of this paragraph an acknowledgement of service containing a statement that the respondent consents to the grant of a decree [(d) or civil partnership order] shall be treated as such a notice if the acknowledgement is signed—

(*a*) in the case of a respondent acting in person, by the respondent, or

(*b*) in the case of a respondent represented by a solicitor, by the respondent as well as by the solicitor.

(2) A respondent to a petition which alleges any such fact as is mentioned in paragraph (1) may give notice to the court either that he does not consent to a decree [(e) or civil partnership order] being granted or that he withdraws any consent which he has already given.

Where any such notice is given and [(f) no other relevant fact] is alleged, the proceedings on the petition shall be stayed and the Master shall thereupon give notice of the stay to all parties.

[(g)(3) In this rule a "relevant fact" is—

(a) in a matrimonial cause, one of the facts mentioned in Article 3(2) of the Order of 1978, and

(b) in a civil partnership cause, one of the facts mentioned in section 168(5) of the Act of 2004.]

Supplemental petition, pleadings and amendment of petition

2.13.—(1) A supplemental petition may be filed only with leave.

(2) A petition may be amended without leave before it is served but only with leave after it has been served.

(3) Subject to paragraph (4) [(h) and unless the court otherwise directs], an application for leave under this rule—

(*a*) may, if every opposite party consents in writing to the supplemental petition being filed or the petition being amended, be made ex parte by lodging in the Matrimonial Office the supplemental petition or a copy of the petition as proposed to be amended, together with the appropriate consent, and

(*b*) shall, in any other case, be made by summons to be served, [(i) . . .] on every opposite party.

(4) The Master may, if he thinks fit, require an application for leave to be supported by an affidavit.

(5) An order granting leave shall—

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words inserted by S.R. 1999 No. 88 with effect from 29.3.99
(i) Words deleted by S.R. 1999 No. 88 with effect from 29.3.99

(*a*) where any party has given notice of intention to defend, fix the time within which his answer must be filed or amended,

(*b*) where the order is made after the certificate of readiness has been lodged, provide for a stay of the hearing until after the certificate has been renewed.

(6) An amendment authorised to be made under this rule shall be made by filing a copy of the amended petition.

(7) Rules 2.5 and 2.8 shall apply to a supplemental or amended petition as they apply to the original petition.

(8) Unless the court otherwise directs, a copy of a supplemental or amended petition, together with a copy of the order (if any) made under this rule shall be served on every respondent and co-respondent named in the original petition or in the supplemental or amended petition.

(9) Rules 2.9 and 2.10 shall apply to a respondent or co-respondent named in the original petition or in the supplemental or amended petition as they apply in relation to a person required to be served with an original petition.

Filing of answer to petition

2.14.—(1) Subject to paragraph (2) and to rules 2.12, 2.16 and 2.35, a respondent or co-respondent who has given notice of intention to defend and who—

(*a*) wishes to defend the petition or to dispute any of the facts alleged in it,

(*b*) being the respondent wishes to make in the proceedings any charge against the petitioner in respect of which the respondent prays for relief, or

(*c*) being the respondent to a petition to which Article 7(1) of the Order of 1978 [(**a**) or section 171(1) of the Act of 2004, as the case may be,] applies, wishes to oppose the grant of a decree [(**b**) or civil partnership order] on the ground mentioned in that paragraph,

shall within 21 days after the expiration of the time limited for giving notice of intention to defend, file an answer to the petition.

(2) An answer may be filed at any time before the certificate of readiness has been lodged, notwithstanding that the time for filing the answer has expired.

(3) Where in a cause in which relief is sought under Article 14(*d*) of the Order of 1978 [(**c**) or under section 174(1)(b) of the Act of 2004] the respondent files an answer containing no more than a simple denial of the facts stated in the petition, he shall, if he intends to rebut the charges in the petition, give the proper officer notice to that effect either when filing his answer or later by leave of the court.

(4) On the filing of an answer to a petition presented to a [(**d**) designated county court] the Master shall order the cause to be transferred to the High Court, unless it is a case to which paragraph (3) applies and the respondent has not given any such a notice as is mentioned in that paragraph.

[(**e**)*Answer praying for decree or order of nullity on ground of issue of interim gender recognition certificate*

2.14A.—(1) This rule applies to an answer under rule 2.14(1) which prays for—

(a) a decree of nullity of marriage under Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978, and

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05

(b) an order for nullity of civil partnership under section 174(1)(d) of the Act of 2004.

(2) The respondent shall file with his answer a copy of an interim gender recognition certificate issued to him or to the petitioner, as the case may be, unless otherwise directed on an application made ex parte.

(3) The proper officer or chief clerk, as the case may be, shall give notice in writing to the Secretary of State of an answer to which this rule applies when it is filed.

(4) A notice in writing under paragraph (3) shall state the names of the parties to the petition, its case number and the court in which it is pending.

(5) Where a copy of an interim gender recognition certificate has been filed under paragraph (2), the notice under paragraph (3) shall be accompanied by a copy of that certificate.

(6) Where a copy of the certificate has not been filed under paragraph (2), the notice given under paragraph (3) shall also state—

(a) in a matrimonial cause—

(i) the names of the parties to the marriage and the date and place of the marriage; and

(ii) the last address at which the parties to the marriage lived together as husband and wife; and

(b) in a civil partnership cause—

(i) the names of the parties to the civil partnership and the date on and place at which the civil partnership was formed, and

(ii) the last address at which the parties to the civil partnership lived together as civil partners of each other; and

(c) in any case, such further particulars as the proper officer or chief clerk, as the case may be, considers appropriate.

Answer praying for decree or order of nullity on ground that petitioner's gender had become acquired gender at time of marriage or civil partnership

2.14B. Where an answer under rule 2.14(1) prays for a decree of nullity under Article 14(h) of the Order of 1978 or an order for nullity of civil partnership under section 174(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the petitioner, the respondent shall file a copy of that full certificate with his answer, unless otherwise directed on an application made ex parte.]

Filing of reply and subsequent pleadings

2.15.—(1) A petitioner may file a reply to an answer within 14 days after he has received a copy of the answer pursuant to rule 2.19.

(2) If the petitioner does not file a reply to an answer, he shall, unless the answer prays for a decree [(a) or civil partnership order], be deemed on lodging the certificate of readiness to have denied every material allegation of fact made in the answer.

(3) No pleadings subsequent to a reply shall be filed without leave.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

[(a)*Reply to answer praying for decree or order of nullity on ground relating to gender recognition*

2.15A.—(1) This rule applies where an answer is filed under rule 2.14(1) which prays for a decree of nullity of marriage under—

(a) Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978 and an interim gender recognition certificate has been issued to the petitioner; or

(b) Article 14(h) of the Order of 1978 and a full gender recognition certificate has been issued to the petitioner.

(2) This rule also applies where an answer is filed under rule 2.14(1) which prays for an order of nullity of civil partnership under—

(a) section 174(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the petitioner; or

(b) section 174(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the petitioner.

(3) Where the petitioner files a reply under rule 2.15(1) to the answer, he shall file with it a copy of that interim certificate or that full certificate, as the case may be, unless otherwise directed on an application made ex parte.]

Filing of pleadings after lodgment of certificate of readiness

2.16. No pleadings shall be filed without leave after the certificate of readiness has been lodged.

Contents of answer and subsequent pleadings

2.17.—(1) Where an answer, reply or subsequent pleading contains more than a simple denial of the facts stated in the petition, answer or reply, as the case may be, the pleading shall set out with sufficient particularity the facts relied on but not the evidence by which they are to be proved and, if the pleading is filed by the husband or wife [(b) or a civil partner, as the case may be], it shall in relation to those facts, contain the information required in the case of a petition by paragraph 1(*m*) of Appendix 2.

(2) Unless the court otherwise directs, an answer by a husband or wife [(c) or a civil partner] who disputes any statement required by paragraph 1(*f*), (*g*)[, (ga)(d)] and (*h*) of Appendix 2 to be included in the petition shall contain full particulars of the facts relied on.

(3) Paragraph 4(*a*) of Appendix 2 shall, where appropriate, apply, with the necessary modifications, to a respondent's answer as it applies to a petition.

Provided that it shall not be necessary to include in the answer any claim for costs against the petitioner.

(4) Where an answer to any petition contains a prayer for relief, it shall contain the information required by paragraph 1(1) of Appendix 2 in the case of the petition insofar as it has not been given by the petitioner.

(5) Rule 2.4(2) shall apply, with the necessary modifications, to a pleading other than a petition as it applies to a petition.

(6) Where a party's pleading includes such a statement as is mentioned in rule 2.4(2), then if the opposite party—

(a) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Inserted by S.R. 2005 No. 497 with effect from 05.12.05

(*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 pleading.

(7) Rule 2.5 shall apply, with the necessary modifications, to a pleading other than a petition as it applies to a petition.

Allegation against third person in pleading

2.18.—(1) Rules 2.8, 2.9 and 2.10 shall apply, with the necessary modifications, to a pleading other than a petition as they apply to a petition, so however that for the references in those rules to a co-respondent there shall be substituted references to a party cited.

(2) Rule 2.14 shall apply, with the necessary modifications, to a party cited as it applies to a co-respondent.

Service of pleadings

2.19. A party who files an answer, reply or subsequent pleading shall within 7 days of filing it serve a copy thereof on every opposite party.

Supplemental answer and amendment of pleadings

2.20. Rule 2.13 shall apply, with the necessary modifications, to the filing of a supplemental answer, and the amendment of a pleading or other document not being a petition, as it applies to the filing of a supplemental petition and the amendment of a petition.

Service and amendment of pleadings

2.21. Pleadings in matrimonial proceedings [(a) or civil partnership proceedings] may be served on any day except Sunday, Good Friday and Christmas Day and may be amended on any day on which the appropriate court office is open.

Particulars

2.22.—(1) A party on whom a pleading has been served may by notice request the party whose pleading it is to give particulars of any allegation or other matter pleaded and, if that party fails to give the particulars within a reasonable time the party requiring them may apply for an order that the particulars be given.

(2) A party giving particulars whether in pursuance of an order or otherwise shall at the same time file a copy of them.

Re-transfer of cause to [designated county court(b)]

2.23.—(1) Where a cause begun by petition has been transferred to the High Court under rule 2.14(4) and subsequently becomes undefended, the court shall order it to be re-transferred to a [(c) designated county court], unless, (because of the proximity of the probable date of trial or for any other reason) the court thinks it desirable that the cause should be heard and determined in the High Court.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(2) Nothing in paragraph (1) shall require a case to be re-transferred at the time when it becomes undefended if in the opinion of the court the question whether it is desirable to retain it in the High Court cannot conveniently be considered until later.

[*Suppl. No. 2 December 2005*)]

PREPARATION FOR TRIAL

Discovery of documents

2.24. A party to a cause may apply for an order for discovery and inspection of documents by an opposite party and R.S.C. Order 24 shall apply with the necessary modifications.

Discovery by interrogatories

2.25.—(1) R.S.C. Order 26 (which deals with discovery by interrogatories) shall apply to a cause with the necessary modifications.

(2) A copy of the proposed interrogatories shall be filed when the summons for an order is issued.

Medical examination in proceedings for nullity [of marriage(a)]

2.26.—(1) In proceedings for nullity on the grounds of incapacity to consummate the marriage the petitioner may apply to the Master to determine whether medical inspectors should be appointed to examine the parties.

(2) An application under paragraph (1) shall not be made in an undefended cause—

(*a*) if the husband is the petitioner, or

(*b*) if the wife is the petitioner and—

(i) it appears from the petition that she was either a widow or divorced at the time of marriage in question, or

(ii) it appears from the petition or otherwise that she has borne a child, or

(iii) a statement by the wife that she is not a virgin is filed,

unless, in any such case, the petitioner is alleging his or her own incapacity.

(3) References in paragraph (1) and (2) to the petitioner shall, where the cause is proceeding only on the respondent's answer or where the allegation of incapacity is made only in the respondent's answer, be construed as references to the respondent.

(4) An application under paragraph (1) by the petitioner shall be made—

(*a*) where the respondent has not given notice of intention to defend, after the time limited for giving notice of intention to defend has expired;

(*b*) where the respondent has given notice of intention to defend, after the expiration of the time allowed for filing his answer or, if he has filed an answer, after it has been filed;

and any application under paragraph (1) by the respondent shall be made after he has filed an answer.

(5) Where the party required to make an application under paragraph (1) fails to do so within a reasonable time, the other party may, if he is prosecuting or defending the cause, make the application.

(6) In proceedings for nullity on the ground that the marriage has not been consummated owing to the wilful refusal of the respondent, either party may apply to the Master for the appointment of medical inspectors to examine the parties.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(7) If the respondent has not given notice of intention to defend, an application by the petitioner under paragraph (1) or (6) may be made ex parte.

(8) If the Master hearing an application under paragraph (1) or (6) considers it expedient to do so, he shall appoint a medical inspector or, if he thinks it necessary, two medical inspectors to examine the parties and report to the court the result of the examination.

(9) At the hearing of any such proceedings as are referred to in paragraph (1) the court may, if it thinks fit, appoint a medical inspector or two medical inspectors to examine any party who has not been examined or to examine further any party who has been examined.

(10) The party on whose application an order under paragraph (8) is made or who has the conduct of proceedings in which an order under paragraph (9) has been made for the examination of the other party, shall serve on the other party notice of the time and place appointed for his or her examination.

Conduct of medical examination

2.27.—(1) The examination under rule 2.26 shall, if either party so requires, be held at the residence of one of the medical inspectors appointed or at some other convenient place selected by them and in every other case shall be held at the Matrimonial Office.

(2) Where a medical inspection takes place at a place other than the Matrimonial Office every party presenting himself for examination shall sign, in the presence of the inspector or inspectors, a statement that he is the person referred to as the petitioner or respondent, as the case may be, in the order for the examination, and at the conclusion of the examination the inspector or inspectors shall certify on the statement that it was signed in his or their presence by the person who has been examined. Where the medical inspection takes place in the Matrimonial Office the identification shall be conducted before the Master in such manner as he may direct.

(3) Every report made in pursuance of rule 2.26 shall be filed and either party shall be entitled to be supplied with a copy on payment of the prescribed fee.

(4) It shall not be necessary in any cause for the inspector or inspectors to attend or give evidence at the trial unless required either by the court of its own motion or by either party to do so after receiving appropriate notice.

(5) Where pursuant to paragraph (4) the evidence of the inspector or inspectors is not given at the trial, his or their report shall be treated as information furnished to the court by a court expert and be given such weight as the court thinks fit.

Entry for hearing and certificate of readiness

2.28.—(1) The petitioner or any party who is defending a cause or the respondent in the case of an undefended cause proceeding on the respondent's answer may request the Master to enter the cause for hearing if—

(*a*) a copy of the petition (including any supplemental or amended petition) and any subsequent pleading has been duly served on every party requiring to be served and, where that party is a person under disability, any affidavit required by rule 6.4(2) has been filed;

(*b*) (i) no notice of intention to defend has been given by any party entitled to defend and the time limited for giving such notice has expired; or

(ii) where a notice of intention to defend has been given by any party, the time allowed for filing an answer has expired; or

(iii) where an answer has been filed, the time allowed for filing any subsequent pleading has expired; [*Suppl. No. 3 (August 2006)*]

(*c*) in proceedings for nullity [(**a**) of marriage], where an order for the examination of the parties has been made on an application under rule 2.26, the notice required by paragraph 10 of that rule has been served and the report of the inspector or inspectors has been filed;

(*d*) any other directions of the court have been complied with.

(2) The party making such request shall at the same time lodge in the Matrimonial Office a certificate in Form M8 that the cause is ready for trial and, in the case of a cause for hearing in a [(**b**) designated county court], the certificate shall state the place of trial requested.

(3) [(**c**) Where a cause is defended, the party lodging the certificate of readiness] shall at the same time deliver to the Matrimonial Office a bundle of pleadings for the judge consisting of an indexed copy of the following documents—

(*a*) the certificate of readiness;

(*b*) the petition;

(*c*) any other pleadings;

(*d*) notices for particulars and answers thereto;

(*e*) affidavit of service;

(*f*) interlocutory orders;

(*g*) any statement as to arrangements for children under rule 2.3(2);

(*h*) any statement under rule 2.29(4);

(*i*) the requisite legal aid documents,

fastened together in the order shown and having endorsed thereon the names and addresses of the solicitors of the parties.

(4) If [(**d**) a cause is defended and] there are any further proceedings after the lodging of the certificate of readiness, the party lodging the certificate shall deliver to the proper officer or the chief clerk, as the case may be, for the use of the judge a copy of any further document of the kind mentioned in paragraph (3).

Stay under Schedule 1 to the Order of 1978

2.29.—(1) An application to the court by the petitioner or respondent in proceedings for divorce for an order under paragraph 8 of Schedule 1 to the Order of 1978 (in this rule referred to as "Schedule 1") shall be made to the Master, who may determine the application or refer the application, or any question arising thereon, to the judge for his decision as if the application were an application for ancillary relief.

(2) An application for an order under paragraph 9 of Schedule 1 to the Order of 1978 shall be made to the judge.

(3) Where on the lodgment of the certificate of readiness, it appears to the Master from any information given pursuant to paragraph 1(1) of Appendix 2 or rule 2.17(4) or paragraph (4) of this rule that any proceedings which are in respect of the marriage in question or which are capable of affecting its validity or subsistence are continuing in any country outside Northern Ireland and he considers that the question whether the proceedings on the petition should be stayed under paragraph 9 of Schedule 1

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2006 No. 304 with effect from 01.08 06
(d) Words inserted by S.R. 2006 No. 304 with effect from 01.08.06

ought to be determined by the court, he shall before proceeding under rule 2.32 fix a date and time for the consideration of that question by the judge and give notice thereof to all parties.

In this paragraph "proceedings continuing in any country outside Northern Ireland" has the same meaning as in paragraph 1(1) of Appendix 2.

(4) Any party who lodges a certificate of readiness in matrimonial proceedings within the meaning of paragraph 2 of Schedule 1 shall, if there has been a change in the information given pursuant to paragraph 1(1) of Appendix 2 and rule 2.17(4), file a statement giving particulars of the change.

(5) An application by a party to the proceedings for an order under paragraph 10 of Schedule 1 to the Order of 1978 may be made to the Master, and he may determine the application or may refer the application, or any question arising thereon, to the judge as if the application were an application for ancillary relief.

[(a)*Stay under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules (Northern Ireland) 2005*

2.29AA.—(1) An application to the court by the petitioner or respondent in proceedings for a dissolution order for an order under rule 3 of the Staying of Proceedings Rules shall be made to the Master who may determine the application or refer the application, or any question arising thereon, to the judge for his decision as if the application were an application for ancillary relief.

(2) An application for an order under rule 4 of the Staying of Proceedings Rules shall be made to the judge.

(3) Where on the lodgement of the certificate of readiness, it appears to the Master from any information given pursuant to paragraph 1(l) of Appendix 2 or rule 2.17(4) or paragraph (4) of this rule that any proceedings which are in respect of the civil partnership in question or which are capable of affecting its validity or subsistence are continuing in any country outside Northern Ireland and he considers that the question whether the proceedings on the petition should be stayed under rule 4 of the Staying of Proceedings Rules ought to be determined by the court, he shall before proceeding under rule 2.32 fix a date and time for the consideration of that question by the judge and give notice thereof to all parties.

(4) Any party who lodges a certificate of readiness in civil partnership proceedings within the meaning of rule 1(2) of the Staying of Proceedings Rules shall, if there has been a change in the information given pursuant to paragraph 1(l) of Appendix 2 and rule 2.15(4), file a statement giving particulars of the change.

(5) An application by a party to the proceedings for an order under rule 5 of the Staying of Proceedings Rules may be made to the Master, and he may determine the application or may refer the application, or any question arising thereon, to the judge as if the application were an application for ancillary relief.

(6) In this rule—

(a) the Staying of Proceedings Rules means the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules (Northern Ireland) 2005(b); and

(b) in paragraph (3), the reference to "proceedings continuing in any country outside Northern Ireland" has the same meaning as in paragraph 1(l) of Appendix 2.]

(a) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) S.R. 2005 No. 498

[(a) *Stay under the Council Regulation*

2.29A.—(1) An application for an order under [Article 19(b)] of the Council Regulation shall be made to the Master who may determine the application or refer the application, or any question arising thereon, to the judge for decision as if the application were an application for ancillary relief.

(2) Where at any time after the presentation of a petition, it appears to the court that, under [Articles 16 to 19(c)] of the Council Regulation, the court is required or may be required to stay the proceedings, the court shall stay the proceedings and fix a date for a hearing to determine the questions of jurisdiction or admissibility and whether there should be a stay or other order and shall serve notice of the hearing on the parties to the proceedings.

(3) The court must give reasons for its decision under [Articles 16 to 19(d)] of the Council Regulation and, where it makes a finding of fact, state such finding of fact.

(4) [(e) A declaration under Article 17] of the Council Regulation that the court has no jurisdiction over the proceedings or an order under [Article 19(f)] of the Council Regulation declining jurisdiction shall be recorded in writing.

(5) The court may, if all parties agree, deal with any question about the jurisdiction of the court without a hearing.]

TRIAL ETC

Mode and place of trial

2.30.—(1) Subject to section 62(4) of the Judicature (Northern Ireland) Act 1978(g), every cause and any issue arising therein shall be tried by a judge without a jury.

(2) A cause pending in a [(h) designated county court] may be heard at any county court sitting for any division but, subject to the provisions of rules 2.31 and 2.32, shall be heard at the place of trial requested in the certificate of readiness.

(3) Unless the judge otherwise directs, every cause listed for hearing and any issue arising therein shall be heard by a judge in chambers and adjourned into court for judgment.

Setting down for trial

2.31.—(1) A cause shall be deemed to have been set down as soon as the certificate of readiness has been lodged.

(2) Where a cause is set down for hearing in the High Court, the proper officer shall, as soon as practicable, fix the date of the hearing and give notice thereof to every party to the case.

(3) Where a cause is set down for hearing in a [(i) designated county court], the proper officer shall forthwith send the file of the cause [(j) ...] to the chief clerk.

(a) New rule inserted by S.R. 2002 No. 137 with effect from 6.5.02
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(g) 1978 c. 23
(h) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(j) Words omitted by S.R. 2006 No. 304 with effect from 01.08.06

(4) As soon as practicable after the chief clerk has received the file of the cause [(a) ...] in accordance with paragraph (3), he shall fix the date and place of the hearing and give notice thereof to every party to the cause.

(5) Except with the consent of all parties or by leave of the judge, no cause shall be tried before the expiration of 10 days from the date of issue stamped on the notice of hearing.

Order for transfer of cause

2.32.—(1) A [(b) designated county court] may order that a cause pending therein be transferred to the High Court, if, having regard to all the circumstances including the difficulty or importance of the cause or of any issue arising therein, the court thinks it desirable that the cause should be heard and determined in the High Court.

(2) The court may, if it appears to it that a cause cannot conveniently be tried at the place of trial requested in accordance with rule 2.28(2), change the place of trial to another place within the same or another county court division.

(3) The power conferred by paragraph (2) may be exercised by the judge or Master of his own motion or on the application of a party, but before acting of his own motion the judge or Master shall give the parties an opportunity of being heard on the question of change, and for that purpose the chief clerk shall give the parties notice of the date and place at which the question will be considered.

Trial of issue

2.33. Where directions are given for the separate trial of any issue, the Master shall—

(*a*) if the issue arises on an application for ancillary relief or on an application with respect to any child or alleged child of the family, proceed as if the issue were a question referred to a judge on an application for ancillary relief and rule 2.70 shall apply accordingly;

(*b*) in any other case, cause the issue to be set down for trial.

Lists in the [designated county court(c)]

2.34.—(1) The chief clerk for each county court division shall maintain a list of the causes which are for the time being set down for trial in that division.

(2) Causes shall be entered in the said list in the order in which they were set down for trial and for the purpose of this paragraph—

(*a*) a cause shall, subject to sub-paragraph (*b*), be treated as having been set down for trial when the file of the cause is received by the chief clerk from the Matrimonial Office under rule 2.31(3);

(*b*) a cause transferred for trial from another county court division shall be treated as having been set down for trial at the end of the day on which it was originally set down for trial.

Right to be heard on ancillary questions

2.35.—(1) A respondent, co-respondent or party cited may, without filing an answer, be heard on any question as to costs or as to ancillary relief.

(2) A party shall be entitled to be heard on any question pursuant to paragraph (2) whether or not he has returned to the Matrimonial Office an acknowledgement of service stating his wish to be heard on that question.

(a) Words omitted by S.R. 2006 No. 304 with effect from 01.08.06
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(3) The court may at any time order any party objecting to a claim for costs to file and serve on the party making the claim a written statement setting out the reasons for his objection.

(4) In proceedings after a decree nisi of divorce or a decree of judicial separation |(a)or after a conditional order of dissolution or an order of separation,| no order the effect of which would be to make a co-respondent or party cited liable for costs which are not directly referable to the decree |(b) or civil partnership order, as the case may be,| shall be made unless the co-respondent or party cited is a party to such proceedings or has been given notice of the intention to apply for such an order.

Respondents statement as to arrangements for children

2.36.—(1) A respondent on whom there is served a statement in accordance with rule 2.3(2) may file in the Matrimonial Office a written statement of his views on the present and proposed arrangements for the children, and on receipt of such a statement from the respondent the proper officer shall send a copy to the petitioner.

(2) Any such statement of the respondent's views shall, if practicable, be filed within the time limited for giving notice of intention to defend and in any event before the judge considers the arrangements or proposed arrangements for the children under Article 44 of the Order of 1978(c) [or section 186(1) of the Act of 2004, as the case may be(d)].

Procedure for complying with Article 44 of the Order of 1978 |or Section 186 of the Act of 2004(e)|

2.37.—(1) Where no such application as is referred to in rule 2.38(1) is pending the judge shall consider the matters specified in Article 44(1) of the Order of 1978 |(f) or section 186(1) of the Act of 2004, as the case may be,| in accordance with the provisions of this rule.

(2) Where, on consideration of the relevant evidence, including any further evidence or report provided pursuant to this rule and any statement filed by the respondent under rule 2.36 the judge is satisfied that—

|(g)(a) there are no children of the family to whom—

(i) in a matrimonial cause, Article 44 of the Order of 1978 applies; or

(ii) in a civil partnership cause, section 186 of the Act of 2004 applies, or|

(b) there are such children but the court need not exercise its powers under the Order of 1995 with respect to any of them or give |(h) a relevant direction|,

the judge shall certify accordingly and, in a case to which sub-paragraph (*b*) applies, the petitioner and the respondent shall each be sent a copy of the certificate by the Master.

(3) Where the judge is not satisfied as mentioned in paragraph (2) above he may, without prejudice to his powers under the Order of 1995 or |(i) his power to give a relevant direction|, give one or more of the following directions—

(*a*) that the parties, or any of them, shall file further evidence relating to the arrangements for the children (and the direction shall specify the matters to be dealt with in the further evidence);

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) S.I. 1978/1045 (N.I. 5) as substituted by paragraph 95 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(*b*) that a welfare report on the children, or any of them be prepared;

(*c*) that the parties, or any of them, shall attend before him at the date, time and place specified in the direction;

and the parties shall be notified accordingly.

(4) Where the court gives a [(a) relevant direction] notice of the direction shall be given to the parties.

[(b)(5) In this rule—

(a) "parties" means the petitioner, the respondent and any person who appears to the court to have the care of the child; and

(b) "relevant direction" means a direction—

(i) in a matrimonial cause, under Article 44(2) of the Order of 1978, and

(ii) in a civil partnership cause, under section 186(2) of the Act of 2004.]

Applications relating to children of the family

2.38.—(1) Where a cause is pending, an application by a party to the cause or by any other person for an order under Part II or Part III or Part XV of the Order of 1995 in relation to a child of the family shall be made in the cause; and where the applicant is not a party and has obtained such leave as is required under the Order of 1995 to make the application no leave to intervene in the cause shall be necessary.

(2) If, while a cause is pending, proceedings relating to any child of the family are begun in any other court, a concise statement of the nature of the proceedings shall forthwith be filed by the person beginning the proceedings, or if he is not a party to the cause by the petitioner.

Restoration of matters adjourned, etc at the hearing

2.39.—(1) Where at the trial of a cause any application is adjourned by the judge it may be restored by any party or by the Master when in his opinion the matter ought to be further considered, by notice in Form M9 which shall be served on every party concerned and (when served by a party) on the proper officer or chief clerk, as the case may be.

(2) Where in proceedings for divorce, nullity of marriage or judicial separation [(c), or for dissolution, nullity of civil partnership or separation,] the judge has made a direction under Article 44(2) of the Order of 1978 [(d) or under section 186(2) of the Act of 2004], paragraph (1) shall, unless the judge otherwise directs, apply as if an application with respect to the arrangements for the care and upbringing of any such child had been adjourned.

EVIDENCE

Evidence generally

2.40. Subject to the provisions of rules 2.41 and 2.42 and of the Civil Evidence Act (Northern Ireland) 1971(e) and any other statutory provisions, any fact required to be proved by the evidence of witnesses at the trial of a cause begun by petition shall be proved by the examination of the witnesses orally.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) 1971 c. 36 (N.I.)

Evidence by affidavit, etc

[*Suppl. No. 2 (December 2005)*]

2.41.—(1) The court may order—

(*a*) that any particular fact to be specified in the order may be proved by affidavit,

(*b*) that the affidavit of any witness may be read at the trial on such conditions as the court thinks reasonable,

(*c*) that the evidence of any particular fact shall be given at the trial in such manner as may be specified in the order and in particular—

(i) by statement on oath of information or belief, or

(ii) by the production of documents or entries in books, or

(iii) by copies of documents or entries in books, or

(*d*) that not more than a specified number of expert witnesses may be called.

(2) An application to the Master for an order under paragraph (1) shall—

(*a*) if no notice of intention to defend has been given, or

(*b*) if the petitioner and every party who has given notice of intention to defend consents to the order sought, or

(*c*) if the cause is undefended and the certificate of readiness has been lodged,

be made ex parte by filing an affidavit stating the grounds on which the application is made.

(3) Where an application is made before the trial for an order that the affidavit of a witness may be read at the trial or that evidence of a particular fact may be given at the trial by affidavit, the affidavit or a draft thereof shall be submitted with the application; and where the affidavit is sworn before the hearing of the application and sufficiently states the grounds on which the application is made, no other affidavit shall be required under paragraph (2).

(4) The court may, on the application of any party to a cause begun by petition, make an order for the examination on oath of any person, and R.S.C. Order 38, rule 7, and Order 39, rules 1 to 14, (which regulate the procedure where evidence is to be taken by deposition) shall have effect accordingly with the appropriate modifications.

(5) On any interlocutory application made to the court evidence may be given by affidavit unless these Rules otherwise provide or the court otherwise directs, but the court may, on the application of any party, order the attendance for cross-examination of the person making any such affidavit; and where, after such attendance has been ordered, such affidavit shall not be used as evidence without the leave of the court.

(6) Medical and other expert evidence or the evidence of an inquiry agent to prove adultery may without leave, and in an undefended cause shall, be given by affidavit, but the court may, of its own motion or on the application of any party at the trial, order the attendance for cross-examination of the person making any such affidavit; and after such attendance has been ordered such affidavit shall not be used in evidence without the leave of the court.

(7) Where the statement of a co-respondent or a person named admitting his or her adultery with the respondent or of a respondent admitting his or her adultery with a person named or a co-respondent has been made in the presence and hearing of the person with whom adultery is admitted, the affidavit must contain an averment that the statement has been so made.

[Suppl. No. 2 (December 2005)]

Evidence of marriage [(a) *or overseas relationship*] *outside Northern Ireland*

2.42.— (1) The celebration of a marriage outside Northern Ireland and its validity under the law of the country where it was celebrated may, in any family proceedings in which the existence and validity of the marriage is not disputed, be proved by the evidence of one of the parties to the marriage and the production of a document purporting to be—

(*a*) a marriage certificate or similar document issued under the law in force in that country; or

(*b*) a certified copy of an entry in a register of marriages kept under the law in force in that country.

[(b)(1A) The formation of an overseas relationship other than a marriage, outside Northern Ireland and its validity under the law of the country where it was formed may, in any family proceedings in which the existence and validity of that relationship is not disputed, be proved by the evidence of one of the parties to it and the production of a document purporting to be—

(*a*) a certificate or similar document issued under the law in force in that country evidencing its formation; or

(*b*) a certified copy of an entry in a register of such relationships kept under the law in force in that country.]

(2) Where a document produced by virtue of paragraph (1) [(a) or (1A)] is not in English it shall, unless the court otherwise directs, be accompanied by a translation certified by a notary public or authenticated by affidavit.

(3) This rule shall not be construed as precluding the proof of a marriage [(a) or the existence of an overseas relationship which is not a marriage] in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(c) or in any other manner authorised apart from this rule.

[(b)(4) In this rule, an "overseas relationship" has the same meaning as in section 212 of the Act of 2004.]

Rules 2.41 and 2.42 not to affect the power of the judge at the trial to refuse to admit any evidence

2.43. Nothing in rule 2.41 or 2.42 shall affect the power of the judge at the trial to refuse to admit any evidence if in the interest of justice he thinks fit to do so.

Issue of writ of subpoena or witness summons

2.44.—(1) A writ of subpoena in a cause pending in the High Court shall be issued out of the Matrimonial Office.

(2) A witness summons in a cause pending in a [(d) designated county court] shall be issued in any county court office.

Hearsay and expert evidence

2.45.—(1) R.S.C. Order 38, rules 5 and 19(1) shall not apply in relation to an undefended cause in the High Court.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) 1933 c. 4
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(2) R.S.C. Order 38, rule 19 shall have effect in relation to a defended cause in the High Court as if— [*Supplt. No. 2 (December 2005)*]

(*a*) for the words "this Order" in paragraph (3), there were substituted a reference to rule 2.41 of these Rules; and

(*b*) paragraph (4) were omitted.

(3) Unless in any particular case the court otherwise directs, C.C.R. Order 38, rule 19(1), shall not apply in relation to an undefended cause pending in a [(a) designated county court].

DECREES AND ORDERS

Decrees and orders

2.46.—(1) Every decree, [(b) every civil partnership order, every other order made in open court] and every other order which is required to be drawn up shall be drawn up—

(*a*) in the case of a decree or order pronounced or made in the High Court, in the Matrimonial Office;

(*b*) in the case of a decree or order pronounced or made in a [(c) designated county court], in the county court office;

and shall have affixed thereto the seal of the office in which it is drawn up.

(2) C.C.R. Order 33, rule 4(1) (which deals with the lodgment of a decree) shall not apply to a decree [(d) or civil partnership order] pronounced in a cause pending in a [(e) designated county court].

(3) The chief clerk to whom the file of a cause has been sent under rule 2.31(3) shall, as soon as practicable after the cause has been tried, forward to the Matrimonial Office a copy of the decree or order pronounced or made in the cause.

Application for rescission of decree [(f) or conditional order]

2.47.—[(g)(1) An application by a respondent—

(a) under Article 12(1) of the Order of 1978 for the rescission of a decree of divorce, or

(b) under section 172(1) of the Act of 2004 for the rescission of a conditional order of dissolution,

shall be made to a judge and shall be heard in open court.]

(2) Unless otherwise directed, the notice of the application shall be served on the petitioner not less than 14 days before the day fixed by the proper officer or chief clerk, as the case may be, for the hearing of the application.

(3) The applicant shall file an affidavit showing that the notice of the application has been served.

(4) The application shall be supported by an affidavit setting out the allegations on which the applicant relies and a copy of the affidavit shall be served on the petitioner.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Paragraph substituted by S.R. 2005 No. 497 with effect from 05 12 05

Application under Article 12(2) of the Order of 1978 [(a) or section 172(2) of the Act of 2004]

2.48.—(1) An application by the respondent to a petition for divorce [(b) or dissolution] for the court to consider his financial position after [(c) that divorce or dissolution] shall be made by notice in Form M14.

(2) Where a petitioner is served with a notice in Form M14, then, unless he has already filed an affidavit under rule 2.61 (2), he shall, within 14 days after the service of the notice, file an affidavit in answer to the application containing full particulars of his property and income, and if he does not do so, the court may order him to file an affidavit containing such particulars.

(3) Within 14 days after service of any affidavit under paragraph (2) or within such other time as the court may fix, the respondent shall file an affidavit in reply containing full particulars of his property and income unless already given in an affidavit filed by him under rule 2.61(3).

(4) The powers of the court on the hearing of the application may be exercised by the Master.

(5) The Master by whom an application under Article 12(2) of the Order of 1978 [(d) or section 172(2) of the Act of 2004] is to be heard shall fix an appointment for the hearing, and rules 2.64(3) to (7); 2.68 and 2.69 shall apply to the application as if it were an application for ancillary relief.

(6) At any time before the hearing of the application is concluded (and without prejudice to any right of appeal), the Master may, and if so requested by either party shall, refer the application or any question arising thereon, to a judge.

(7) [(e)In a matrimonial cause, a statement of any of the matters] mentioned in paragraph (3) of Article 12 of the Order of 1978 with respect to which the court is satisfied, a statement that the conditions for which that paragraph and paragraph (4) provide have been fulfilled, shall be entered in the court records.

[(f)(7A) In a civil partnership cause, a statement of any of the matters mentioned in section 172(4) of the Act of 2004 with respect to which the court is satisfied and a statement that the conditions for which that sub-section and section 172(5) provide have been fulfilled shall be entered in the court records.]

Intervention to show cause by the Crown Solicitor

2.49.—[(g)(1) If the Crown Solicitor wishes to show cause why—

(i) a decree nisi should not be made absolute, or

(ii) a conditional order should not be made final,

he shall give notice to that effect to the proper officer or chief clerk, as the case may be, and to the party in whose favour it was pronounced, and, if the cause is pending in a designated county court, the Master shall thereupon order it to be transferred to the High Court.]

(2) Within 21 days after giving notice under paragraph (1) the Crown Solicitor shall file his plea setting out the ground on which he desires to show cause, together

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

with a copy for service on the party in whose favour the decree [(a) or civil partnership order, as the case may be,] was pronounced and every other party affected by [(b) that decree or order].

(3) The proper officer shall serve a copy of the plea on each of the persons mentioned in paragraph (2).

(4) Except as hereinafter provided, these Rules shall apply to all subsequent pleadings and proceedings in respect of the plea as if it were a petition.

(5) If no answer to the plea is filed within the time limited, or if an answer is filed and is struck out or not proceeded with, the Crown Solicitor may apply forthwith by motion to rescind the decree nisi [(c) or conditional order] and dismiss the petition.

(6) If an answer is filed denying all the charges in the plea, the Crown Solicitor shall within 14 days thereafter request the proper officer to enter the intervention for hearing but, if no such request is made, the party in whose favour the decree nisi [(d) or the conditional order] was pronounced may request the proper officer to enter the intervention for hearing or may apply under rule 2.52 to make the decree absolute [(e) or the conditional order final].

(7) If an answer is filed in which any charge in the plea is not denied, the party in whose favour the decree nisi [(f) or the conditional order] was pronounced may within 14 days after the answer has been filed request the proper officer to enter the intervention for hearing but, if no such request is made, the Crown Solicitor may apply forthwith by motion to rescind the decree [(g) or conditional order, as the case may be,] and dismiss the petition.

(8) The Crown Solicitor or the party in whose favour the decree[(h) or order] was pronounced, as the case may be, shall, when requesting the intervention to be entered for hearing, deliver to the Matrimonial Office a bundle of pleadings for the judge consisting of an indexed copy of the following documents:—

(*a*) the decree nisi [(i) or the conditional order, as the case may be];

(*b*) the Crown Solicitor's plea;

(*c*) the answer;

(*d*) notices for particulars and answers thereto;

(*e*) affidavits, if any;

(*f*) the requisite legal aid documents,

fastened together in the order shown and having endorsed thereon the names and addresses of the solicitors of the parties.

(9) After the expiration of 7 days from the date on which the proper officer was requested to enter the intervention for hearing, the intervention shall be deemed to be set down for trial and the proper officer shall—

(*a*) give notice to this effect to every party to the intervention, and

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(*b*) as soon as practicable thereafter fix the date of the hearing and give notice thereof to every party to the intervention.

Intervention to show cause by person other than Crown Solicitor

2.50.—[(a)(1) If any person other than the Crown Solicitor wishes to show cause—

(a) under Article 11 of the Order of 1978 why a decree nisi should not be made absolute, or

(b) under section 164 of the Act of 2004 why a conditional order should not be made final,

he shall file an affidavit stating the facts on which he relies and a copy shall be served on the party in whose favour the decree or conditional order, as the case may be, was pronounced.]

(2) A party on whom a copy of an affidavit has been served under paragraph (1) may, within 14 days after service, file an affidavit in answer and, if he does so, a copy thereof shall be served on the person showing cause.

(3) The person showing cause may file an affidavit in reply within 14 days after service of the affidavit in answer and, if he does so, a copy shall be served on each party who was served with a copy of his original affidavit.

(4) No affidavit after an affidavit in reply shall be filed without leave.

(5) Any person who files an affidavit under paragraph (1), (2) or (3) shall at the same time file a copy for service on each person required to be served therewith and the proper officer or chief clerk, as the case may be, shall thereupon serve the copy on that person.

(6) A person showing cause shall apply to the judge for directions within 14 days after expiry of the time allowed for filing an affidavit in reply or, where no affidavit in answer has been filed, within 14 days after expiry of the time allowed for filing such an affidavit.

(7) If the person showing cause does not apply under paragraph (6) within the time limited, the person in whose favour the decree [(b) or conditional order, as the case may be,] was pronounced may do so.

(8) The judge may either give directions for the trial of the intervention or, if he is satisfied that there is no question to be tried, dismiss the intervention.

(9) If the judge gives such directions in a cause pending in a [(c) designated county court], he shall thereupon order the cause to be transferred to the High Court.

(10) When directions have been given under paragraph (8) and, if necessary, the cause has been transferred to the High Court, the intervention shall proceed as nearly as may be in the manner prescribed by paragraphs (6) to (9) of rule 2.49, substituting for references to the Crown Solicitor references to the person showing cause, but no plea or answer need be filed unless the judge so directs.

Rescission of decree nisi [(d) *or conditional order*] *by consent*

2.51.—[(e)(1) Where a reconciliation has been effected between the petitioner and the respondent—

(a) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

(a) in a matrimonial cause—

(i) after a decree nisi has been pronounced but before it has been made absolute, or

(ii) after a decree of judicial separation has been pronounced; and

(b) in a civil partnership cause—

(i) after a conditional order has been made but before it has been made final, or

(ii) after a separation order has been made,

either party may apply for an order rescinding that decree or order by consent.]

(2) Where the cause is pending in a [(a) designated county court], the application shall be made on notice to the other spouse [(b) or civil partner, as the case may be,] and to any other party against whom costs have been awarded or who is otherwise affected by the decree [(c) or civil partnership order], and where the cause is pending in the High Court, a copy of the summons by which the application is made shall be served on every such person.

(3) The application shall be made to the judge and shall be heard in chambers.

Decree absolute [(d) *or final order*] *on lodging notice*

2.52.—[(1) Subject to rule 2.53(1), an application by—

(a) a spouse to make absolute a decree nisi pronounced in his favour, or

(b) a civil partner to make final a conditional order made in his favour,

may be made by lodging with the proper officer or chief clerk, as the case may be, notice in Form M10.(e)]

(2) On the lodging of such a notice, the proper officer or chief clerk, as the case may be, shall search the court records and if he is satisfied—

(*a*) that no appeal against the decree [(f) or the conditional order] and no application for rescission of the decree [(g) or the conditional order] is pending;

(*b*) that no order has been made by the Court of Appeal extending the time for appealing against the decree [(h) or the conditional order] or, if any such order has been made, that the time so extended has expired;

(*c*) that no application for such an order as is mentioned in sub-paragraph (*b*) is pending;

(*d*) that no intervention under rule 2.49 or 2.50 is pending;

(*e*) [if the cause is a matrimonial cause,(i)] that the court has complied with Article 44(1) of the Order of 1978 and has not given any direction under Article 44(2);

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

[(ea) if the cause is a civil partnership cause, that the court has complied with section 186(1) of the Act of 2004 and has not given any direction under section 186(2) of that Act;(a)]

(f) where a certificate has been granted under section 12 of the Administration of Justice Act 1969(b) in respect of the decree [(c) or the conditional order, as the case may be]—

(i) that no application for leave to appeal directly to the House of Lords is pending;

(ii) that no extension of the time to apply for leave to appeal directly to the House of Lords has been granted or, if any such extension has been granted, that the time so extended has expired; and

(iii) that the time for any appeal to the Court of Appeal has expired; [(d)...]

(g) [if the cause is a matrimonial cause, (e)] that the provisions of Article 12(2) to (4) of the Order of 1978 do not apply or have been complied [(f) with;]

[(g) (h) if the cause is a civil partnership cause, that the provisions of section 172(2) to (5) of the Act of 2004 do not apply or have been complied with;

(i) where the decree nisi was pronounced on the ground in Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978—

(i) that there is not pending a reference under section 8(5) of the Gender Recognition Act 2004 in respect of the application on which the interim gender recognition certificate to which the petition relates was granted;

(ii) that that interim certificate has not been revoked under section 8(6)(b) of that Act; and

(iii) that no appeal is pending against an order under section 8(6)(a) of that Act,]

the Master shall make the decree absolute [(h) or the conditional order final].

Provided that if the notice is lodged more than 12 months after the decree nisi [(i) or conditional order], the Master may require the applicant to file an affidavit accounting for the delay and may make the decree absolute [(j) or the conditional order final] if he thinks fit or refer the application to the judge.

Decree absolute [(k) or final order] on application

2.53.—(1) In the following cases an application for a decree nisi to be made absolute [(l) or a conditional order to be made final] shall be made to the judge by summons, that is to say—

(a) [(m) in a matrimonial cause] where, within 6 weeks after a decree nisi has been pronounced, the Crown Solicitor gives to the proper officer or chief clerk, as the case may be, and to the party in whose favour the decree was pronounced a notice that he requires more time to decide whether to show

(a) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) 1969 c. 58
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Word omitted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Word substituted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(j) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(k) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(l) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(m) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

cause against the decree being made absolute and the notice has not been withdrawn, [(a) ...]

[Supplt No. 2 (December 2005)]

[(b)(*aa*) in a civil partnership cause where, within 6 weeks after a conditional order has been pronounced, the Crown Solicitor gives to the proper officer or chief clerk, as the case may be, and to the party in whose favour the conditional order was made a notice that he requires more time to decide whether to show cause against the conditional order being made final and the notice has not been withdrawn, or]

(*b*) where there are other circumstances which in the opinion of the Master ought to be brought to the attention of the court before the decree nisi is made absolute [(c) or the conditional order is made final].

Unless the court otherwise directs, the summons shall be served on every party to the cause (other than the applicant) and, in a case to which sub-paragraph (a), [(c) or (aa)] applies, on the Crown Solicitor.

[(d)(2) An application—

(*a*) by a spouse for a decree nisi pronounced against him to be made absolute may be made to the judge or the Master by summons to be served on the other spouse not less than 7 clear days before the day on which the application is to be heard, or

(*b*) by a civil partner for a conditional order pronounced against him to be made final may be made to the judge or the Master by summons to be served on the other civil partner not less than 7 clear days before the day on which the application is heard.]

Indorsement and certificate of decree absolute

2.54.—(1) Where a decree nisi is made absolute, the Master shall make an indorsement to that effect on the decree, stating the precise time at which it was made absolute.

(2) On a decree nisi being made absolute, the proper officer or chief clerk, as the case may be, shall—

(*a*) send to the petitioner and the respondent a certificate in Form M11 or M12, authenticated by the appropriate seal, and

(*b*) if the cause is pending in a divorce county court, notify the Matrimonial Office.

(3) A certificate in Form M11 or M12 that a decree nisi has been made absolute shall be issued to any person requiring it on payment of the prescribed fee.

(4) A central index of decrees absolute shall be kept in the Matrimonial Office and any person shall be entitled to require a search to be made therein, and to be furnished with a certificate of the result of the search, on payment of the prescribed fee.

[(e) *Indorsement and certificate of final order*

2.54A.—(1) Where a conditional order is made final, the Master shall make an indorsement to that effect on the order, stating the precise time at which it was made final.

(a) Word omitted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Rules inserted by S.R. 2005 No. 497 with effect from 05.12.05

(2) On a conditional order being made final, the proper officer or chief clerk, as the case may be, shall—

(*a*) send to the petitioner and respondent a certificate in Form M11A or M12A, authenticated by the appropriate seal, and

(*b*) if the case is pending in a civil partnership proceeding county court, notify the Matrimonial Office.

(3) A certificate in Form M11A or M12A that a conditional order has been made final shall be issued to any person requiring it on payment of the prescribed fee.

(4) A central index of final orders shall be kept in the Matrimonial Office and any person shall be entitled to require a search to be made therein, and to be furnished with a certificate of the result of the search, on payment of the prescribed fee.

Application under section 6 of the Gender Recognition Act 2004

2.54B.—(1) This rule applies to an application made under section 6(1) of the Gender Recognition Act 2004 in respect of a full gender recognition certificate issued by a court under section 5(1) of that Act.

(2) The application shall be made to the court which issued the certificate, unless otherwise directed.

(3) Where the applicant is—

(*a*) the person to whom the certificate was issued, the Secretary of State shall be a respondent;

(*b*) the Secretary of State, the person to whom the certificate was issued shall be a respondent.

(4) Where the court issues a corrected gender recognition certificate under section 6(4) of the Gender Recognition Act 2004, the proper officer or chief clerk, as the case may be, shall send a copy of the corrected certificate to the Secretary of State.]

ANCILLARY RELIEF

Application by petitioner or respondent for ancillary relief

2.55.—(1) Any application by a petitioner or by a respondent who files an answer claiming relief, for—

(*a*) an order for maintenance pending suit,

[(aa) an order for maintenance pending outcome of proceedings,(a)]

(*b*) a financial provision order,

(*c*) a property adjustment order,

[(b)(*d*) a pension sharing order,]

[(c)(*e*) a pension compensation sharing order,]

shall be made in the petition or answer, as the case may be.

(2) Notwithstanding anything in paragraph (1), an application for ancillary relief which should have been made in the petition or answer may be made subsequently—

(*a*) by leave of the court, either by notice in Form M13 or at the trial, or

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(a) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Sub-paragraph added by S.R. 2000 No. 329 with effect from 1.12.00
(c) Words inserted by S.R. 2011 No. 243 with effect from 25.07.11

(*b*) where the parties are agreed upon the terms of the proposed order, without leave by notice in Form M13.

(3) An application by a petitioner or respondent for ancillary relief, not being an application which is required to be made in the petition or answer, shall be made by notice in Form M13.

Application by parent, guardian etc for ancillary relief in respect of children

2.56.—(1) Any of the following persons, namely—

(*a*) a parent or guardian of any child of the family;

(*b*) any person in whose favour a residence order has been made with respect to a child of the family, and any applicant for such an order;

(*c*) any other person who is entitled to apply for a residence order with respect to a child;

(*d*) an authority, where an order has been made under Article 50(1)(*a*) of the Order of 1995 placing a child in its care;

(*e*) the Official Solicitor if appointed the guardian ad litem of a child of the family under rule 6.6; and

(*f*) a child of the family who has been given leave to intervene in the cause for the purpose of applying for ancillary relief,

may apply for an order for ancillary relief as respects that child by notice in Form M13.

(2) In this rule—

"authority" has the meaning assigned to it by Article 2(1) and (3) of the Order of 1995;

"residence order" has the meaning assigned to it by Article 8(1) of the Order of 1995.

Application in Form M13 or M14

2.57. Where an application for ancillary relief is made by notice in Form M13 or an application under rule 2.48 is made by notice in Form M14, the notice shall—

(*a*) if the cause has been set down for trial in a [(a) designated county court], be filed in the county court office, or

(*b*) in any other case be filed in the Matrimonial Office,

and within 7 days after filing the notice the applicant shall serve a copy on the respondent to the application.

Application for ancillary relief after order of court of summary jurisdiction

2.58. Where an application for ancillary relief is made while there is in force an order of a court of summary jurisdiction for maintenance of a spouse [(b), civil partner] or child, the applicant shall file a copy of the order on or before the hearing of the application.

Children to be separately represented on certain applications

2.59.—(1) Where an application is made to the High Court or a [(c) designated county court] for an order for a variation of settlement the court shall, unless it is

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(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12 05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12 05

satisfied that the proposed variation does not adversely affect the rights or interest of any child concerned, direct that the child be separately represented on the application, either by a solicitor or by a solicitor and counsel, and may appoint the Official Solicitor or other fit person to be guardian ad litem of the child for the purpose of the application.

(2) On any other application for ancillary relief the court may give such a direction or make such appointment as it is empowered to give or make by paragraph (1).

(3) Before a person other than the Official Solicitor is appointed guardian ad litem under this rule there shall be filed a certificate by the solicitor acting for the child that the person proposed as guardian has no interest in the matter adverse to that of the child and that he is a proper person to be such guardian.

General provisions as to evidence, etc, on application for ancillary relief

2.60.—(1) A petitioner or respondent who has applied for ancillary relief in his petition or answer and who intends to proceed with the application before the Master shall, subject to rule 2.70, file a notice in Form M15 and within 7 days after doing so serve a copy on the other spouse [(a) or civil partner].

(2) Where a respondent or a petitioner is served with a notice in Form M13 or M15 in respect of an application for ancillary relief, not being an application to which rule 2.58 applies, then, unless the parties are agreed upon the terms of the proposed order, he shall, within 14 days after service of the notice, file an affidavit in answer to the application containing full particulars of his property and income, and if he does not do so, the court may order him to file an affidavit containing such particulars.

(3) Except where the application is for a variation order the applicant shall, within 14 days after service of any affidavit under paragraph (2) or within such other time as the court may fix, file an affidavit in reply containing full particulars of his property and income.

Evidence on application for property adjustment or avoidance of disposition order

2.61.—(1) Where an application is made for a property adjustment order, or an avoidance of disposition order, the application shall state briefly the nature of the adjustment proposed or the disposition to be set aside and the notice in Form M13 or M15, as the case may be, shall, unless the court otherwise directs, be supported by an affidavit by the applicant stating the facts relied on in support of the application.

(2) The affidavit in support shall contain, so far as known to the applicant, full particulars—

(*a*) in the case of an application for a transfer or settlement of property—

(i) of the property in respect of which the application is made,

(ii) of the property to which the party against whom the application is made is entitled in possession or in reversion;

[(b)(*b*) in the case of an application for a variation of settlement order—

(i) of all settlements—

(a) in a matrimonial cause, whether ante-nuptial or post-nuptial, made on the spouses, or

(b) in a civil partnership cause, whether prior to or after the formation of the civil partnership, and

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

(ii) of the funds brought into settlement by each spouse or civil partner, as the case may be;] [*Suppl No. 2 (December 2005)*]

(*c*) in the case of an application for an avoidance of disposition order—

(i) of the property to which the disposition relates,

(ii) of the persons in whose favour the disposition is alleged to have been made and, in the case of a disposition alleged to have been made by way of settlement, of the trustees and the beneficiaries of the settlement.

(3) Where an application for a property adjustment order or an avoidance of disposition order relates to land, the affidavit in support shall, in addition to containing any particulars required by paragraph (2)—

(*a*) state if known to the applicant, whether the title to the land is registered or unregistered and, if registered, the Land Registry folio number,

(*b*) give particulars, so far as known to the applicant, of any mortgage, charge or lien whatsoever on the land or on any interest therein.

(4) A copy of Form M13 or M15, as the case may be, together with a copy of the supporting affidavit, shall be served on the following persons as well as on the respondent to the application, that is to say—

(*a*) in the case of an application for a variation of settlement order, the trustees of the settlement and the settlor if living,

(*b*) in the case of an application for an avoidance of disposition order, the person in whose favour the disposition is alleged to have been made,

(*c*) in the case of an application to which paragraph 3 refers, any mortgagee or chargee or person who claims a lien on the property of whose interest particulars are given pursuant to that paragraph,

and such other persons, if any, as the Master may direct.

(5) Any person served with notice of an application to which this rule applies may, within 14 days after service, file an affidavit in answer.

Evidence on application for variation order

2.62. An application for a variation order shall be supported by an affidavit by the applicant setting out full particulars of his property and income and the grounds on which the application is made.

Service of affidavit in answer or reply

2.63.—(1) A person who files an affidavit for use on an application under rule 2.60, 2.61 or 2.62 shall at the same time serve a copy on the opposite party and, where the affidavit contains an allegation of adultery or of improper conduct with a named person, then, unless the court otherwise directs, it shall be indorsed with a notice in Form M16, and a copy of the affidavit or of such part thereof as the court may direct, indorsed as aforesaid, shall be served on that person by the person who files the affidavit, and the person against whom the allegation is made shall be entitled to intervene in the proceedings by applying for directions under rule 2.64(6) within 7 days after service of the affidavit on him.

(2) Rule 2.35(3) shall apply to a person served with an affidavit under paragraph (1) of this rule as it applies to a co-respondent.

Investigation by Master of application for ancillary relief

2.64.—(1) On or after the filing of a notice in Form M13 or M15 an appointment shall be fixed for the hearing of the application by the Master.

(2) An application for an avoidance of disposition order shall, if practicable, be heard at the same time as any related application for financial relief.

(3) Notice of the appointment, unless given in Form M13 or M15 (as the case may be) shall be given to every party to the application.

(4) Any party to an application for ancillary relief may by letter require any other party to give further information concerning any matter contained in any affidavit filed by or on behalf of that other party or any other relevant matter, or to furnish a list of relevant documents or to allow inspection of any such document, and may, in default of compliance by such other party, apply to the Master for directions.

(5) At the hearing of an application for ancillary relief the Master shall, subject to rules 2.65 and 2.66, investigate the allegation made in support of and in answer to the application, and may take evidence orally and may at any stage of the proceedings, whether before or during the hearing, order the attendance of any person for the purpose of being examined or cross-examined, and order the discovery and production of any document or require further affidavits.

(6) The Master may at any stage of the proceedings give directions as to the filing and service of pleadings and as to the further conduct of the proceedings.

(7) Where any party to such an application intends on the day appointed for the hearing to apply only for directions, he shall file and serve on every other party a notice to that effect.

Order on application for ancillary relief

2.65.—(1) Subject to rule 2.66, the Master shall, after completing his investigation under rule 2.64, make such order as he thinks just.

(2) Pending the final determination of the application, the Master may make an interim order upon such terms as he thinks just.

Reference of application to judge

2.66. The Master may at any time refer an application for ancillary relief, or any question arising thereon, to the judge for his decision.

Transfer of application for ancillary relief: general provisions

2.67.—(1) If a [(a) designated county court] considers that an application for ancillary relief pending in that court gives rise to a contested issue of conduct of a nature which is likely materially to affect the question whether any, or what, order should be made therein and that for that reason the application should be transferred to the High Court, the court shall, subject to paragraph (5), make an order for transfer accordingly and, where an application is transferred to the High Court under this paragraph, it shall be heard by a judge.

(2) Where an application for ancillary relief is pending in a [(a) designated county court] and the parties to the proceedings consent to the making of an order for the transfer of the application to the High Court, an application for that purpose may be made to the Master who shall, subject to paragraph (5), either order the transfer or refer the application to the judge for his decision.

(3) Without prejudice to paragraph (1) and (2), the court in which an application for ancillary relief is pending may, if it is a [(a) designated county court], order the transfer of the application to the High Court or, if it is the High Court, order the

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

transfer of the application to a [(a) designated county court], where the transfer appears to the court to be desirable. [*Supplt. No. 2 (December 2005)*]

(4) The judge before hearing and the Master before investigating under rule 2.64 an application for ancillary relief pending in a [(b) designated county court] shall consider whether the case is one in which the court should exercise any of its powers under paragraph (1) or (3).

(5) In considering whether an application should be transferred from a [(a) designated county court] to the High Court or from the High Court to a [(a) designated county court], the court shall have regard to all relevant considerations, including the nature and value of the property involved and the relief sought.

(6) Where a decree nisi [(b) or conditional order] has been pronounced in the cause, the court shall, before making an order for the transfer of the application to the High Court, consider whether it would be more convenient to transfer the cause to the High Court under rule 2.32.

(7) Where an application for ancillary relief is pending in a [(a) designated county court], the court may order that the application be transferred to another [(a) designated county court].

(8) An order under paragraph (1), (3) or (7) may be made by the court of its own motion or on the application of a party, but before making an order of its own motion the court shall give the parties an opportunity of being heard, and for that purpose shall cause notice to be given to the parties of the date, time and place at which the question will be considered.

Transfer for purpose of expedition

2.68. Without prejudice to the last foregoing rule, a judge or Master may, on the application of a party or of his own motion, order that an application for ancillary relief pending in the High Court or a [(b) designated county court] shall be transferred to a [(b) designated county court] or the High Court if he is of opinion that the transfer is desirable for the purpose of expediting the hearing of the application.

Arrangements for hearing of application etc by judge

2.69.—(1) Where an application for ancillary relief or any question arising thereon has been referred or adjourned to the judge, the proper officer or chief clerk, as the case may be, shall fix a date and time for the hearing of the application or the consideration of the question and give notice thereof to all parties.

(2) The hearing or consideration shall, unless the judge otherwise directs, take place in chambers.

(3) [In a matrimonial cause where (b)] the application is proceeding in a divorce county court, the hearing or consideration may be transferred to such county court as, in the opinion of the Master, is the most convenient.

[(4) In a civil partnership cause, where an application is proceeding in a civil partnership proceedings county court, the hearing or consideration may be transferred to such county court as, in the opinion of the Master, is the most convenient.(c)]

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

[Supplt. No. 7 (July 2011)]

Request for periodical payments order at same rate as order for maintenance pending suit [or outcome of proceedings (a)]

2.70.—(1) Where at or after the date of a decree nisi of divorce or nullity of marriage [(a) or a conditional order of dissolution or nullity of civil partnership] an order for maintenance pending suit [(a) or maintenance pending outcome of proceedings, as the case may be,] is in force, the party in whose favour the order was made may, if he has made an application for an order for periodical payments for himself in his petition or answer, as the case may be, request the Master in writing to make such an order (in this rule referred to as a "corresponding order") providing for payments at the same rate as those provided for by the order for maintenance pending suit [(a) or outcome of proceedings].

(2) Where such a request is made, the applicant shall serve on the other spouse [(a) or civil partner, as the case may be,] a notice in Form M17 requiring him, if he objects to the making of a corresponding order, to give notice to that effect to the proper officer or chief clerk, as the case may be, and to the applicant, within 14 days after service of the notice in Form M17.

(3) If the other spouse [(a) or civil partner] does not give notice of objection within the time aforesaid the Master may make a corresponding order without further notice to that spouse [(a) or civil partner] and without requiring the attendance of the applicant or his solicitor.

Application for order under Article 39(2)(a) of the Order of 1978 [(a) *or paragraph 67(2) of Schedule 15 to the Act of 2004*]

2.71.—(1) An application under Article 39(2)(*a*) of the Order of 1978 [(a) or paragraph 67(2) of Schedule 15 to the Act of 2004] for an order restraining any person from attempting to defeat a claim for financial provision or otherwise for protecting the claim may be made to the Master.

(2) Rules 2.66 and 2.69 shall apply, with the necessary modifications, to the application as if it were an application for ancillary relief.

Consent orders

2.72.—(1) Subject to paragraphs (2) and (3) [(b), and rule 8.65], there shall be lodged with every application for a consent order under any [(c) Articles 25, 26, 26A] [(d),26D] or 29 of the Order of 1978 [(a) or Parts 1, 2, 3 [(d), 3A] and 8 of Schedule 15 to the Act of 2004], a draft of the order in the terms sought, endorsed with a statement signed by the respondent to the application signifying his agreement, and a statement of information which may be made in more than one document and shall include:

(*a*) particulars of the duration of the marriage [(a) or civil partnership], the age of each party and of any minor or dependant child of the family;

(*b*) an estimate in summary form of the approximate amount or value of the capital resources and net income of each party and of any minor child of the family;

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2011 No. 64 with effect from 25.03.11
(c) Words substituted by S.R. 2000 No. 329 with effect from 1.12.00
(d) Number inserted by S.R. 2011 No. 243 with effect from 25.07.11

(*c*) what arrangements are intended for the accommodation of each of the parties and any minor child of the family;

[(**a**)(*d*) whether either party has subsequently married or formed a civil partnership or has any present intention to do so or to cohabit with another person;]

[(**b**)(*dd*) Where the order includes provision to be made under Article 26A, 26D, 27B or 27C of the Order of 1978 or under paragraphs 10, 14A, 20 and 21 of Schedule 15 to the Act of 2004, a statement confirming that the person responsible for the pension arrangement or the Board that has assumed responsibility for the pension arrangement in question has been served with the documents required by rule 2.73(11) or (12) or rule 2.73B(11) or (12) as the case may be and that no objection to such an order has been made by that person or by that Board within 21 days from such service.]

(*e*) where the terms of the order provide for a transfer of property, a statement confirming that any mortgagee of that property has been served with notice of the application and that no objection to such a transfer has been made by the mortgagee within 14 days from such service; and

(*f*) any other especially significant matters.

(2) Where an application is made for a consent order varying an order for periodical payments, paragraph (1) shall be sufficiently complied with if the statement of information required to be lodged with the application includes only the information in respect of net income mentioned in paragraph (1)(*b*), and an application for a consent order for interim periodical payments pending the determination of an application for ancillary relief may be made in like manner.

(3) Where the parties attend the hearing of an application for financial relief the court may dispense with the filing of a draft of the order and a statement of information in accordance with paragraph (1) and give directions for:

(*a*) the order to be drawn; and

(*b*) the information which would otherwise be required to be given, in such manner as it sees fit.

[(**c**) *Pensions*

2.73—(1) This rule applies where an application for ancillary relief has been made, or notice of intention to proceed with an application has been given, in Form M13 or M15, as the case may be, and the applicant or respondent has or is likely to have any benefits under a pension arrangement.

[(**d**)(2) Within seven days of the notice in Form M13 or M15, as the case may be, having been filed–

(*a*) in a matrimonial cause, the party with pension rights, and

(*b*) in a civil partnership cause, the civil partner with pension rights,

shall request the person responsible for each pension arrangement under which he has or is likely to have benefits to furnish the information referred to in regulation 2(2) and (3)(b) to (f) of the Pensions on Divorce etc (Provision of Information) Regulations (Northern Ireland) 2000(**e**).]

(**a**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Sub-paragraph substituted by S.R. 2011 No. 243 with effect from 25.07.11
(**c**) Rule 2.73 substituted by S.R. 2000 No. 329 with effect from 1.12.00
(**d**) Paragraph substituted by S.R. 2005 No 497 with effect from 05.12.05
(**e**) S.R. 2000 No. 142

(3) Within seven days of receiving information under paragraph (2) the party with pension rights [(a) or the civil partner with pension rights, as the case may be,] shall send a copy of it to the other party [(a) or other civil partner], together with the name and address of the person responsible for each pension arrangement.

(4) A request under paragraph (2) above need not be made where the party with pension rights [(a) or the civil partner with pension rights] is in possession of, or has requested, a relevant valuation of the pension rights or benefits accrued under the pension arrangement in question.

(5) In this rule, a relevant valuation means a valuation of pension rights or benefits as at a date to be specified by the court (being not earlier than one year before the date of the petition and not later than the date on which the court is exercising its power), which has been furnished or requested [(b) for the purpose of] any of the following provisions:—

(*a*) the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000;

(*b*) regulation 5 of, and Schedule 2 to, the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(c) and regulation 11 of, and Schedule 1 to, the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(d);

(*c*) section 89A or 90(1)(*a*) or (*aa*) of the Pension Schemes (Northern Ireland) Act 1993(e);

(*d*) section 90(1)(*b*) of the Pension Schemes (Northern Ireland) Act 1993 or paragraph 2(1) (or, where applicable, 2(2)) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(f).

(6) As soon as practicable after making or giving notice of intention to proceed with an application for ancillary relief [(g) which includes a request for a pension sharing order or upon adding such a request] to an existing application for ancillary relief, the applicant shall send to the person responsible for the pension arrangement concerned a copy of the notice in Form M13 or M15, as the case may be.

(7) As soon as practicable after making or giving notice of intention to proceed with an application for ancillary relief [(g) which includes a request for a pension attachment order, or upon adding such a request] to an existing application for ancillary relief, the applicant shall send to the person responsible for the pension arrangement concerned—

(*a*) a copy of the notice in Form M13 or M15, as the case may be;

(*b*) an address to which any notice which the person responsible is required to serve on the applicant under the Divorce etc. (Pensions) Regulations

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) S.R. 2000 No. 142
(c) S.R. 1997 No. 98, the relevant amending instruments are S.R. 1997 No. 160 and S.R. 1999 No. 486
(d) S.R. 1996 No. 619
(e) 1993 c. 49, Section 89A was inserted by Article 149 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22), and is amended by paragraph 23 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999. Section 90 was amended by Article 150 of the Pensions (Northern Ireland) Order 1995 and paragraph 24 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(f) S.R. 1987 No. 288
(g) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(Northern Ireland) 2000(a) [or the Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005(b), as the case may be, (c)] is to be sent;

(*c*) an address to which any payment which the person responsible is required to make to the applicant is to be sent; and

(*d*) where the address in sub-paragraph (*c*) is that of a bank, a building society or the Department of National Savings, sufficient details to enable payment to be made into the account of the applicant.

(8) A person responsible for a pension arrangement on whom a copy of a notice under paragraph (6) or (7) is served may, within 21 days after service, require [(d) the party with pension rights or the civil partner with pension rights, as the case may be,] to provide him with an affidavit supporting his application, and [(d) that party or civil partner] must then provide that person with a copy within 21 days.

(9) A person responsible for a pension arrangement who receives an affidavit as required pursuant to paragraph (8) may within the 21 days after receipt send to the court and [(d) the party with pension rights or the civil partner with pension rights, as the case may be,] an affidavit in answer.

(10) A person responsible for a pension arrangement who files an affidavit in answer pursuant to paragraph (9) may file therewith a notice to the court requiring an appointment to be fixed, and where such a notice is filed—

(i) the proper officer or chief clerk shall fix an appointment for the hearing or further hearing of the application and shall give not less than 14 days' notice of that appointment to [(d) the party with pension rights or the civil partner with pension rights, as the case may be,] the respondent and the person responsible for the pension arrangement; and

(ii) the person responsible for the pension arrangement shall be entitled to be represented at such hearing.

(11) Where the parties [(e) ...] have agreed on terms of an order [(d) which includes a pension sharing order], then, unless service has been effected under paragraph (6), they shall serve on the person responsible for the pension arrangement concerned the notice of application for a consent order under rule 2.72(1) and a draft of the proposed order complying with paragraph (14) below.

(12) Where the parties have agreed on the terms of an order [(d) which includes a pension attachment order], then unless service has already been effected under paragraph (7), they shall serve on the person responsible for the pension arrangement concerned—

(*a*) the notice of application for a consent order under rule 2.72(1);

(*b*) a draft of the proposed order complying with paragraph (14) below; and

(*c*) the particulars set out in sub-paragraphs (*b*), (*c*) and (*d*) of paragraph (7).

(13) No consent order under paragraph (11) or (12) shall be made unless either—

(a) S.R. 2000 No. 210
(b) S.R. 2005 No. 484
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05

(*a*) the person responsible for the pension arrangement has not made any objection within 21 days after the service on him of such notice; or

(*b*) the court has considered any such objection

and for the purpose of considering any objection the court may make such directions as it sees fit for the person responsible to attend before it or to furnish written details of his objection.

(14) An order for ancillary relief, whether by consent or not, [(**a**) which includes a pension sharing order or a pension attachment order], shall—

(*a*) in the body of the order, state that there is to be provision by way of pension sharing or pension attachment in accordance with the annexe or annexes to the order; and

(*b*) be accompanied by an annexe containing the information set out in paragraph (15) or paragraph (16) as the case may require, and if provision is made in relation to more than one pension arrangement there shall be one annexe for each pension arrangement.

(15) [Where an order for ancillary relief includes provision by way of pension sharing (**a**)], the annexe shall state—

(*a*) the name of the court making the order, together with the case number and the title of the proceedings;

(*b*) that it is a pension sharing order made under Part III of the Order of 1978 [(**b**) or Part 3 of Schedule 15 to the Act of 2004;]

(*c*) the names of the transferor and the transferee;

(*d*) the national insurance number of the transferor;

(*e*) sufficient details to identify the pension arrangement concerned and the transferor's rights or benefits from it (for example a policy reference number);

(*f*) the specified percentage, or where appropriate the specified amount, required in order to calculate the appropriate amount for the purposes of Article 26(1) of the Order of 1999 (creation of pension debits and credits);

(*g*) how the pension sharing charges are to be apportioned between the parties or alternatively that they are to be paid in full by the transferor;

(*h*) that the person responsible for the pension arrangement has furnished the information required by regulation 4 of the Pensions on Divorce (Provision of Information) Regulations (Northern Ireland) 2000 and that it appears from that information that there is power to make an order including provision [(**a**) by way of pension sharing];

(*i*) the day on which the order or provision takes effect; and

(*j*) that the person responsible for the pension arrangement concerned must discharge his liability in respect of the pension credit within a period of 4 months beginning with the day on which the order or provision takes effect or, if later, the first day on which the person responsible for the pension arrangement concerned is in receipt of—

(i) the order for ancillary relief, including the annexe;

[(**c**)(ii) in a matrimonial cause, the decree of divorce or nullity of marriage or, in a civil partnership cause, the conditional order of dissolution or nullity of the civil partnership;]

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

(iii) the information prescribed by regulation 5 of the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000;

provided that if the court knows that the implementation period is different from that stated in sub-paragraph (*j*) by reason of regulations under Article 31(4) or 38(2)(*a*) of the Order of 1999, the annexe shall contain details of the implementation period as determined by those regulations instead of the statement in sub-paragraph (*j*);

(*k*) where the order is made by consent, that no objection has been made by the person responsible for the pension arrangement, or that an objection has been received and considered by the court, as the case may be.

(16) [Where an order for ancillary relief includes provision by way of pension attachment (**a**)], the annexe shall state—

(*a*) the name of the court making the order, together with the case number and the title of the proceedings;

(*b*) that it is an order making provision under Article 27B or 27C, as the case may be, of the Order of 1978 [(**b**) or paragraph 20 or 21 of Schedule 15 to the Act of 2004];

(*c*) the names of the party with pension rights [(**c**) or the civil partner with pension rights] and the other party [(**d**) or other civil partner];

(*d*) the national insurance number of the party with pension rights [(**e**) or the civil partner with pension rights];

(*e*) sufficient details to identify the pension arrangement concerned and the rights or benefits from it to which the party with pension rights [(**f**) or the civil partner with pension rights] is or may become entitled (for example a policy reference number);

(*f*) in the case of an order including provision under Article 27B(4) of the Order of 1978 [(**g**) or paragraph 20(2) of Schedule 15 to the Act of 2004], what percentage of any payment due to the party with pension rights [(**h**) or the civil partner with pension rights] is to be paid for the benefit of the other party [(**i**) or other civil partner];

(*g*) in the case of an order including any other provision under Article 27B or 27C of the Order of 1978 [(**j**) or paragraph 20 or 21 of Schedule 15 to the Act of 2004], what the person responsible is required to do;

(*h*) the address to which any notice which the person responsible for the pension arrangement is required to serve on the other party under the Divorce etc. (Pensions) Regulations 2000 [(**k**) or the other civil partner under The Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005] is to be sent, if not notified under paragraph (7)(*b*);

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(g) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(h) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(i) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(j) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(k) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(*i*) an address to which any payment which the person responsible is required to make to the other party [(**a**) or the other civil partner] is to be sent, if not notified under paragraph (7)(*c*); [(**b**) ...]

(*j*) where the address in sub-paragraph (*i*) is that of a bank, a building society or the Department of National Savings, sufficient details to enable payment to be made into the account of the other party [(**c**) or the other civil partner], if not notified under paragraph (7)(*d*);

(*k*) where the order is made by consent, that no objection has been made by the person responsible for the pension arrangement, or that an objection has been received and considered by the court, as the case may be.

(17) A court which makes, varies or discharges [(**d**) a pension sharing order or a pension attachment order], shall send [(**e**), or direct one of the parties to send] to the person responsible for the pension arrangement concerned—

[(**f**) (a) a copy of—

(i) the making of the relevant pension sharing or pension attachment order; or

(ii) in a civil partnership cause, the conditional order of dissolution, nullity of civil partnership or the order of separation;]

[(**g**) (b) in the case of—

(i) divorce or nullity of marriage, a copy of the certificate under rule 2.54 that the decree has been made absolute; or

(ii) dissolution or nullity of civil partnership, a copy of the certificate under rule 2.54 that the conditional order has been made final; and]

(*c*) a copy of that order, or as the case may be of the order varying or discharging that order, including any annexe to that order relating to that pension arrangement but no other annexe to that order.

[(18) The documents referred to in paragraph (17) shall be sent—

(a) in a matrimonial cause, within 7 days after—

(i) the making of the relevant order; or

(ii) the decree absolute of divorce or nullity or decree of judicial separation, whichever is the later; and

(b) in a civil partnership cause, within 7 days after—

(i) the making of the relevant order; or

(ii) the final order of dissolution or nullity or order of separation,

whichever is the later.(**h**)]

(19) In this rule—

(*a*) [in a matrimonial cause, (**i**)] all words and phrases defined in Article 27D(3) and (4) of the Order of 1978 have the meanings assigned by those paragraphs; [(**j**) ...]

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Word omitted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**d**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**e**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**f**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**g**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**h**) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**i**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**j**) Word omitted by S.R. 2005 No. 497 with effect from 05.12.05

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[(*aa*) in a civil partnership cause, all the words and phrases defined in paragraphs 11(4) and (5) and 24 of Schedule 15 to the Act of 2004 have the meanings assigned by those paragraphs;(**a**)]

(*b*) all words and phrases defined in Article 43 of the Order of 1999 have the meanings assigned by that Article.]

[(*c*) pension sharing order means—

(i) in a matrimonial cause, an order making provision under Article 26A of the Order of 1978; and

(ii) in a civil partnership cause, an order making provision under paragraph 10 of Schedule 15 to the Act of 2004; and

(*d*) pension attachment order means—

(i) in a matrimonial cause, an order making provision under Article 27B or 27C of the Order of 1978; and

(ii) in a civil partnership cause, an order making provision under paragraphs 20 and 21 of Schedule 15 to the Act of 2004.(**a**)]

[(**b**) *Pension Protection Fund*

2.73A.—(1) This rule applies where—

(*a*) rule 2.73 applies; and

(*b*) the party with pension rights or the civil partner with pension rights ("the member") receives or has received notification in compliance with the Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005(**c**) ("the 2005 Regulations")—

(i) from the person responsible for the pension arrangement that there is an assessment period in relation to the pension arrangement; or

(ii) from the Board that it has assumed responsibility for the pension arrangement, or part of it.

(2) If the person responsible for the pension arrangement notifies or has notified the member that there is an assessment period in relation to the pension arrangement, the member shall send to the other party or other civil partner—

(*a*) a copy of the notification; and

(*b*) a copy of the valuation summary,

in accordance with paragraph (3).

(3) The member shall send the documents referred to in paragraph (2)—

(*a*) if available, when he sends the information under rule 2.73(2); or

(*b*) otherwise, within 7 days of receipt.

(4) If—

(*a*) the pension arrangement is in an assessment period; and

(*b*) the Board notifies the member that it has assumed responsibility for the pension arrangement, or part of it,

the member shall—

(i) send a copy of the notification to the other party or other civil partner

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(**a**) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

(**b**) Rule inserted by S.R. 2006 No. 304 with effect from 01.08.06

(**c**) S.R. 2005 No. 129 as amended by S.R. 2005 No. 357, S.R. 2005 No. 381 and S.R. 2006 No. 14

within 7 days of receipt; and

(ii) comply with paragraph (5).

(5) Where paragraph (4) applies, the member shall—

(*a*) within 7 days of receipt of the notification, request the Board in writing to provide a forecast of his compensation entitlement as described in the Table in paragraph 1(2) of Schedule 1 to the 2005 Regulations; and

(*b*) send a copy of the forecast of his compensation entitlement to the other party or other civil partner within 7 days of receipt.

(6) In this rule—

(*a*) in a matrimonial cause, all words and phrases defined in Article 27E(9) of the Order of 1978 have the meanings assigned by that paragraph;

(*b*) in a civil partnership cause, all words and phrases defined in paragraph 32 of Schedule 15 to the Act of 2004 have the meanings assigned by that paragraph; and

(*c*) "valuation summary" has the meaning assigned to it by paragraph 1(1) of Schedule 2 to the 2005 Regulations.

(7) Paragraph (19) of rule 2.73 shall apply to this rule as it applies to rule 2.73.]

[(**a**) *Pension Protection Fund Compensation*

2.73B.—(1) This rule applies where an application for ancillary relief has been made, or notice of intention to proceed with an application has been given, in Form M13 or M15, as the case may be, and the applicant or respondent is the party with compensation rights.

(2) In this rule—

(*a*) "party with compensation rights"—

(i) in proceedings under the Order of 1978 and the Order of 1989, has the meaning given to it by Article 27G(4) of the Order of 1978;

(ii) in proceedings under the Act of 2004, has the meaning given to "civil partner with compensation rights" by paragraph 32(1) of Schedule 15 to the Act of 2004;

(*b*) in a matrimonial cause, all words and phrases defined in Article 23C and 27G(4) of the Order of 1978 have the meanings assigned by those Articles;

(*c*) in a civil partnership cause, all the words and phrases defined in paragraphs 14F and 32 of Schedule 15 to the Act of 2004 have the meanings assigned by those paragraphs;

(*d*) pension compensation sharing order means—

(i) in a matrimonial cause, an order making provision under Article 23B of the Order of 1978; and

(ii) in a civil partnership cause, an order making provision under paragraph 14B of Schedule 15 to the Act of 2004;

(*e*) pension compensation attachment order means—

(i) in a matrimonial cause, an order making provision under Article 27F of the Order of 1978; and

(ii) in a civil partnership cause, an order making provision under paragraph 29A of Schedule 15 to the Act of 2004.

(3) Within seven days of the notice in Form M13 or M15, as the case may be, having been filed the party with compensation rights, shall request the Board of the

(**a**) Rule 2.73B inserted by S.R. 2011 No. 243 with effect from 25.07.11

Pension Protection Fund ("the Board") to provide the information about the valuation of entitlement to Pension Protection Fund ("PPF") compensation referred to under regulation 4 of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011.

(4) Within seven days of receiving information under paragraph (3) the party with compensation rights shall send a copy of it to the other party together with the name and address of the person responsible for each pension scheme.

(5) Where the rights to PPF compensation are derived from rights under more than one pension scheme, the party with compensation rights must comply with this rule in relation to each entitlement.

(6) As soon as practicable after making or giving notice of intention to proceed with an application for ancillary relief which includes a request for a pension compensation sharing order or upon adding such a request to an existing application for ancillary relief, the applicant shall send to the Board a copy of the notice in Form M13 or M15, as the case may be.

(7) As soon as is practicable after making or giving notice of intention to proceed with an application for ancillary relief which includes a request for a pension compensation attachment order, or upon adding such a request to an existing application for ancillary relief, the applicant must serve a copy of the notice in Form M13 or M15, as the case may be on the Board and must at the same time send—

(*a*) an address to which any notice which the Board is required to serve on the applicant is to be sent;

(*b*) an address to which any payment which the Board is required to make to the applicant is to be sent; and

(*c*) where the address is sub-paragraph (*b*) is that of a bank, a building society or the Department of National Savings, sufficient details to enable the payment to be made into the account of the applicant.

(8) A Board on which a copy of a notice under paragraph (6) or (7) is served may, within 21 days after service, require the party with compensation rights to provide it with an affidavit supporting the application and that party must then provide that Board with a copy within 21 days.

(9) A Board which receives an affidavit as required pursuant to paragraph (8) may within 21 days after receipt send to the court and the party with compensation rights an affidavit in answer.

(10) A Board which files an affidavit in answer pursuant to paragraph (9) may file a notice to the court requiring an appointment to be fixed, and where such a notice is filed—

(*a*) the proper officer or chief clerk shall fix an appointment for the hearing or further hearing of the application and shall give not less than 14 days' notice of that appointment to the party with pension compensation rights, the respondent and the Board; and

(*b*) the Board shall be entitled to be represented at such hearing.

(11) Where the parties have agreed on terms of an order and the agreement includes a pension compensation sharing order, then, unless service has been effected under paragraph (6) above, they shall serve on the Board the notice of application for a consent order under rule 2.72(1) and a draft of the proposed order complying with paragraph (14) below.

(12) Where the parties have agreed on the terms of an order and the agreement includes a pension compensation attachment order, then, unless service has been effected under paragraph (7), they shall serve on the Board—

(*a*) a copy of the application for a consent order under rule 2.72(1);

(*b*) a draft of the proposed order, complying with paragraph (14) below; and

(*c*) the particulars set out in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (7).

(13) No consent order under paragraph (11) or (12) shall be made unless either—

(*a*) the Board has not made any objection within 21 days after the service on it of such notice; or

(*b*) the court has considered any such objection

and for the purpose of considering any objection the court may make such directions as it sees fit for the Board to attend before it or to furnish written details of its objection.

(14) An order for ancillary relief, whether by consent or not, which includes a pension compensation sharing order or a pension compensation attachment order, shall—

(*a*) in the body of the order, state that there is to be provision by way of pension compensation sharing or pension compensation attachment in accordance with the annexe or annexes to the order; and

(*b*) be accompanied by an annexe containing the information set out in paragraph (15) or paragraph (16) as the case may require, and if provision is made in relation to entitlement to PPF compensation that derives from rights under more than one pension scheme there must be one annexe for each such entitlement.

(15) Where an order for ancillary relief includes provision by way of pension compensation sharing, the annexe shall state—

(*a*) the name of the court making the order, together with the case number and the title of the proceedings;

(*b*) that it is a pension compensation sharing order made under Article 26D of the Order of 1978 or paragraph 14A of Schedule 15 to the Act of 2004;

(*c*) the names of the transferor and the transferee;

(*d*) the national insurance numbers of the transferor and the transferee;

(*e*) the dates of birth of the transferor and transferee;

(*f*) the addresses of the transferor and transferee;

(*g*) the name of the pension scheme for which the Board assumed responsibility and to which the pension compensation relates or sufficient details to identify the pension compensation concerned;

(*h*) the specified percentage of the member's cash equivalent valuation (CEV) to be transferred;

(*i*) how the pension compensation sharing charges are to be apportioned between the parties or alternatively that they are to be paid in full by the transferor;

(*j*) that the Board has furnished the information required by regulation 5 of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011 and that it appears from that information that there is power to make an order including provision by way of pension compensation sharing;

(*k*) the day on which the order takes effect; and

(*l*) that the Board must discharge its liability within a period of 4 months beginning with the day on which the order takes effect or, if later, the first day on which the Board is in receipt of—

(i) the pension compensation sharing order, including the annexe,

(ii) in a matrimonial cause, the decree of divorce or nullity of marriage or, in a civil partnership cause, the conditional order of dissolution or nullity of the civil partnership;

(iii) the information prescribed by regulation 5 of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011;

(iv) payment of all outstanding charges requested by the pension scheme;

provided that if the court knows that the implementation period is different from that stated in sub-paragraph (l) by reason of regulations made under Article 27G of the Order of 1978, the annexe shall contain details of the implementation period as determined by those regulations instead of the statement in sub-paragraph (l);

(*m*) where the order is made by consent, that no objection has been made by the Board, or that an objection has been received and considered by the court, as the case may be.

(16) Where an order for ancillary relief includes provision by way of pension compensation attachment, the annexe shall state—

(*a*) the name of the court making the order, together with the case number and the title of proceedings;

(*b*) that it is a pension compensation attachment order under Article 27F of the Order of 1978 or paragraph 29A of Schedule 15 to the Act of 2004;

(*c*) the names of the party with pension compensation rights and the other party;

(*d*) the national insurance number of the party with pension compensation rights;

(*e*) the name of the pension scheme for which the Board assumed responsibility and to which the pension compensation relates or sufficient details to identify the PPF compensation;

(*f*) in the case of an order including provision under Article 27F of the Order of 1978 or paragraph 29 of Schedule 15 to the Act of 2004, what percentage of any payment due to the party with pension compensation rights is to be paid for the benefit of the other party;

(*g*) in the case of an order including provision under Article 27F(5) of the Order of 1978 or paragraph 29A(5) of Schedule 15 to the Act of 2004, what percentage of the maximum lump sum available is to be commuted and the specified percentage of the commuted sum which is to be paid to the spouse or former spouse of the party with PPF compensation rights or the civil partner or former civil partner with PPF compensation rights;

(*h*) an address to which any payment which the Board is required to make under the PPF compensation to the other party is to be sent;

(*i*) where the address in sub-paragraph (*h*) is that of a bank, a building society or the Department of National Savings, sufficient details to enable payment to be made into the account of the other party;

(*j*) where the order is made by consent, that no objection has been made by the Board, or that an objection has been received and considered by the court, as the case may be.

(17) A court which makes, varies or discharges a pension compensation sharing order or a pension compensation attachment order, must send, or direct one of the parties to send, to the Board—

(*a*) a copy of—

(i) the making of the relevant pension compensation sharing or pension compensation attachment order; or

(ii) in a civil partnership cause, the conditional order of dissolution, nullity of civil partnership or the order of separation;

(*b*) in the case of—

(i) divorce or nullity of a marriage, a copy of the certificate under rule 2.54 that the decree has been made absolute; or

(ii) dissolution or nullity of civil partnership, a copy of the certificate under rule 2.54A that the conditional order has been made final; and

(*c*) a copy of the pension compensation sharing order or the pension compensation attachment order, or as the case may be of the order varying or discharging that order, including any annexe to that order relating to that PPF compensation but no other annexe to that order.

(18) The documents referred to in paragraph (17) shall be sent—

(*a*) in a matrimonial cause within 7 days after—

(i) the relevant pension compensation sharing or pension compensation attachment order is made; or

(ii) the decree absolute of divorce or nullity or decree of judicial separation, whichever is the later; and

(*b*) in a civil partnership cause, within 7 days after—

(i) the relevant pension compensation sharing or pension compensation attachment order is made; or

(ii) the final order of dissolution or nullity or separation order is made,

whichever is the later.]

PART III

OTHER FAMILY PROCEEDINGS

Application by spouse [(**a**)*or civil partner*] *for failure to maintain*

3.1.—(1) [An application under Article 29 of the Order of 1978 by a party to a marriage or under Part 8 of Schedule 15 to the Act of 2004 by a party to a civil partnership who alleges that the other party to the marriage or the civil partnership, as the case may be(**b**)]—

(*a*) has failed to provide reasonable maintenance for the applicant, or

(*b*) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family,

shall be made by originating summons in Form M18. Such summons shall be issued out of—

(i) the Matrimonial Office in relation to applications to the High Court;

(ii) a county court office, in relation to applications to a county court.

(2) There shall be filed in support of the summons an affidavit by the applicant which shall state—

(*a*) the names of the parties to the marriage, the place and date of the marriage [(**a**),or the names of the parties to the civil partnership and the place at and date on which they formed their civil partnership, as the case may be];

(*b*) the names of each child and his date of birth, or if it be the case that he is over 18 years of age, and in the case of each minor child over the age of 16 years whether he is, or will be, or if an order for provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation and the person with whom any such child is residing;

(**a**) Words inserted by S.R 2005 No. 497 with effect from 05.12.05

(**b**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(*c*) if there have been any previous proceedings in any court in Northern Ireland or elsewhere with reference to the marriage [(**a**) or civil partnership] or children of the [(**b**) family] or between the applicant and respondent with reference to any property of either or both of them, the date and effect of any [(**c**) decree, civil partnership order or other order], and in the case of proceedings in reference to the marriage [(**a**) or civil partnership] if there has been any resumption of cohabitation since the making of the [(**b**) decree, civil partnership order or other order] ;

(*d*) where the application is for periodical payments or secured periodical payments for a child—

(i) whether the application is—

— for a stepchild;

— in addition to child support maintenance already payable under a Child Support Agency assessment;

— to meet expenses arising from a child's disability;

— to meet expenses incurred by a child being educated or trained for work; or

— made on some other specified ground;

(ii) if the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom;

(*e*) particulars of the alleged failure to maintain;

(*f*) whether there are or have been any proceedings in the Child Support Agency with reference to the maintenance of each child and if so the details of those proceedings;

(*g*) the means of the applicant and the respondent;

(*h*) the facts upon which it is claimed that the court has jurisdiction to entertain the proceedings.

(3) If the proper officer or chief clerk, as the case may be, does not consider it practicable to fix a day for the hearing of the application at the time when it is issued he may do so subsequently and in that case he shall forthwith give notice of the day to all parties.

(4) Within 21 days after the time limited for giving notice of intention to defend, the respondent shall, if he intends to contest the application, file an affidavit in answer setting out the grounds on which he relies (including any allegation which he wishes to make against the applicant), and shall in any case, unless the court otherwise directs, file an affidavit containing full particulars of his property and income and serve a copy of the affidavit on the applicant.

(5) [In matrimonial proceedings, where (**b**)] the respondent's affidavit alleges adultery the alleged adulterer shall, unless the court otherwise directs, be made a party cited and be served with a copy of the affidavit, with notice in Form M19, and rule 2.8 shall apply, with the necessary modifications, as if the affidavit were a petition and the party cited were a co-respondent.

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Word substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(6) A party cited who wishes to defend all or any of the charges made against him shall within 21 days after the time limited for giving notice of intention to defend, file an affidavit in answer and serve a copy of the affidavit on the respondent.

(7) If the respondent does not file an affidavit in accordance with paragraph (4), the court may order him to file an affidavit containing full particulars of his property and income and serve a copy of any such affidavit on the applicant.

(8) Within 14 days after being served with a copy of any affidavit in answer filed by the respondent the applicant may file an affidavit in reply and serve a copy on the respondent and on any party cited. No further affidavit shall be filed without leave.

Transfer to High Court of applications under rule 3.1

3.2.—(1) Where it appears to a [(**a**) designated county court] that the respondent intends to contest an application under the last foregoing rule on the ground that—

(*a*) by reason of the applicant's conduct or otherwise the respondent is not liable to maintain the applicant, or

(*b*) no court in Northern Ireland has jurisdiction to entertain the application,

the court shall order that the application be transferred to the High Court.

Hearing of applications under rule 3.1

3.3.—(1) Without prejudice to the provisions of rule 3.2, rules 2.67 (except paragraphs (5) and (7) thereof) and 2.68 shall apply with the necessary modifications to an application for an order under Article 29 of the Order of 1978 [(**b**) or Part 8 of Schedule 15 to the Act of 2004] as if the application were an application for ancillary relief.

(2) The application shall be heard by a judge in chambers, and, if the application is to a [(**a**) designated county court], the hearing shall be fixed to take place at such court as in the opinion of the chief clerk is the most convenient.

(3) On the hearing of the application the judge may make such order as he thinks just or may refer the application (except any application under Article 8 of the Order of 1995), or any application for an order under Article 29(5) of the Order of 1978 [(**b**) or paragraph 34(3) of Schedule 15 to the Act of 2004, as the case may be,] to the Master for him to investigate the means of the parties to the marriage [(**b**) or civil partnership].

(4) Where an application is referred to the Master under paragraph (3), the proper officer or the chief clerk, as the case may be, shall fix an appointment for the hearing of the application and thereupon the provisions of these Rules relating to ancillary relief shall apply except that where the judge has not made a finding that there has been wilful neglect to maintain—

(*a*) the Master shall, after completing his investigation under rule 2.64, report the result thereof in writing to a judge to whom the application shall be adjourned;

(*b*) the Master's report shall contain an estimate of the financial relief to which, in his opinion, the applicant would be entitled if the application were granted;

(*c*) the Master's report shall be filed and any party shall be entitled to inspect the report and to be supplied with a copy of it on payment of the prescribed fee.

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(5) Where a person has been made a party cited, the judge may, if after the close of the evidence on the part of the respondent he is of opinion that there is not sufficient evidence against the party cited, dismiss him from the proceedings.

(6) Subject to the provisions of this rule and of rules 3.1 and 3.2, these Rules shall, so far as applicable, apply with the necessary modifications to an application under Article 29 of the Order of 1978 [(**a**) or Part 8 of Schedule 15 to the Act of 2004, as the case may be] as if—

(*a*) the application were a cause, and

(*b*) the originating summons were a petition and the applicant the petitioner.

Application for alteration of maintenance agreement during lifetime of parties

3.4.—(1) An application to the court under Article 37 of the Order of 1978 [(**a**) or under paragraph 62 of Schedule 15 to the Act of 2004] for the alteration of a maintenance agreement during the lifetime of the parties shall be made by originating summons in accordance with Form M20.

(2) The application may be filed in the Matrimonial Office or a county court office and may be heard and determined by the Master.

(3) There shall be filed in support of the summons an affidavit by the applicant exhibiting a copy of the agreement and stating—

(*a*) the residence of the parties to the agreement at the date of the application and, unless both parties are then resident in Northern Ireland, their domicile at that date;

[(**b**)(*b*) the date and place of the marriage between the parties to the agreement, or the place at the date on which they formed their civil partnership, as the case may be;]

(*c*) the full names (including surnames) of any children of the family and of any other children for whom the agreement makes financial arrangements and—

(i) the date of birth of each child, now living or, if it be the case, that he is over 18 years of age, and, in the case of each minor over 16 years of age, whether he is or will be, or if an order or provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation and the place where and the person with whom any minor child is residing;

(ii) the date of death of any such child who has died since the agreement was made;

(*d*) whether there have been any previous proceedings in any court with reference to the agreement or to the marriage [(**a**) or civil partnership, as the case may be;] or to any child of the family or of the other children for whom the agreement makes financial arrangements or between the applicant and respondent with reference to any property of either or both of them, and the date and effect of any order made;

(*e*) whether there are or have been any proceedings in the Child Support Agency with reference to the maintenance of each child and if so the details of those proceedings;

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(*f*) the means of the applicant and the other party to the agreement insofar as they are within the applicant's knowledge or belief;

(*g*) the nature of the alteration of the agreement sought and the facts alleged by the applicant to justify the alterations.

(4) A copy of the affidavit shall be served on the respondent with the summons.

(5) The respondent shall, within 14 days after the time limited for giving notice of intention to defend, file an affidavit in answer to the application containing full particulars of his property and income and, if he does not do so, the court may order him to file an affidavit containing such particulars.

(6) A respondent who files an affidavit under paragraph (5) shall serve a copy on the applicant.

Application for alteration of maintenance agreement after death of one party

3.5.—(1) An application under Article 38 of the Order of 1978 [(**a**) or under paragraph 66 of Schedule 15 to the Act of 2004] for the alteration of a maintenance agreement after the death of one of the parties to it shall be made by originating summons in Form M21.

(2) The application may be filed in the Matrimonial Office or a county court office and may be heard and determined by the Master.

(3) There shall be filed in support of the summons an affidavit by the applicant exhibiting a copy of the agreement and an office copy of the grant of representation to the deceased's estate and of every testamentary document admitted to proof.

(4) The affidavit referred to in paragraph (2) shall state—

(*a*) whether the deceased died domiciled in Northern Ireland;

[(*b*) the place and date of the marriage between the parties to the agreement, or the place at and date on which they formed their civil partnership, as the case may be;(**b**)]

(*c*) the name of every child of the family and of any other child for whom the agreement makes financial arrangements, and—

(i) the date of birth of each such child who is still living (or, if it be the case, that he has attained 18 years), and the place where the person with whom any such minor child is residing;

(ii) the date of death of any such child who has died since the agreement was made;

(*d*) whether there have been in any court any, and if so what, previous proceedings with reference to the agreement or to the marriage [(**a**) or civil partnership, as the case may be,] or to the children of the family or to any other children for whom the agreement makes financial arrangements, and the date and effect of any [(**c**) order, decree or civil partnership order] made in such proceedings;

(*e*) whether there have been in any court any proceedings by the applicant against the deceased's estate under the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(**d**) or any statutory provision

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**d**) S.I. 1979 924 (N.I. 8)

repealed by that Order and the date and effect of any order made in such proceedings;

(*f*) in the case of an application by the surviving party, the applicant's means;

(*g*) in the case of an application by the personal representatives of the deceased, the surviving party's means, so far as they are known to the applicants, and the information mentioned in sub-paragraph (*a*), (*b*) and (*c*) of rule 3.6(2);

(*h*) the facts alleged by the applicant as justifying an alteration in the agreement and the nature of the alteration sought;

(*i*) if the application is made after the end of the period of six months from the date on which representation in regard to the deceased's estate was first taken out, the grounds on which the court's permission to entertain the application is sought.

Further proceedings on an application under rule 3.5

3.6.—(1) The court may at any stage of the proceedings direct that any person be added as a respondent to an application under rule 3.5.

(2) A respondent who is a personal representative of the deceased shall, within 14 days after the time limited for entered an appearance, file an affidavit in answer to the application stating—

(*a*) full particulars of the value of the deceased's estate for probate, after providing for the discharge of the funeral, testamentary and administration expenses, debts and liabilities payable thereout, including the amount of the capital transfer tax and interest thereon;

(*b*) the person or classes of person beneficially interested in the estate (giving the names and addresses of all living beneficiaries) and the value of their interests so far as ascertained; and

(*c*) if such be the case, that any living beneficiary (naming him) is a minor or a patient.

(3) If a respondent who is a personal representative of the deceased does not file an affidavit stating the matters mentioned in paragraph (3), the court may order him to do so.

(4) A respondent who is not a personal representative of the deceased may, within 14 days after the time limited for entering an appearance, file an affidavit in answer to the application.

*Application of other rules to proceedings under Article 37 or 38 of the Order of 1978 [(**a**) or paragraph 62 or 66 of Schedule 15 to the Act of 2004]*

3.7.—(1) Rules 2.63; 2.64(1) and (4) to (7), 2.65, 2.66 and 2.69 shall apply, with the necessary modifications, to an application under Article 37 or 38 of the Order of 1978 [(**b**) or paragraph 62 or 66 of Schedule 15 to the Act of 2004 as the case may be,] as if it were an application for ancillary relief.

(2) Subject to paragraph (1) and to the provisions of rule 3.4, these Rules shall, so far as applicable, apply with the necessary modifications to an application under Article 37 or 38 of the Order of 1978 [(**a**) or paragraph 62 or 66 of Schedule 15 to the Act of 2004 as the case may be,] as if the application were a cause, the originating summons a petition, and the applicant the petitioner.

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Word inserted by S.R. 2005 No. 497 with effect from 05.12.05

Proceedings in respect of polygamous marriage

3.8.—(1) The provisions of this rule shall have effect where a petition or originating summons asks for matrimonial relief within the meaning of Article 50(2) of the Order of 1978 in respect of a marriage entered into under a law which permits polygamy (in this rule referred to as a polygamous marriage).

(2) The petition or originating summons—

(*a*) shall state that the marriage in question is polygamous;

(*b*) in respect of the additional spouse, shall give his or her full name and address and the date and place of his or her marriage to the petitioner or applicant or, as the case may be, to the respondent or state, so far as may be applicable, that such information is unknown to the petitioner or applicant.

(3) In this rule "additional spouse" means any living spouse of the petitioner or applicant additional to the respondent or as the case may be any living spouse of the respondent additional to the petitioner or applicant.

(4) Without prejudice to its powers under R.S.C. Order 15 (which deals with causes of action, counterclaims and parties) or C.C.R. Order 9 (which deals with amendments), the court may order that any additional spouse be added as a party to the proceedings or be given notice of the proceedings or of any application in the proceedings for any such order as is mentioned in Article 50(2)(*d*) of the Order of 1978.

(5) Any order under paragraph (4) may be made at any stage of the proceedings and either on the application of any party or by the court of its own motion and, where an additional spouse is mentioned in a petition or an acknowledgement of service of a petition, the petitioner shall, on making any application in the proceedings or, if no previous application has been made in the proceedings, on lodging the certificate of readiness, ask for directions as to whether an order should be made under paragraph (3).

(6) Any person to whom notice is given pursuant to an order under paragraph (4) shall be entitled, without filing an answer or affidavit, to be heard in the proceedings or on the application to which the notice relates.

[(**a**) *Transfer of certain tenancies on divorce etc* [(**b**) , *dissolution etc of civil partnership*] *or on separation of cohabitees*

3.9.—(1) The jurisdiction of the court under Article 30 of and Schedule 2 to the Order of 1998 may be exercised by the Master.

(2) An application is made for an order under Part II of Schedule 2 to the Order of 1998 notice of the application shall be served by the applicant on the [(**c**) other spouse, cohabitee or civil partner, as the case may be,] and on the landlord (as those terms are defined by paragraph 1 of Schedule 2 to the Order of 1998) and any person so served shall be entitled to be heard on the application.

(3) The applicant shall file a statement of service on Form F4 after he has served notice of application in accordance with paragraph (2).

(4) Any person who is served with a notice of application under paragraph (2) above shall, if he intends to contest the application, within 14 days of service of that notice, file a statement which is signed by him and sworn to be true in answer to the application setting out the grounds on which he relies and shall arrange for a copy of that statement to be served on the applicant personally.

(a) Rule 3.9 substituted by S.R. 1999 No. 88 with effect from 29.3.99
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(5) If a statement is not filed under paragraph (4) above, the applicant may apply for directions and the court may give such directions as it thinks fit, including a direction that the respondent shall be debarred from defending the application unless a statement is filed in accordance with paragraph (4) within such time as the court may direct.

(6) Rule 2.64(4) to (7) (investigation by Master of application for ancillary relief) shall apply with the necessary modifications to an application for an order under Part II of Schedule 2 to the Order of 1998 as they apply to an application for ancillary relief.]

Application for declaration as to marital status

3.10.—(1) Unless otherwise directed, a petition by which proceedings are begun under Article 31 of the Order of 1989 for a declaration as to marital status shall state—

(*a*) the names of the parties to the marriage to which the application relates and the residential address of each of them at the date of the presentation of the petition;

(*b*) the place and date of any ceremony of marriage to which the application relates;

(*c*) the grounds on which the application is made and all other material facts alleged by the petitioner to justify the making of the declaration;

(*d*) whether there have been or are continuing any proceedings in any court, tribunal or authority in Northern Ireland or elsewhere between the parties which relate to, or are capable of affecting the validity or subsistence of the marriage, divorce, annulment or legal separation to which the application relates, or which relate to the matrimonial [(**a**) or civil partnership] status of either of the parties, and if so—

(i) the nature, and either the outcome or present state of those proceedings,

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

(iii) the date when they were begun,

(iv) the names of the parties to them,

(v) the date or expected date of the trial,

(vi) any other facts relevant to the question whether the petition should be stayed under Schedule 1 of the Order,

and such proceedings shall include any which are constituted otherwise than in a court of law in any country outside Northern Ireland, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and shall be treated as continuing if they have begun and have not been finally disposed of;

(*e*) where it is alleged that the court has jurisdiction based on domicile, which of the parties to the marriage to which the application relates is domiciled in Northern Ireland on the date of the presentation of the petition, or died before that date and was at death domiciled in Northern Ireland;

(*f*) where it is alleged that the court has jurisdiction based on habitual residence, which of the parties to the marriage to which the application relates has been habitually resident in Northern Ireland, on the date of the presentation of the petition, or died before that date and had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death;

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(*g*) where the petitioner was not a party to the marriage to which the application relates, particulars of his interest in the determination of the application.

(2) Where the proceedings are for a declaration that the validity of a divorce, annulment or legal separation obtained in any country outside Northern Ireland in respect of the marriage either is or is not entitled to recognition in Northern Ireland, the petition shall in addition state the date and place of the divorce, annulment or legal separation.

(3) There shall be annexed to the petition a copy of the certificate of any marriage to which the application relates, or, as the case may be, a certified copy of any decree of divorce, annulment or order for legal separation to which the application relates.

(4) Where a document produced by virtue of paragraph (3) is not in English it shall, unless the court otherwise directs, be accompanied by a translation certified by a notary public or authenticated by affidavit.

(5) The parties to the marriage in respect of which a declaration is sought shall be petitioner and respondent respectively to the application, unless a third party is applying for a declaration, in which case he shall be the petitioner and the parties shall be respondents to the application.

[(**a**) *Application under section 181 of the Act of 2004 for declaration as to civil partnership status*

3.10A.—(1) Unless otherwise directed, a petition by which proceedings are begun under section 181 of the Act of 2004 for a declaration as to civil partnership status shall state—

(*a*) the names of the parties to the civil partnership to which the application relates and the residential address of each of them at the date of the presentation of the petition;

(*b*) the place at and date on which the civil partnership was formed;

(*c*) the grounds on which the application is made and all other material facts alleged by the petitioner to justify the making of the declaration;

(*d*) whether there have been or are continuing any proceedings in any court, tribunal or authority in Northern Ireland or elsewhere between the parties which relate to, or are capable of affecting the validity or subsistence of the civil partnership, dissolution, annulment or legal separation to which the application relates, or which relate to the civil partnership or matrimonial status of either of the parties, and if so—

(i) the nature, and either the outcome or present state of those proceedings,

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

(iii) the date when they were begun,

(iv) the names of the parties to them,

(v) the date or expected date of the trial,

(vi) any other facts relevant to the question whether the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules (Northern Ireland) 2005(**b**),

and such proceedings shall include any which are constituted otherwise than in a court of law in any country outside Northern Ireland, if they are instituted before a tribunal or other authority having power under the law having effect

(**a**) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) S.R. 2005 No. 498

there to determine questions of status, and shall be treated as continuing if they have begun and have not been finally disposed of;

(*e*) where it is alleged that the court has jurisdiction based on domicile, which of the parties to the civil partnership to which the application relates is domiciled in Northern Ireland on the date of the presentation of the petition, or died before that date and was at death domiciled in Northern Ireland;

(*f*) where it is alleged that the court has jurisdiction based on habitual residence, which of the parties to the civil partnership to which the application relates has been habitually resident in Northern Ireland, on the date of the presentation of the petition, or died before that date and had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death;

(*g*) where the petitioner was not a party to the civil partnership to which the application relates, particulars of his interest in the determination of the application.

(2) Where the proceedings are for a declaration that the validity of a dissolution annulment or separation obtained in any country outside Northern Ireland in respect of the civil partnership either is or is not entitled to recognition in Northern Ireland, the petition shall in addition state the date and place of the dissolution, annulment or legal separation.

(3) There shall be annexed to the petition a copy of the certificate of any civil partnership to which the application relates, or, as the case may be, a certified copy of any order for dissolution, annulment or legal separation to which the application relates.

(4) Where a document produced by virtue of paragraph (3) is not in English it shall, unless the court otherwise directs, be accompanied by a translation certified by a notary public or authenticated by affidavit.

(5) The parties to the civil partnership in respect of which a declaration is sought shall be the petitioner and respondent respectively to the application, unless a third party is applying for a declaration, in which case he shall be the petitioner and the parties shall be respondents to the application.]

Procedure to be followed in relation to application under [(**a**) *rules 3.10 or 3.10A*]

3.11.—(1) The petition referred to in rule [(**b**) rules 3.10 or 3.10A] shall be supported by an affidavit by the petitioner verifying the petition and giving particulars of every person whose interest may be affected by the proceedings and his relationship to the petitioner:

Provided that if the petitioner is under the age of 18, the affidavit shall, unless the court otherwise directs, be made by his next friend.

(2) Where the jurisdiction of the court to entertain a petition is based on habitual residence the petition shall include a statement of the addresses of the places of residence of the person so resident and the length of residence at each place either during the period of one year ending with the date of the presentation of the petition or, if that person is dead, throughout the period of one year ending with the date of death.

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(3) An affidavit for the purposes of paragraph (1) may contain statements of information or belief with the sources and grounds thereof.

(4) A copy of the petition and every document accompanying it shall be sent by the petitioner to the Crown Solicitor on behalf of the Attorney General at least one month before the petition is filed and it shall not be necessary thereafter to serve these documents upon him.

(5) The proper officer or chief clerk, as the case may be, shall send a copy of any answer to the Crown Solicitor on behalf of the Attorney General if he has notified the proper officer or chief clerk that he wishes to intervene in the proceedings.

(6) When all answers to the petition have been filed the petitioner shall lodge in the Matrimonial Office and serve on all respondents to the application a request for directions as to any other persons who should be made respondents to the petition or given notice of the proceedings.

(7) When giving directions in accordance with paragraph (6) the court shall consider whether it is necessary that the Attorney General should argue before it any question relating to the proceedings, and if it does so consider, the Attorney General need not file an answer and the court shall give directions requiring him to serve on all parties to the proceedings a summary of his argument.

(8) Persons given notice of the proceedings pursuant to directions given in accordance with paragraph (6) shall within 21 days after service of the notice upon them be entitled to apply to the Master to be joined as parties.

(9) The Attorney General may file an answer to the petition within 21 days after directions have been given under paragraph (7) and notice of hearing shall not be given until that period and the period referred to in paragraph (8) have expired.

(10) The Attorney General in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for, and may inspect and bespeak a copy of, any document filed in the court which relates to any other matrimonial [(**a**) or civil partnership] proceedings referred to in the proceedings.

(11) A declaration made in accordance with Article 31 of the Order of 1989 shall be in Form M26 [(**b**) and a declaration made under section 181 of the Act of 2004 shall be in Form M26A].

Application for leave to apply for financial relief after overseas divorce [(**c**) *or overseas dissolution etc of a civil partnership*

3.12.—(1) An application to the High Court for leave to apply for an order for financial relief [(**d**) to which this rule applies] shall be made ex parte by originating summons in Form M27 issued out of the Matrimonial Office and shall be supported by an affidavit by the applicant [(**e**) ...].

[(**f**) (1A) The affidavit in support shall state the facts relied on in support of the application with particular reference—

(a) in the case of an application under the Order of 1989, to the matters set out in Article 20(2) of that Order, and

(b) in the case of an application under the Act of 2004, to the matters set out in paragraph 8(3) of Schedule 17 to that Act.]

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

(2) The affidavit in support shall give particulars of the judicial or other proceedings by means of which the marriage [(**a**) or civil partnership, as the case may be,] to which the application relates was dissolved or annulled or by which the parties to the marriage [(**b**) or civil partnership,] were legally separated and shall state, so far as is known to the applicant:—

[(**c**) (a) in the case of an application under Part IV of the Order of 1989, the names of the parties to the marriage and the date and place of the marriage;

(aa) in the case of an application under the Act of 2004, the names of the parties to the civil partnership and the date and place of the formation of the civil partnership;]

(*b*) the occupation and residence of each of the parties to the marriage [(**d**) or civil partnership, as the case may be];

(*c*) whether there are any living children of the family and, if so, the number of such children and full names (including surname) of each and his date of birth or, if it be the case, that he is over 18;

[(**e**) (*d*) whether either party to the marriage or civil partnership has subsequently married or formed a civil partnership;]

(*e*) an estimate in summary form of the approximate amount or value of the capital resources and net income of each party and of any minor child of the family;

(*f*) the grounds on which it is alleged that the court has jurisdiction to entertain an application for financial relief [(**f**),]

[(**g**) (*g*) this rule and rule 3.13 apply to an application for financial relief under—

(i) Part IV of the Order of 1989; and

(ii) Schedule 17 to the Act of 2004.]

(3) The proper officer shall fix a date and time for the hearing of the application by the judge in chambers and give notice thereof to the applicant.

Application for an order for financial relief or an avoidance of transaction order under Part IV of the Order of 1989 [(**h**) *or under Schedule 17 to the Act of 2004*]

3.13.—(1) An application to the High Court for an order for financial relief under Part IV of the Order of 1989 [(**i**) or Schedule 17 to the Act of 2004] shall be made by originating summons in Form M28 issued out of the Matrimonial Office and at the same time the applicant, unless otherwise directed, shall file an affidavit in support of the summons giving full particulars of his property and income.

(2) The applicant shall serve a sealed copy of the originating summons on the respondent and shall annex thereto a copy of the affidavit in support, if one has been filed, and a notice of proceedings and acknowledgement of service in Form M30, and rule 2.10 shall apply to such an acknowledgement of service as if the references in paragraph (1) of that rule to Form M6 [(**j**) and M6A] and in paragraph (2) to 14 days were, respectively, references to Form M30 and 31 days.

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**d**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**e**) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**f**) Punctuation substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**g**) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**h**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**i**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**j**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(3) Rules 2.59, 2.61, 2.62, 2.64(4), (6) and (7), 2.72(1) and (2) shall apply, with the necessary modifications, to an application for an order for financial relief under this rule as they apply to an application for ancillary relief made by notice in Form M13 and the court may order the attendance of any person for the purpose of being examined or cross-examined and the discovery and production of any document.

(4) An application for an interim order for maintenance [(**a**) ...] or an avoidance of transaction order [(**b**) ...] may be made, unless the court otherwise directs, in the originating summons under paragraph (1) or by summons in accordance with rule 7.5 and an application for [(**c**) an avoidance of transaction order] shall be supported by an affidavit, which may be the affidavit filed under paragraph (1), stating the facts relied on.

(5) If the respondent intends to contest the application he shall, within 28 days after the time limited for giving notice to defend, file an affidavit in answer to the application setting out the grounds on which he relies and shall serve a copy on the applicant.

(6) In respect of any application for an avoidance of transaction order the court may make such order as it is empowered to make by paragraph (3) and rule 2.61 shall apply, with the necessary modifications, to an application for an avoidance of transaction order as it applies to an avoidance of disposition order.

(7) Where the originating summons contains an application for an order under Article 26 of the Order of 1989 [(**d**) or under paragraph 13 of Schedule 17 to the Act of 2004] the applicant shall serve a copy on the landlord of the dwelling-house and he shall be entitled to be heard on the application.

(8) Where, in reliance on Article 26 of the Order of 1989 [(**e**) or paragraph 13 of Schedule 17 to the Act of 2004], the court intends to make an order under Part II of Schedule 1 to that Order [(**f**) or Part 2 of Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**g**), as the case may be,] then, before making the order, the court shall cause notice of its intention to make the order to be given to the landlord of the dwelling-house and shall afford him an opportunity of being heard.

(9) An application for an order for financial relief [(**h**) ...] or for an avoidance of transaction order shall be determined by the judge.

[(**i**) (10) In this Rule—

(a) "avoidance of transaction order" means—

(i) in relation to an application under the Order of 1989, an application under Article 27 of that Order, and

(ii) in relation to an application under the Act of 2004, an application under paragraph 15 of Schedule 17 to that Act; and

(b) "interim order for maintenance" means—

(i) in relation to an application under the Order of 1989, an order under Article 18 of that Order, and

(ii) in relation to an application under the Act of 2004, an order under paragraph 5 of Schedule 17 to that Act.]

(**a**) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**d**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**e**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**f**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**g**) S.I. 1998/1071 (N.I. 6)
(**h**) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05
(**i**) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

Application for an order under Article 28 of the Order of 1989 [(**a**) *Or under paragraph 17 of Schedule 17 to the Act of 2004*] *preventing a transaction*

3.14.—(1) An application to the High Court under Article 28 of the Order of 1989[(**b**) or under paragraph 17 of Schedule 17 to the Act of 2004] for an order preventing a transaction shall be made by originating summons in Form M29 issued out of the Matrimonial Office and shall be supported by an affidavit by the applicant stating the facts relied on in support of the application.

(2) The applicant shall serve a sealed copy of the originating summons on the respondent and shall annex thereto a copy of the affidavit in support and a notice of proceedings and acknowledgement of service in Form M30, and rule 2.11 shall apply to such an acknowledgement of service as if the references in paragraph (1) of that rule to Form M6 [(**c**) and M6A] and in paragraph (2) of that rule to 14 days were, respectively, references to Form M30 and 31 days.

(3) If the respondent intends to contest the application he shall within 28 days after the time limited for giving notice to defend, file an affidavit in answer to the application setting out the grounds on which he relies and shall serve a copy on the applicant.

(4) The application shall be determined by the judge.

(5) Rule 2.68 (except paragraph (3)) shall apply, with the necessary modifications, to the applications as if it were an application for ancillary relief.

[(**d**) *Applications for an occupation order or a non-molestation order under the Order of 1998*

3.15.—(1) Subject to rules 3.16 and 3.17, on an application for an occupation order or a non-molestation order under the Order of 1998, the applicant shall—

(*a*) file the documents referred to in paragraph (2) (which documents shall together be called "the application"), together with sufficient copies for one to be served on each respondent—

(i) in relation to an application to the High Court, in the Office of Care and Protection; or

(ii) in relation to an application to a county court in the county court office;

(*b*) arrange for the copy of the application, together with Form F3 to be served on respondent personally not less than 2 days before the date on which the application will be heard; and

(*c*) file a statement in Form F4 in the Office of Care and Protection or, as the case may be, the county court office after the application has been served.

(2) The documents to be filed under paragraph 1(*a*) are—

(*a*) Form F2; and

(*b*) a supporting statement which is signed by the applicant and sworn to be true.

(3) On receipt of the documents referred to in paragraph (1)(*a*), the proper officer or chief clerk shall—

(*a*) fix the date for the hearing, allowing sufficient time for the applicant to comply with paragraph 1(*b*);

(*b*) endorse the date so fixed on Form F3; and

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**d**) New Rules inserted by S.R. 1999 No. 88 with effect from 29.3.99

(*c*) return forthwith to the applicant the copies of the application, together with Form F3.

(4) The court may abridge the period specified in paragraph (1)(*b*).

(5) Rule 6.3 shall not apply to an application for an occupation order or a non-molestation order under the Order of 1998.

(6) Rule 2.64(4) to (7) (investigation by Master of an application for ancillary relief) shall apply, with the necessary modifications, to an application for an occupation order under Article 11, 13 or 14 of the Order of 1998 as they apply to an application for ancillary relief.

Application for leave to commence proceedings under the Order of 1998

3.16.—(1) Where the leave of the court is required to bring proceedings under the Order of 1998, the person seeking leave shall file in the Office of Care and Protection a draft of the application (being the documents referred to in rule 3.15(2)) for the making of which leave is sought, together with sufficient copies for one to be served on each respondent.

(2) On considering a request for leave filed under paragraph (1) the court shall—

(*a*) grant the request, whereupon the proper officer shall inform the person making the request of the decision, or

(*b*) direct that a date be fixed for the hearing of the request, whereupon the proper officer shall fix such a date and give such notice as the court directs to the person making the request and to such other persons as the court requires to be notified of the date so fixed.

(3) Where notice is required to be given under paragraph (2) it shall, with the necessary modifications, be given in Form F3.

(4) Where leave is granted to bring proceedings under the Order of 1998, the application shall proceed in accordance with rule 3.15 but paragraph (1)(*a*) of that rule shall not apply.

Ex parte applications under the Order of 1998

3.17.—(1) An application for a non-molestation order or an occupation order under the Order of 1998 may, with the leave of the court, be made ex parte, and in which case—

(*a*) rule 3.15 shall not apply; and

(*b*) the evidence in support of the application shall include the reasons why the application is made ex parte.

(2) Where the leave of the court is granted, the application may be made orally and the applicant shall, within 48 hours of the making of the application, or as directed by the court—

(*a*) file in the Office of Care and Protection or, as the case may be, the county court office, a written copy of the application in Form F2 together with a supporting statement which is signed by the applicant and sworn to be true; and

(*b*) arrange for a copy of the application in Form F2 together with the supporting statement to be served on the respondent personally.

(3) Upon complying with paragraph (2)(*b*) the applicant shall file a statement in Form F4 in the Office of Care and Protection or, as the case may be, the county court office.

Notification of application for an occupation order under the Order of 1998

3.18. A copy of an application for an occupation order under Article 11, 13 or 14 of the Order of 1998 shall be served by the applicant by first-class post on the mortgagee or, as the case may be, the landlord of the dwelling house in question, with a notice in Form F5 informing him of his right to make representations in writing or at any hearing.

Hearing of applications under the Order of 1998

3.19.—(1) Unless the court otherwise directs, an application for an occupation order or a non-molestation order under the Order of 1998 shall be heard by a judge in chambers.

(2) The following forms shall be used in connection with hearings of such applications—

(*a*) a record of the hearing shall be made in Form F6, and

(*b*) any order made on the hearing shall be issued in Form F7.

(3) The court may direct that a further hearing be held in order to consider any representations made by a mortgagee or a landlord.

Notification of occupation order or non-molestation order

3.20.—(1) Where an occupation order or non-molestation order is made under the Order of 1998, the applicant shall arrange for a copy of the order to be served by the applicant on the respondent personally.

(2) Where the application is for an occupation order under Article 11, 13 or 14 of the Order of 1998, the applicant shall arrange for a copy of any order made on the application shall be served by the applicant by first-class post on the mortgagee or, as the case may be, the landlord of the dwelling house in question.

Variation, extension or discharge of orders made under the Order of 1998

3.21. An application to vary, extend or discharge an occupation order or non-molestation order made under the Order of 1998 shall be made in Form F8 and rules 3.15 and 3.17 to 3.20 shall apply, with the necessary modifications, to such an application.

Transfer of proceedings under the Order of 1998

3.22.—(1) Where proceedings under the Order of 1998 are pending, the court shall consider (on the application, in writing, of either party or of its own motion) whether to exercise its powers to transfer the hearing of that application to another court and shall make an order for transfer in Form F9 if it seems necessary or expedient to do so.

(2) Where proceedings have been transferred to a county court in accordance with Article 7 of the Allocation Order of 1999, that court shall consider whether to transfer those proceedings to the High Court in accordance with Article 11 of that Order and either—

(*a*) determine that an order for such transfer need not be made;

(*b*) make such an order for transfer;

(*c*) order that a date be fixed for the hearing of the question whether such an order for transfer should be made, whereupon the chief clerk shall give such notice to the parties as the court directs of the date so fixed; or

(*d*) invite the parties to make written representations within a specified period as to whether such an order should be made and, upon receipt of the

representations, the court shall act in accordance with sub-paragraphs (*a*), (*b*) or (*c*).

(3) Where proceedings are transferred to the High Court any relevant documentation shall be sent by the chief clerk to the Office of Care and Protection.

(4) The proper officer shall notify the parties of an order transferring proceedings from the High Court in accordance with Article 12 or 13 of the Allocation Order of 1999 and a copy of the order shall be sent to the court to which the proceedings are transferred.

(5) The chief clerk shall notify the parties of an order transferring proceedings in accordance with Article 9 or 10 of the Allocation Order of 1999 and a copy of the order shall be sent to the court to which the proceedings are transferred.

(6) An order under this rule transferring proceedings in accordance with the Allocation Order of 1999 shall be served on the parties by the proper officer or chief clerk as the case may be.

Enforcement of orders made under the Order of 1998

3.23. CCR Order 57, rule 7 shall apply to non-molestation orders and occupation orders as if for paragraph (1) of that rule there were substituted the following—

"(1) Where an occupation order or non-molestation order made under the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**a**), is enforceable by committal order under rule 5, the judge or the district judge may, on the application of the person entitled to enforce the order, direct the chief clerk to issue a copy of the order and any order so issued shall be served on the respondent personally.]

[(**b**) *Application under Article 31B of the Order of 1989*(**c**) *for a declaration of parentage*

3.24.—(1) An application under Article 31B of the Order of 1989 for a declaration of parentage shall be commenced by petition which, unless otherwise directed, shall state—

(*a*) the full name and the sex, date and place of birth and residential address of the petitioner (except where the petitioner is the Department);

(*b*) where the case is not an excepted case within Article 31B(4) of the Order of 1989, either the petitioner's interest in the determination of the application or that Article 28(2) of the Order of 1991(**d**) applies;

(*c*) if they are known, the full name and the sex, date and place of birth and residential address of each of the following persons (unless that person is the petitioner)—

(i) the person whose parentage is in issue;

(ii) the person whose parenthood is in issue; and

(iii) any person who is acknowledged to be the [(**e**) parent] of the person whose parentage is in issue;

(**a**) S.I. 1998/1071 (N.I. 6)
(**b**) New Rules inserted by S.R. 2002 No. 137 with effect from 6.5.02
(**c**) S.I. 1989/677 (N.I. 6) Article 31B was inserted by section 66 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(**d**) S.I. 1991/2628 (N.I. 23) Article 28 was substituted by section 66(5) of, and paragraph 6 of Schedule 8 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(**e**) Word substituted by S.R. 2005 No. 497 with effect from 05.12.05

(*d*) if the petitioner, the person whose parentage is in issue or the person whose parenthood is in issue, is known by a name other than that which appears in the certificate of his birth, that other name (which shall also be stated in any decree made thereon);

(*e*) if it is known, the full name of the mother, or alleged mother, of the person whose parentage is in issue, at the date of—

(i) her birth;

(ii) her first marriage;

(iii) the birth of the person whose parentage is in issue; and

(iv) her most recent marriage;

if it was at any of those times different from her full name at the date of the presentation of the petition;

(*f*) the grounds on which the petitioner relies and all other material facts alleged by him to justify the making of the declaration;

(*g*) whether there are or have been any other proceedings in any court, tribunal or authority in Northern Ireland or elsewhere relating to the parentage of the person whose parentage is an issue or to the parenthoood of the person whose parenthood is an issue, and, if so—

(i) particulars of the proceedings, including the court, tribunal or authority before which they were begun, and their nature, outcome or present state;

(ii) the date they were begun;

(iii) the names of the parties; and

(iv) the date or expected date of any trial in the proceedings;

(*h*) that either the person whose parentage is in issue or the person whose parenthood is in issue—

(i) is domiciled in Northern Ireland on the date of the presentation of the petition; or

(ii) has been habitually resident in Northern Ireland throughout the period of one year ending with that date; or

(iii) died before that date and either was at death domiciled in Northern Ireland or had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death; and

(*i*) the nationality, citizenship or immigration status of the person whose parentage is in issue and of the person whose parenthood is in issue, and the effect which the granting of a declaration of parentage would have upon the status of each of them as regards his nationality, citizenship or right to be in the United Kingdom.

(2) Unless otherwise directed, there shall be annexed to the petition a copy of the birth certificate of the person whose parentage is in issue.

(3) The respondents to the application shall be—

(i) the person whose parentage is in issue; and

(ii) any person who is, or who is alleged to be, the [(**a**) parent] of the person whose parentage is in issue;

excluding the petitioner.

(**a**) Word substituted by S.R. 2005 No. 497 with effect from 05.12.05

(4) The prescribed officer for the purposes of Article 31B(7) of the Order of 1989 shall be the chief clerk or proper officer, as the case may be.

Application under Article 32 of the Order of 1989 for a declaration of legitimacy or legitimation

3.25.—(1) Unless otherwise directed, a petition by which proceedings are begun under Article 32 of the Order of 1989 for a declaration of legitimacy or legitimation shall state—

(*a*) the name of the petitioner and, if the petitioner is known by a name other than that which appears in the certificate of his birth, that other name (which shall be stated in any decree made on the petition);

(*b*) the date and place of birth of the petitioner;

(*c*) if it is known, the name of the petitioner's father and the maiden name of the petitioner's mother and, if it is different, her current name, and the residential address of each of them at the time of the presentation of the petition;

(*d*) the grounds on which the petitioner relies and all other material facts alleged by him to justify the making of the declaration; and

(*e*) either that the petitioner is domiciled in Northern Ireland on the date of the presentation of the petition or that he has been habitually resident in Northern Ireland throughout the period of one year ending with that date.

(2) Unless otherwise directed, there shall be annexed to the petition a copy of the petitioner's birth certificate.

(3) The petitioner's father and mother, or the survivor of them, shall be respondents to the application.

General provisions relating to applications under Article 31B or 32 of the 1989 Order

3.26. Rules 3.27 to 3.35 shall apply to a petition issued under rule 3.24 or 3.25 as the case may be.

Affidavit in support of petition

3.27.—(1) A petition shall be supported by an affidavit by the petitioner verifying the petition and giving particulars of every person whose interest may be affected by the proceedings and his relationship to the petitioner. Provided that if the petitioner is under the age of 18 the affidavit shall, unless otherwise directed, be made by his next friend.

(2) An affidavit for the purpose of paragraph (1) may contain statements of information and belief and the sources and grounds thereof.

Notice of petition to be given to the Attorney General

3.28.—(1) A copy of the petition and every document accompanying it shall be given by the petitioner to the Crown Solicitor on behalf of the Attorney General at least one month before the petition is filed and it shall not be necessary thereafter to serve these documents on him.

(2) On filing the petition, notice of the petition shall be given by the petitioner to the Crown Solicitor on behalf of the Attorney General who may enter an appearance to the petition within 14 days from such notice.

(3) The Attorney General, in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for, and may inspect and request a copy of, any document filed or lodged in the court offices which relates to any other matrimonial proceedings referred to in the proceedings.

Service of petition

3.29. A copy of the petition endorsed with a notice to appear in Form M32 shall be served personally or by post on every respondent.

Appearance by respondent

3.30. A respondent may, within 14 days of service of the petition, enter an appearance.

Answer by respondent

3.31.—(1) A respondent who has entered an appearance may, within 14 days thereafter enter an answer to the petition.

(2) The respondent shall within 4 days of filing an answer deliver a copy of it to the petitioner and to the Crown Solicitor and any other party to the proceedings.

Application for directions

3.32.—(1) After the expiration of the time limited for the filing of an answer under rule 3.31(1), the petitioner shall issue and serve on all respondents, and on the Crown Solicitor, an application for directions as to any other persons who should be made respondents to the petition or given notice of the proceedings.

(2) When giving directions in accordance with paragraph (1), the court shall consider whether it is necessary that the Attorney General should argue before it any question relating to the proceedings and, if it does so consider, the Attorney General need not file an answer and the court shall give directions requiring him to serve on all parties to the proceedings a summary of his argument.

Answer by the Attorney General

3.33. Subject to paragraph (2) of rule 3.32, the Attorney General shall file an answer to the petition within 21 days after directions have been given under that rule and shall deliver a copy thereof to the petitioner and any other party to the proceedings.

Joining of parties

3.34. Persons given notice of proceedings pursuant to directions given in accordance with rule 3.32 shall within 21 days of service of the notice upon them be entitled to apply to the Master to be joined as parties and the matter shall not be set down for hearing until that period and the period referred to in rule 3.33 have expired

Setting down for hearing

3.35.—(1) The petitioner shall request the Master to enter the cause for hearing by lodging in the county court office or the Matrimonial Office, as the case may be, a certificate of readiness in Form M33.

(2) At the same time as lodging the certificate of readiness, the petitioner shall deliver to the Office one bundle for the use of the judge consisting of one indexed copy of the following documents—

(*a*) the certificate of readiness;

(*b*) the petition;

(*c*) any other pleadings;

(*d*) affidavit of service;

(*e*) interlocutory orders;

(*f*) the requisite legal aid documents.

fastened together in the order shown and having endorsed thereon the names and addresses of the solicitors for the parties.

(3) Within 4 days of lodging the certificate of readiness the petitioner shall give notice of having done so to the Crown Solicitor on behalf of the Attorney General and to each party in the cause who has entered an appearance.

(4) The Master shall, subject to paragraph (5), fix a date for hearing and give notice thereof to every party in the cause.

(5) Save with the consent of all the parties or by leave of the judge, no cause shall be placed in the list for hearing until after the expiration of 10 days from the date on which the certificate of readiness was lodged.

Form of declaration

3.36. A declaration made in accordance with Article 31B of the Order of 1989 shall be in Form M34 and a declaration made in accordance with Article 32 of the Order of 1989 shall be in Form M35.

Notice to Registrar General

3.37. Within 21 days after a declaration of parentage has been made, the prescribed officer shall send to the Registrar General a copy of the declaration in Form M34 and the petition.

Transfer of proceedings under the Allocation Order of 2002

3.38.—(1) Where proceedings are transferred to the High Court under Article 6 of the Allocation Order of 2002 any relevant documentation shall be sent by the chief clerk to the Matrimonial Office.

(2) The proper officer shall notify the parties of an order transferring proceedings from the High Court in accordance with Article 7 or 8 of the Allocation Order of 2002 and a copy of the order shall be sent to the court to which the proceedings are transferred.

(3) The chief clerk shall notify the parties of an order transferring proceedings in accordance with Article 6 or 7 of the Allocation Order of 2002 and a copy of the order shall be sent to the court to which the proceedings are transferred.

(4) An order under this rule transferring the proceedings in accordance with the Allocation Order of 2002 shall be in Form M36.]

[(**a**) *Reference under section 8(5) of the Gender Recognition Act 2004*

3.39.—(1) A reference to the High Court under section 8(5) of the Gender Recognition Act 2004 shall be brought by originating motion issued out of the Matrimonial Office.

(2) The Secretary of State is to be referred to as the applicant and the respondent is the person whose application under section 1(1), 5(2) or 6(1) of the Gender Recognition Act 2004 was granted.

(3) The originating motion shall be served on the President of the Gender Recognition Panels and such other persons as the Court may direct.

(4) Where the applicant knows that—

(*a*) the respondent is a party to a cause in which the petition or answer prays for a decree of nullity of marriage under Article 14(g) of, or paragraph 18(1)(e)

(**a**) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05

of Schedule 3 to, the Order of 1978 or for an order for nullity of civil partnership under section 174(1)(d) of the Act of 2004, he shall—

(i) give particulars of those proceedings in the originating motion, and

(ii) serve the originating motion on the court in which that petition is pending (where he has sufficient information to do so);

(*b*) a full gender recognition certificate has been issued to the respondent under section 5(1) of the Gender Recognition Act 2004, he shall give particulars of this in the originating motion.

(5) A copy of any order of the court made on the reference shall be served on—

(*a*) the parties,

(*b*) the President of Gender Recognition Panels,

(*c*) where sufficient particulars have been provided under paragraph (4)(*a*)(i), on the court in which any such cause is pending,

and may be served on such other persons as the court thinks fit.]

[(**a**) *Proceedings under the 2007 Act: Interpretation*

3.40. In rules 3.41 to 3.46—

(*a*) a "forced marriage protection order" means an order under paragraph 1 of Schedule 1 to the Act of 2007;

(*b*) "the person who is the subject of the proceedings" means the person who will be protected by the forced marriage protection order applied for or being considered by the court of its own motion, if that order is made, or who is being protected by such an order.

Applications for forced marriage protection orders

3.41.—(1) An application for a forced marriage protection order, including an application for a forced marriage protection order which is made in other proceedings which are pending, shall be made in Form Fl0.

(2) An application for a forced marriage protection order shall be filed—

(i) in relation to an application to the High Court, in the Office of Care and Protection; or

(ii) in relation to an application to a county court, in the county court office.

(3) An application for a forced marriage protection order made by an organisation shall state—

(*a*) the name and address of the person submitting the application; and

(*b*) the position which that person holds in the organisation.

(4) Where an application is made without notice being given to the respondent it shall be supported by a statement, signed by the applicant and sworn to be true, explaining why notice is not being given.

Leave stage for applications for a forced marriage protection order

3.42.—(1) Where the leave of the court is required to apply for a forced marriage protection order, the person seeking leave shall file in the Office of Care and Protection or, as the case may be, the county court office—

(*a*) a written request for leave in Form F14 setting out—

(i) the reasons for the application;

(**a**) New Rule 3.40 to 3.46 inserted by S.R. 2008 No. 466 with effect from 22.12.08

(ii) the applicant's connection with the person who is the subject of the proceedings;

(iii) the applicant's knowledge of the circumstances of the person who is the subject to the proceedings; and

(iv) the applicant's knowledge of the wishes and feelings of the person who is the subject of the proceedings; and

(*b*) a draft of the application for the making of which leave is sought, together with sufficient copies for one to be served on each respondent and the person who is the subject of the proceedings.

(2) As soon as practicable after receiving a request under paragraph (1), the court shall—

(*a*) grant the request; or

(*b*) direct that a date be fixed for the hearing of the request and fix the date, [and the proper officer or, as the case may be, chief clerk shall inform the following persons of the court's action under this paragraph—

(i) the person making the request,

(ii) each respondent,

(iii) the person who is the subject of the proceedings, and

(iv) any other person directed by the court.

(3) Where leave is granted to bring proceedings the application shall proceed in accordance with rule 3.41.

Service of an application for a forced marriage protection order

3.43.—(1) Subject to paragraph (3), in every application made on notice the applicant shall arrange for a copy of the application, together with notice of any hearing or directions appointment set by the court in Form F11 to be served personally on—

(*a*) the respondent,

(*b*) the person who is the subject of the proceedings (if not the applicant), and

(*c*) any other person directed by the court.

not less than 2 days before the date fixed for hearing.

(2) The court may abridge the period specified in paragraph (1).

(3) The applicant shall file a statement in Form F17 after the application has been served.

Parties to proceedings for a forced marriage protection order

3.44.—(1) In proceedings under the Act of 2007, a person may file in the Office of Care and Protection or, as the case may be, the county court office a request in Form F15 that he or another person—

(*a*) be joined as a party, or

(*b*) cease to be a party.

(2) As soon as practicable after receiving a request under paragraph (1), the court shall do one of the following—

(*a*) in the case only of a request under paragraph l(*a*), grant the request;

(*b*) direct that a date be fixed for the hearing of the request and fix a date; or

(*c*) invite written representations as to whether the request should be granted, to be filed within a specified period, and upon expiry of that period act under subparagraph (*a*) or (*b*) as it sees fit;

and the proper officer, or as the case may be, chief clerk shall inform the following persons of the court's action under this paragraph—

(i) the person making the request,

(ii) the applicant and the respondent,

(iii) (if different) the person who is the subject of the proceedings, and

(iv) any other person directed by the court.

(3) The court may direct—

(*a*) that a person who would not otherwise be a respondent under these rules be joined as a party to the proceedings; or

(*b*) that a party to the proceedings cease to be a party.

and such a direction may be made by the court of its own motion as well as upon a request under paragraph (1).

Hearing of applications for forced marriage protection orders

3.45.—(1) Unless the court otherwise directs, an application for a forced marriage protection order shall be heard by a judge in chambers.

(2) The judge shall make a record of the hearing in Form F12.

(3) The order made on the hearing shall be issued in Form F13.

(4) The applicant shall arrange for—

(*a*) a copy of the order;

(*b*) a copy of the record of the hearing; and

(*c*) where the order is made without the respondent having been given notice of the proceedings; a copy of the application together with any statement supporting it;

to be served personally on the respondent, the person who is the subject of the proceedings (if not the applicant), and any other person named in the order as soon as reasonably practical.

(5) Where the order has been made without the respondent having been given notice of the proceedings the proper officer or, as the case may be, the chief clerk shall give the respondent and the other parties at least 5 days notice, or such other period as the court may direct, of the date fixed for a full hearing.

(6) The court may direct that a further hearing be held to consider any representations made by the respondent, the person who is the subject of the proceedings (if not the applicant), or any other person named in the order.

(7) An application to vary, extend or discharge an order made under the Act of 2007 shall be made in Form F16 and this rule shall apply to the hearing of such an application.

Forced marriage protection orders made by the court of its own motion

3.46.—(1) Where the court makes a forced marriage protection order of its own motion under paragraph 3 of Schedule 1 to the Act of 2007, it shall set out in the order—

(*a*) a summary of its reasons for making the order and

(*b*) the names of the persons who are to be served with the order.

(2) The court may order service of the order on—

(*a*) any of the parties to the current proceedings,

(*b*) (if different) the person being protected by the order: and

(*c*) any other persons whom the court considers should be served.

(3) The court will give directions as to how the order is to be served.

(4) The court may direct that a further hearing be held to consider any representations made by any of the persons named in the order.]

[(**a**) *Application under Article 32L of the Order of 1991: Interpretation*

3.47. In rules 3.48 to 3.52—

(*a*) "child support maintenance" has the meaning assigned to it in Article 4(6) of the Order of 1991:

(*b*) "the Department" has the meaning assigned to it in Article 2(2) of the Order of 1991:

(*c*) "reviewable disposition" has the meaning assigned to it in Article 32L(5) of the Order of 1991.

Application under Article 32L of the Order of 1991

3.48.—(1) An application for an order preventing avoidance under Article 32L of the Order of 1991 shall be made by originating summons in Form CS1 issued out of the Matrimonial Office and shall be supported by an affidavit by the applicant.

(2) The affidavit in support shall—

(*a*) include the following information—

(i) the name and address of the person who owes child support maintenance:

(ii) the amount of outstanding child support maintenance and the period during

(iii) which that amount has been outstanding;

(iv) any steps taken to date to enforce payment of the amount of outstanding child support maintenance;

(v) in the case of applications made without notice, the reasons why notice has not been given;

(*b*) where the application relates to land—

(i) state, if known to the applicant whether the title to the land is registered or unregistered and, if registered, the Land Registry folio number:

(ii) give particulars, so far as known to the applicant, of any mortgage, charge or lien whatsoever on the land or on any interest thereon;

(*c*) in the case of an application under Article 32L(2) of the Order of 1991, state the name and address of the person in whose favour the reviewable disposition is alleged to have been made: and

(*d*) state the facts relied on in support of the application including—

(i) in the case of an application under Article 32L(1) of the Order of 1991, the proposed disposition or other dealing with property which would have the consequence of making ineffective a step that has been or may be taken to recover the amount of outstanding child support maintenance:

(**a**) Rules 3.47 - 3.52 inserted by S.R. 2010 No. 379 with effect from 20.12.10

(ii) in the case of an application under Article 32L(2) of the Order of 1991, the disposition which is alleged to be reviewable and has had the consequence of making ineffective a step taken or which may have been taken to recover the amount of outstanding child support maintenance.

(3) Where the applicant is not relying on evidence to give rise to the presumption under Article 32L(7) of the Order of 1991 that the person who disposed of or is about to dispose of or deal with property did so or, as the case may be is about to do so, with the intention of avoiding payment of child support maintenance, then the applicant must give other evidence supporting the person's intention of avoiding such payment.

Parties to proceedings under Article 32L of the Order of 1991

3.49.—(1) In proceedings under Article 32L of the Order of 1991, the applicant is the Department and the respondent is the person who has failed to pay child support maintenance.

(2) The court may at any time direct that—

(*a*) any person be made a party to proceedings; or

(*b*) a party to the proceedings cease to be a party.

Service of an application under Article 32L of the Order of 1991

3.50.—(1) In every application made on notice the applicant shall serve the application, a copy of the affidavit in support and the acknowledgement of service in Form CS2 on—

(*a*) each respondent;

(*b*) the person in whose favour the reviewable disposition is alleged to have been made; and

(*c*) any other person directed by the court.

(2) Where an application includes an application relating to land, the applicant must serve a copy of the application on any—

(*a*) mortgagee;

(*b*) trustee of a trust of land or settlement; and

(*c*) other person who has an interest in the land,

of whom particulars are given in the application.

(3) Any person served under paragraph (2) may make a request to the court in writing, within 14 days after service of the application, for a copy of the applicant's affidavit in support of the application.

(4) Any person who—

(*a*) is served with copies of the application and the applicant's affidavit in support of the application under paragraph (1); or

(*b*) receives a copy of the applicant's affidavit in support of the application following a request under paragraph (3),

may within 14 days after service file an affidavit in answer.

Application under Article 32L(1) of the Order of 1991 without notice

3.51.—(1) This rule applies to an application under Article 32L(1) of the Order of 1991.

(2) The court may grant an application made without notice if it appears to the court that there are good reasons for not giving notice.

(3) If the court grants an application under paragraph (2)—

[Suppl. No. 7 (December 2010)]

(*a*) the order shall include a provision allowing any respondent to apply to the court for the order to be reconsidered as soon as just and convenient at a full hearing; and

(*b*) the applicant shall, as soon as reasonably practicable, serve upon each respondent a copy of the order and a copy of the application and affidavit in support of the application.

Hearing of applications under Article 32L of the 1991 Order

3.52. Unless the court otherwise directs, an application for an order under Article 32L of the Order of 1991 shall be heard by a judge in chambers.]

PART IV

CHILDREN (NORTHERN IRELAND) ORDER 1995

Interpretation and application

4.1—(1) In this Part of and Appendix 3 to these Rules, unless a contrary intention appears—

"the Allocation Order" means the Children (Allocation of Proceedings) Order (Northern Ireland) 1996(**a**);

an Article or Schedule referred to by number means the Article or Schedule so numbered in the Order of 1995;

"an Article 8 Order" has the same meaning as in Article 8(2);

"application" means an application made under or by virtue of the Order of 1995 or under these Rules and "applicant" shall be construed accordingly;

"authority" has the same meaning as in Article 2(2);

"child", in relation to proceedings to which this Part applies—

(*a*) means, subject to sub-paragraph (*b*), a person under the age of 18 with respect to whom the proceedings are brought, and

(*b*) where the proceedings are under Schedule 1, also includes a person who has reached the age of 18;

"directions appointment" means a hearing for directions under rule 4.15;

"family care centre" means a county court which has been specified as a family care centre in the Allocation Order;

"guardian ad litem" means a guardian ad litem, appointed under Article 60, of the child with respect to whom the proceedings are brought;

"leave" includes permission and approval;

"parental responsibility" has the same meaning as in Article 6;

"Parties" means the respondents specified in column (iii) of Appendix 3 and the applicant;

"specified proceedings" has the same meaning as in Article 60(6) and Rule 4.3(2);

(**a**) S.R. 1996 No. 300

"welfare officer" means a person who has been asked to prepare a welfare report under Article 4.

(2) Except where the contrary intention appears, the provisions of this Part apply to proceedings in the High Court and a county court—

(*a*) on an application for an Article 8 order;

(*b*) on an application for a care order or supervision order under Article 50;

(*c*) on an application under Articles 7(1)(*a*), 7(4), 13(1), 16(6), 33,44, 52(7), 53(2), 53(3), 53(4), 53(9), 55(1), 57(8)(*b*), 58(1), 58(2), 58(3), 58(4), 62(1), 2(12), 63, 64, 67(9), 69(1), 159(1), 163(1), 178(1);

(*d*) under Schedule 1, except, where financial relief is also sought by or on behalf of an adult;

(*e*) on an application under paragraph 6(3) of Schedule 3;

(*f*) on an application under paragraph 5(2) or 7(1) of Schedule 4; or

(*g*) on an application under paragraph 10(3) or 12(4) of Schedule 8.

Proceedings in chambers

4.2. Unless the court otherwise directs proceedings to which this Part applies shall be heard by a judge in chambers.

Matters prescribed for the purposes of the Order of 1995

4.3.—(1) The parties to proceedings in which directions are given under Article 57(6) and any person named in such a direction, form the prescribed class for the purposes of Article 57(8)(*b*) (application to vary directions made with interim care or interim supervision order).

(2) The following proceedings are specified for the purposes of Article 60 in accordance with paragraph 6(*i*) thereof—

(*a*) proceedings under Article 33(1);

(*b*) proceedings under Article 44;

(*c*) applications under Article 52(7);

(*d*) proceedings under paragraph 6(3) of Schedule 3;

(*e*) appeals against the determination of proceedings of a kind set out in sub-paragraphs (*a*) to (*d*).

(3) The applicant for an order that has been made under Article 62(1) and the persons referred to in Article 62(11) may, in any circumstances, apply under Article 62(12) for a child assessment order to be varied or discharged.

(4) The following persons form the prescribed class for the purposes of Article 63(9)(*b*) (application to vary directions)—

(*a*) the parties to the application in which it is sought to vary the directions;

(*b*) the guardian ad litem;

(*c*) the Board or Trust in whose area the child is ordinarily resident;

(*d*) any person who is named in the directions.

Application for leave to commence proceedings

4.4.—(1) Where the leave of the court is required to bring any proceedings to which this Part applies, the person seeking leave shall file—

(*a*) a written request for leave in Form C2 setting out the reasons for the application; and

(*b*) a draft of the application (being the documents referred to in rule 4.5(2))for the making of which leave is sought together with sufficient copies for one to be served on each respondent.

(2) The documents referred to in paragraph (1) shall—

(*a*) in relation to an application to the High Court be filed in the Office of Care and Protection or, where rule 2.38 applies, in the Matrimonial Office;

(*b*) in relation to an application to a county court be filed in the county court office.

(3) On considering a request for leave filed under paragraph (1), the court shall—

(*a*) grant the request, whereupon the proper officer or chief clerk shall inform the person making the request of the decision, or

(*b*) direct that a date be fixed for the hearing of the request, whereupon the proper officer or chief clerk shall fix such a date and give such notice as the court directs to the person making the request and to such other persons as the court requires to be notified of the date so fixed.

(4) Where leave is granted to bring proceedings to which this Part applies the application shall proceed in accordance with rule 4.5 but paragraph (1)(*a*) of that rule shall not apply.

(5) In the case of a request for leave to bring proceedings under Schedule 1, the draft application under paragraph (1) shall be accompanied by a statement in Form C7A setting out the financial details which the person seeking leave believes to be relevant to the request and containing a declaration that it is true to the maker's best knowledge and belief together with sufficient copies for one to be served on each respondent.

Application

4.5.—(1) Subject to paragraph (5), an applicant shall—

(*a*) file the document referred to in paragraph (2) (which documents shall together be called "the application") together with sufficient copies for one to be served on each respondent—

(i) in relation to an application to the High Court, in the Office of Care and Protection or, where rule 2.38 applies, in the Matrimonial Office;

(ii) in relation to an application to a county court in the county court office; and

(*b*) serve a copy of the application together with Form C3 and such (if any) of Forms [(**a**) C1A,] C4 and C7A as are given to him under paragraph (3)(*b*) on each respondent such number of days prior to the date fixed under paragraph 3(*a*) as is specified for that application in column (ii) of Appendix 3.

(2) The documents to be filed under paragraph (1)(*a*) are—

(*a*) (i) whichever is appropriate of Forms C1 or C2 and

[(**b**)(ii) such of the supplemental Forms C10 or C11 to C17 as may be appropriate; and

(iii) in the case of an application for an Article 8 order where question 6A on Form C1, or question 3A on Form C2, is answered in the affirmative, supplemental Form C1A; or]

(*b*) where there is no appropriate form a statement in writing of the order sought.

(**a**) Words substituted by S.R. 2005 No 497 with effect from 05.12.05

(**b**) Heads substituted by S.R. 2005 No. 497 with effect from 05.12.05

and where the application is made in respect of more than one child, all the children shall be included in one application.

(3) On receipt of the documents filed under paragraph (1)(*a*) the proper officer or chief clerk shall—

(*a*) fix the date for a hearing or a directions appointment allowing sufficient time for the applicant to comply with paragraph (1)(*b*),

(*b*) endorse the date so fixed upon Form C3 and, where appropriate, Form C3A and

(*c*) return forthwith to the applicant the copies of the application and Form C7A if filed with it, together with Form C3 and such of Forms C3A and C4 as are appropriate [(**a**) and, in the case of an application for an Article 8 Order, Form C1A].

(4) The applicant shall, at the same time as complying with paragraph (1)(*b*) serve Form C3A on the persons set out for the relevant class of proceedings in column (iv) of Appendix 3.

(5) In the case of proceedings under Schedule 1, the application under paragraph (1) shall be accompanied by a statement in Form C7A setting out the financial details which the applicant believes to be relevant to the application and containing a declaration that it is true to the maker's best knowledge and belief, together with sufficient copies for one to be served on each respondent.

Withdrawal of application

4.6.—(1) An application may be withdrawn only with leave of the court.

(2) Subject to paragraph (3), a person seeking leave to withdraw an application shall file and serve on the parties a written request for leave in Form C2 setting out the reasons for the request.

(3) The request under paragraph (2) may be made orally to the court if the parties and, if appointed, either the guardian ad litem or the welfare officer are present.

(4) Upon receipt of a written request under paragraph (2) the court shall—

(*a*) if—

(i) the parties consent in writing,

(ii) the guardian ad litem has had an opportunity to make representations, and

(iii) the court thinks fit,

grant the request, in which case the proper officer or chief clerk shall notify the parties, any guardian ad litem and any welfare officer of the granting of the request, or

(*b*) direct that a date be fixed for the hearing of the request in which case the proper officer or chief clerk shall give at least 7 days' notice to the parties, the guardian ad litem and the welfare officer, of the date fixed.

Transfer of proceedings

4.7.—(1) Where an application is made, in accordance with Article 9 of the Allocation Order, for an order transferring proceedings from a family proceedings court or other court of summary jurisdiction following the refusal of that court to order such a transfer, the applicant shall—

(*a*) file the application in Form C2 with the chief clerk in the family care centre to which the proceedings are sought to be transferred, together with a copy

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

of the certificate issued by the family proceedings court or other court of summary jurisdiction; and

(*b*) serve a copy of the documents mentioned in sub-paragraph (*a*) personally on all parties to the proceedings which it is sought to have transferred,

within 2 days after receipt by the applicant of the certificate.

(2) Within 2 days after receipt of the documents served under paragraph (1)(*b*) any party other than the applicant may file written representations.

(3) The court shall, not before the fourth day after the filing of the application under paragraph (1) unless the parties consent to earlier consideration, consider the application and either—

(*a*) grant the application whereupon the chief clerk shall inform the parties of that decision, or

(*b*) direct that a date be fixed for the hearing of the application, whereupon the chief clerk shall fix such a date and give not less than 1 day's notice to the parties of the date so fixed.

(4) A copy of an order transferring proceedings to a family care centre in accordance with Article 9 of the Allocation Order, shall be sent by the chief clerk to the court from which the proceedings are transferred.

(5) Where proceedings are transferred to a family care centre in accordance with Article 5 or 8 of the Allocation Order the family care centre shall consider whether to transfer those proceedings to the High Court in accordance with Article 10 of that Order and either—

(*a*) determine that an order for such transfer need not be made;

(*b*) make such an order for transfer;

(*c*) order that a date be fixed for the hearing of the question whether such an order for transfer should be made, whereupon the chief clerk shall give such notice to the parties as the court directs of the date so fixed, or

(*d*) invite the parties to make written representations within a specified period, as to whether such an order should be made; and upon receipt of the representations the court shall act in accordance with sub-paragraphs (*a*), (*b*) or (*c*).

(6) Where proceedings are transferred to the High Court under paragraph (5) any relevant documentation shall be sent by the chief clerk to the Office of Care and Protection.

(7) The proper officer shall notify the parties of an order transferring proceedings from the High Court in accordance with Article 13 or 14 of the Allocation Order and a copy of the order shall be sent to the court to which the proceedings are transferred.

(8) The chief clerk shall notify the parties of an order transferring proceedings in accordance with Article 11 or 12 of the Allocation Order and a copy of the order shall be sent to the court to which the proceedings are transferred.

(9) An order under this rule transferring proceedings in accordance with the Allocation Order shall be in Form C43 and shall be served on the parties by the proper officer or chief clerk as the case may be.

Parties

4.8.—(1) The respondents to proceedings to which this Part applies shall be those persons set out in the relevant entry in column (iii) of Appendix 3.

(2) In proceedings to which this Part applies a person may file a request in Form C2 that he or another person—

(*a*) be joined as a party, or

(*b*) cease to be a party.

(3) On considering a request under paragraph (2) the court shall, subject to paragraph (4)—

(*a*) grant it without a hearing or representations, save that this shall be done only in the case of a request under paragraph (2)(*a*), whereupon the proper officer or chief clerk shall inform the parties and the person making the request of that decision, or

(*b*) order that a date be fixed for the consideration of the request, whereupon the proper officer or chief clerk shall give notice of the date so fixed, together with a copy of the request—

(i) in the case of a request under paragraph (2)(*a*), to the applicant, and

(ii) in the case of a request under paragraph (2)(*b*), to the parties, or

(*c*) invite the parties or any of them to make written representations, within a specified period, as to whether the request should be granted; and upon the expiry of the period the court shall act in accordance with sub-paragraph (*a*) or (*b*).

(4) Where a person with parental responsibility requests that he be joined under paragraph (2)(*a*), the court shall grant his request.

(5) In proceedings to which this Part applies the court may direct—

(*a*) that a person who would not otherwise be a respondent under these rules be joined as a party to the proceedings, or

(*b*) that a party to the proceedings cease to be a party.

Service under this Part of the Rules

4.9.—[(**a**)(1) In proceedings to which this Part applies, where these rules require a document to be served, the court may direct that—

(*a*) the requirement shall not apply;

(*b*) service shall be effected in such manner as may be specified in the direction;

(*c*) the time specified by the rules for complying with the requirements shall be abridged to such extent as may be specified in the direction.].

(2) Subject to the requirement in rule 4.7(1)(*b*) of personal service where service of a document is required under this Part it may be effected—

(*a*) if the person to be served is not known by the person serving to be acting by solicitor—

(i) by delivering it to him personally, or

(ii) by delivering it at, or by sending it by first class post to his residence or his last known residence, or

(*b*) if the person to be served is known by the person serving to be acting by solicitor—

(i) by delivering the document at, or sending it by first class post to, the solicitor's address for service,

(ii) where the solicitor's address for service includes a numbered box at a document exchange, by leaving the document at that document exchange or at a document exchange which transmits documents on every business day to that document exchange, or

(iii) by sending a legible copy of the document by FAX (as defined by R.S.C. Order 1 rule 3(1)) in accordance with the provisions of R.S.C. Order 65 rule 5(2A) to the solicitor's office.

(**a**) Paragraph substituted by S.R. 2008 No. 24 with effect from 25.02.08

(3) Where a child who is a party to proceedings to which this Part applies is required by these rules to serve a document, service shall be effected by—

(*a*) the solicitor acting for the child, or

(*b*) where there is no such solicitor, the guardian ad litem, or

(*c*) where there is neither such a solicitor nor a guardian ad litem, the court.

(4) Service of any document on a child shall, subject to any direction of the court, be effected by service on—

(*a*) the solicitor acting for the child, or

(*b*) where there is no such solicitor, the guardian ad litem, or

(*c*) where there is neither such a solicitor nor a guardian ad litem, with leave of the court, the child.

(5) Where the court refuses leave under paragraph (3)(*c*) it shall give a direction under paragraph (1).

(6) A document shall, unless the contrary is proved, be deemed to have been served—

(*a*) in the case of service by first class post, on the second business day after posting, and

(*b*) in the case of service in accordance with paragraph (2)(*b*)(ii), on the second business day after the day on which it is left at the document exchange.

(7) At or before the first directions appointment in, or hearing of, proceedings to which this Part applies the applicant shall file a statement that service of—

(*a*) a copy of the application and other documents referred to in rule 4.5(1)(*b*) has been effected on each respondent, and

(*b*) notice of the proceedings has been given under rule 4.5(4);

and the statement shall indicate—

(i) the manner, date, time and place of service, or

(ii) where service was effected by post, the date, time and place of posting.

(8) In this rule "first class post" means first class post which has been pre-paid or in respect of which pre-payment is not required.

Answer to application

4.10.—(1) Within 14 days of service of an application for an Article 8 order or an application under Schedule 1, each respondent shall file and serve on the other parties an acknowledgement of the application in Form C4 [(**a**) and, if both parts of question 6 or question 7 (or both) on Form C4 are answered in the affirmative, Form C1A].

(2) Following service of an application to which this Part applies, other than an application under rule 4.4 or for an Article 8 order, a respondent may, subject to paragraph (3) file a written answer, which shall be served on the other parties.

(3) An answer under paragraph (2) shall, except in the case of an application under Articles 44, 50, 53, 57, 62, 63, 64, 67 and 69 be filed and served, not less than 2 days before the date fixed for the hearing of the application.

Appointment of guardian ad litem

4.11.—(1) As soon as practicable after the commencement of specified proceedings, or the transfer of such proceedings to the court, the court shall appoint a guardian ad litem, unless—

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(*a*) such an appointment has already been made by the court which made the transfer and is subsisting, or

(*b*) the court considers that such an appointment is not necessary to safeguard the interests of the child.

(2) At any stage in specified proceedings a party may apply, without notice to the other parties unless the court directs otherwise, for the appointment of a guardian ad litem.

(3) The court shall grant an application under paragraph (2) unless it considers such an appointment not to be necessary to safeguard the interests of the child, in which case it shall give its reasons; and a note of such reasons shall be taken.

(4) At any stage in specified proceedings the court may, of its own motion, appoint a guardian ad litem.

(5) The proper officer or chief clerk shall, as soon as practicable, notify the parties and any welfare officer of an appointment under this rule or, as the case may be, of a decision not to make such an appointment.

(6) Upon the appointment of a guardian ad litem the proper officer or chief clerk shall, as soon as practicable, notify him of the appointment and serve on him copies of the application and of documents filed under rule 4.18(1).

(7) A guardian ad litem appointed from a panel established by regulations made under Article 60(7) shall not—

(*a*) be a member, officer or servant of a Board or Trust which, or an authorised person (within the meaning of Article 49(2)) who, is a party to the proceedings;

(*b*) be, or have been, a member, officer or servant of a Board or Trust or voluntary organisation (within the meaning of Article 74(1)) who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the child during the 5 years prior to the commencement of the proceedings;

(*c*) be a serving probation officer (except that a probation officer who has not in that capacity been previously concerned with the child or his family and who is employed part-time may, when not engaged in his duties as a probation officer, act as a guardian ad litem).

(8) When appointing a guardian ad litem the court may give consideration to appointing anyone who has previously acted as guardian ad litem of the same child.

(9) The appointment of a guardian ad litem under this rule shall continue for such time as is specified in the appointment or until terminated by the court.

(10) When terminating an appointment in accordance with paragraph (9), the court shall give its reasons in writing for doing so.

(11) Where the court appoints a guardian ad litem in accordance with this rule or refuses to make such an appointment or terminates an appointment the court shall record the appointment refusal or termination in Form C41.

Powers and duties of guardian ad litem

4.12.—(1) In carrying out his duty under Article 60(2), the guardian ad litem shall have regard to the principle set out in Article 3(2) and the matters set out in Article 3(3)(*a*) to (*f*) as if for the word "court" in that section there were substituted the words "guardian ad litem".

(2) The guardian ad litem shall—

(*a*) appoint a solicitor to represent the child unless such a solicitor has already been appointed, and

(*b*) give such advice to the child as is appropriate having regard to his understanding and, subject to rule 4.13(1)(*a*), instruct the solicitor representing the child on all matters relevant to the interests of the child, including possibilities for appeal, arising in the course of the proceedings.

(3) Where the guardian ad litem is the Official Solicitor, paragraph 2(*a*) shall not require him to appoint a solicitor for the child if he intends to act as the child's solicitor in the proceedings, unless—

(*a*) the child wishes to instruct a solicitor direct; and

(*b*) the Official Solicitor or the court considers that he is of sufficient understanding to do so.

(4) Where it appears to the guardian ad litem that the child—

(*a*) is instructing his solicitor direct, or

(*b*) intends to, and is capable of, conducting the proceedings on his own behalf,

he shall so inform the court and thereafter—

(i) shall perform all of his duties set out in this rule, other than duties under paragraph (2)(*a*) and such other duties as the court may direct,

(ii) shall take such part in the proceedings as the court may direct, and

(iii) may, with leave of the court, have legal representation in his conduct of those duties.

(5) The guardian ad litem shall, unless excused by the court, attend all directions appointments in and hearings of the proceedings and shall advise the court on the following matters—

(*a*) whether the child is of sufficient understanding for any purpose including the child's refusal to submit to a medical or psychiatric examination or other assessment that the court has power to require, direct or order;

(*b*) the wishes of the child in respect of any matter relevant to the proceedings, including his attendance at court;

(*c*) the appropriate forum for the proceedings;

(*d*) the appropriate timing of the proceedings or any part of them;

(*e*) the options available to it in respect of the child and the suitability of each such option including what order should be made in determining the application;

(*f*) any other matter concerning which the court seeks his advice or concerning which he considers that the court should be informed.

(6) The advice given under paragraph (5) may, subject to any order of the court, be given orally or in writing; and if the advice be given orally, a note of it shall be taken.

(7) The guardian ad litem shall, where practicable, notify any person whose joinder as a party to those proceedings would be likely, in the guardian ad litem's opinion, to safeguard the interests of the child, of that person's right to apply to be joined under rule 4.8(2) and shall inform the court—

(*a*) of any such notification given,

(*b*) of anyone whom he attempted to notify under this paragraph but was unable to contact, and

(*c*) of anyone whom he believes may wish to be joined to the proceedings.

(8) The guardian ad litem shall, unless the court otherwise directs, not less than 7 days before the date fixed for the final hearing of the proceedings, file a written report advising on the interests of the child; and the proper officer or chief clerk shall, as soon as practicable, serve a copy of the report on the parties.

(9) The guardian ad litem shall serve and accept service of documents on behalf of the child in accordance with rule 4.9(2)(*b*) and (3)(*b*) and, where the child has not himself been served, and has sufficient understanding, advise the child of the contents of any document so served.

(10) The guardian ad litem shall make such investigations as may be necessary for him to carry out his duties and shall, in particular—

(*a*) contact or seek to interview such persons as he thinks appropriate or as the court directs,

(*b*) if he inspects records of the kinds referred to in Article 61, bring to the attention of the court and such other persons as the court may direct all such records and documents which may, in his opinion, assist in the proper determination of the proceedings, and

(*c*) obtain such professional assistance as is available to him which he thinks appropriate or which the court directs him to obtain.

(11) In addition to his duties under other paragraphs of this rule, the guardian ad litem shall provide to the court such other assistance as it may require.

(12) A party may question the guardian ad litem about oral or written advice tendered by him to the court under this rule.

Solicitor for child

4.13.—(1) A solicitor appointed under Article 60(3) or in accordance with rule 4.12(2)(*a*) shall represent the child—

(*a*) in accordance with instructions received from the guardian ad litem (unless the solicitor considers, having taken into account the views of the guardian ad litem and any direction of the court under rule 4.12(4), that the child wishes to give instructions which conflict with those of the guardian ad litem and that he is able, having regard to his understanding, to give such instructions on his own behalf in which case he shall conduct the proceedings in accordance with instructions received from the child) or

(*b*) where no guardian ad litem has been appointed for the child and the condition in Article 60(4)(*b*) is satisfied, in accordance with instructions received from the child, or

(*c*) in default of instructions under (*a*) or (*b*), in furtherance of the best interests of the child.

(2) A solicitor appointed under Article 60(3) or in accordance with rule 4.12(2)(*a*) shall serve and accept service of documents on behalf of the child in accordance with rule 4.9(2)(*a*) and (3)(*a*), and, where the child has not himself been served and has sufficient understanding, advise the child of the contents of any document so served.

(3) Where the child wishes an appointment of a solicitor under Article 60(3) or in accordance with rule 4.12(2)(*a*) to be terminated, he may apply to the court for an order terminating the appointment; and the solicitor and the guardian ad litem shall be given an opportunity to make representations.

(4) Where the guardian ad litem wishes an appointment of a solicitor under Article 60(3) to be terminated, he may apply to the court for an order terminating the

appointment; and the solicitor and, if he is of sufficient understanding, the child, shall be given an opportunity to make representations.

(5) When terminating an appointment in accordance with paragraph (3) or (4), the court shall give its reasons for so doing, a note of which shall be taken.

(6) Where the court appoints a solicitor under Article 60(3) or refuses to make such an appointment or terminates an appointment, the court or the proper officer or chief clerk shall record the appointment refusal or termination in Form C42.

Welfare officer

4.14.—(1) Where the court has directed that a written report be made by a welfare officer, the report shall be filed at or by such time as the court directs or, in the absence of such a direction, at least 14 days before a relevant hearing; and the proper officer or chief clerk shall, as soon as practicable, serve a copy of the report on the parties and any guardian ad litem.

(2) In paragraph (1), a hearing is relevant if the proper officer or chief clerk has given the welfare officer notice that his report is to be considered at it.

(3) After the filing of a report by a welfare officer, the court may direct that the welfare officer attend any hearing at which the report is to be considered; and

(*a*) except where such a direction is given at a hearing attended by the welfare officer, the proper officer or chief clerk shall inform the welfare officer of the direction; and

(*b*) at the hearing at which the report is considered any party may question the welfare officer about his report.

(4) This rule is without prejudice to any power to give directions under rule 4.15.

Directions

4.15.—(1) In this rule, "party" includes the guardian ad litem and, where a request or a direction concerns a report under Article 4, the welfare officer.

(2) In proceedings to which this Part applies the court may, subject to paragraph (3), give, vary or revoke directions for the conduct of the proceedings, including—

(*a*) the timetable for the proceedings;

(*b*) varying the time within which or by which an act is required, by these rules or by other rules of court, to be done;

(*c*) the attendance of the child;

(*d*) the appointment of a guardian ad litem, whether under Article 60 or otherwise, or of a solicitor under Article 60(3);

(*e*) the service of documents;

(*f*) the submission of evidence including experts' reports;

(*g*) the preparation of welfare reports under Article 4;

(*h*) the transfer of the proceedings to another court;

(*i*) consolidation with other proceedings.

(3) Directions under paragraph (2) may be given, varied or revoked either—

(*a*) of the court's own motion having given the parties notice of its intention to do so and an opportunity to attend and be heard or to make written representations,

(*b*) on the written request in Form C2 of a party specifying the direction which is sought, filed and served on the other parties, or

(*c*) on the written request in Form C2 of a party specifying the direction which is sought, to which the other parties consent and which they or their representatives have signed.

(4) In an urgent case the request under paragraph (3)(*b*) may, with the leave of the court, be made—

(*a*) orally, or

(*b*) without notice to the parties, or

(*c*) both as in sub-paragraph (*a*) and as in sub-paragraph (*b*).

(5) On receipt of a written request under paragraph (3)(*b*) the proper officer or chief clerk shall fix a date for the hearing of the request and give not less than 2 days' notice in Form C3 to the parties of the date so fixed.

(6) On considering a request under paragraph (3)(*c*) the court shall either—

(*a*) grant the request, whereupon the proper officer or chief clerk shall inform the parties of the decision, or

(*b*) direct that a date be fixed for the hearing of the request, whereupon the proper officer or chief clerk shall fix such a date and give not less than 2 days' notice in Form C3 to the parties of the date so fixed.

(7) A party may apply in accordance with paragraph 3(*b*) or (*c*) for an order to be made under Article 11(3) or, if he is entitled to apply for such an order, under Article 57(1) and paragraphs (4), (5) and (6) shall apply accordingly.

(8) Where a court is considering making, of its own motion, an Article 8 order, or an order under Article 50, 53 or 57, the power to give directions under paragraph (2) shall apply.

(9) Directions of a court which are still in force immediately prior to the transfer of proceedings to which this Part applies to another court shall continue to apply following the transfer, subject to any changes of terminology which are required to apply those directions to the court to which the proceedings are transferred, unless varied or discharged by directions under paragraph (2).

(10) The court shall take a note of the giving, variation or revocation of a direction under this rule and serve, as soon as practicable, a copy of the note on any party who was not present at the giving, variation or revocation.

Timing of proceedings

4.16.—(1) Where these rules or other rules of court provide a time period within which or by which a certain act is to be performed in the course of proceedings to which this Part applies, that period may not be extended otherwise than by direction of the court under rule 4.15.

(2) At the—

(*a*) postponement or adjournment of any hearing or directions appointment in the course of proceedings to which this Part applies, or

(*b*) conclusion of any such hearing or directions appointment other than one at which the proceedings are determined, or so soon thereafter as is practicable, the court shall fix a date upon which the proceedings shall come before the court again for such purposes as the court directs; and the proper officer or chief clerk shall give notice to the parties, and to any guardian ad litem or welfare officer of the date fixed.

(3) At the transfer to a court of proceedings to which this Part applies the court to which the proceedings are transferred shall as soon as possible fix a date upon which the proceedings shall come before the court for such purposes as the court

directs; and the proper officer or chief clerk shall give notice to the parties and to any guardian ad litem or welfare officer of the date so fixed.

Attendance at a directions appointment and hearing

4.17.—(1) Subject to paragraph (2), a party shall attend a directions appointment of which he has been given notice in accordance with rule 4.15(5) unless the court otherwise directs.

(2) Proceedings or any part of them shall take place in the absence of any party, including the child, if—

(*a*) the court considers it in the interests of the child, having regard to the matters to be discussed or the evidence likely to be given, and

(*b*) the party is represented by a guardian ad litem or solicitor;

and when considering the interests of the child under sub-paragraph (*a*) the court shall give the guardian ad litem, the solicitor for the child and, if he is of sufficient understanding, the child an opportunity to make representations.

(3) Subject to paragraph (4), where at the time and place appointed for a hearing or directions appointment the applicant appears but one or more of the respondents do not, the court may proceed with the hearing or appointment.

(4) The court shall not begin to hear an application in the absence of a respondent unless—

(*a*) it is proved to the satisfaction of the court that he received reasonable notice of the date of the hearing; or

(*b*) the court is satisfied that the circumstances of the case justify proceeding with the hearing.

(5) Where, at the time and place appointed for a hearing or directions appointment one or more of the respondents appear but the applicant does not, the court may refuse the application or, if sufficient evidence has previously been received, proceed in the absence of the applicant.

(6) Where at the time and place appointed for a hearing or directions appointment neither the applicant nor any respondent appears, the court may refuse the application.
[(**a**) (7) The court may hold a directions appointment by telephone or by using any other method of direct oral communication.]

Documentary evidence

4.18.—(1) Subject to paragraphs (4) and (5), in proceedings to which this Part applies a party shall file and serve on the parties, any welfare officer and any guardian ad litem of whose appointment he has been given notice under rule 4.11(5)—

(*a*) written statements of the substance of the oral evidence which the party intends to adduce at a hearing of, or a directions appointment in, those proceedings, which shall—

(i) be dated,

(ii) be signed by the person making the statement,

(iii) contain a declaration that the maker of the statement believes it to be true and understands that it may be placed before the court; and

(iv) show in the top right-hand corner of the first page—

(*a*) the initials and surname of the person making the statement,

(*b*) the number of the statement in relation to the maker,

(*c*) the date on which the statement was made, and

(*d*) the party on whose behalf it is filed; and

(**a**) Paragraph (7) inserted by S.R. 2005 No. 144 with effect from 18.04.05

(*b*) copies of any documents, including experts' reports, upon which the party intends to rely at a hearing of, or a directions appointment in, those proceedings, at or by such time as the court directs or, in the absence of a direction, before the hearing or appointment.

(2) A party may, subject to any direction of the court about the timing of statements under this rule, file and serve on the parties a statement which is supplementary to a statement served under paragraph (1).

(3) At a hearing or a directions appointment a party may not, without the leave of the court—

(*a*) adduce evidence, or

(*b*) seek to rely on a document,

in respect of which he has failed to comply with the requirements of paragraph (1).

(4) In proceedings for an Article 8 order a party shall—

(*a*) neither file nor serve any document other than as required or authorised by these rules, and

(*b*) in completing a form prescribed by these rules, neither give information, nor make a statement, which is not required or authorised by that form,

without the leave of the court.

(5) In proceedings for an Article 8 order no statement or copy may be filed under paragraph (1) until such time as the court directs.

Expert evidence — examination of child

4.19.—(1) No person may, without the leave of the court, cause the child to be medically or psychiatrically examined, or otherwise assessed, for the purpose of the preparation of expert evidence for use in the proceedings.

(2) An application for leave under paragraph (1) shall be made in Form C2 and shall, unless the court otherwise directs be served on all parties to the proceedings and on the guardian ad litem.

(3) Where the leave of the court has not been given under paragraph (1), no evidence arising out of an examination or assessment to which that paragraph applies may be adduced without the leave of the court.

Amendment

4.20.—(1) Subject to rule 4.18(2) a document which has been filed or served in proceedings to which this Part applies, may not be amended without the leave of the court which shall, unless the court otherwise directs, be requested in writing.

(2) On considering a request for leave to amend a document the court shall either—

(*a*) grant the request, whereupon the proper officer or chief clerk shall inform the person making the request of that decision, or

(*b*) invite the parties or any of them to make representations, within a specified period, as to whether such an order should be made.

(3) A person amending a document shall file it and serve it on those persons on whom it was served prior to amendment and the amendments shall be identified.

Hearing

4.21.—(1) The court may give directions as to the order of speeches and evidence at a hearing or directions appointment, in the course of proceedings to which this Part applies.

(2) Subject to directions under paragraph (1), at a hearing of, or directions appointment in, proceedings to which this Part applies, the parties and the guardian ad litem shall adduce their evidence in the following order—

(*a*) the applicant,

(*b*) any party with parental responsibility for the child,

(*c*) other respondents,

(*d*) the guardian ad litem,

(*e*) the child, if he is a party to the proceedings and there is no guardian ad litem.

(3) After the final hearing of proceedings to which this Part applies, the court shall deliver its judgment as soon as is practicable.

(4) When making an order or when refusing an application, the court shall either—

(*a*) issue a written judgment;

(*b*) cause the judgment to be recorded by mechanical or electronic means; or

(*c*) record in Form C19 any finding of fact which it made and the reasons for its decision.

(5) An order made in proceedings to which this Part applies shall be recorded either in the appropriate form in Appendix 1 to these rules or, where there is no such form, in writing.

(6) A copy of an order made in accordance with paragraph (5) shall, as soon as practicable after it has been made, be served by the proper officer or chief clerk on the parties to the proceedings in which it was made and on any person with whom the child is living.

Attachment of penal notice to Article 8 order

4.22. C.C.R. Order 57 rule 7 shall apply to Article 8 orders as if for paragraph (1) of that rule there were substituted the following—

> "(1) In the case of an Article 8 order (within the meaning of Article 8(2) of the Children (Northern Ireland) Order 1995) enforceable by committal order under rule 5 the judge or the district judge may, on the application of the person entitled to enforce the order, direct the chief clerk to issue a copy of the order endorsed with a notice in Form 270 and the copy so endorsed shall be served on the respondent personally and no copy of the order shall be issued with any such notice endorsed save in accordance with such direction.".

Appeals

4.23.—(1) Where an appeal lies—

(*a*) to the High Court; or

(*b*) to a county court specified in the Allocation Order for the purposes of Article 166(4)(*a*) of the Order of 1995 against the making or refusal to make an order under the Order of 1995—

it shall be made in accordance with the following provisions and references to "the court below" are references to the court from which the appeal lies.

(2) The appellant shall file and serve on the parties to the proceedings in the court below, and on any guardian ad litem—

(*a*) notice of the appeal in writing, setting out the grounds upon which he relies;

(*b*) a certified copy of the summons or application and of the order appealed against, and of any order staying its execution;

(*c*) a copy of any reasons given for the decision.

(3) The notice of appeal shall be filed and served in accordance with paragraph (2)(*a*)—

(*a*) within 14 days after the determination against which the appeal is brought, or

(*b*) in the case of an appeal against an order under Article 57(1), within 7 days after the making of the order, or

(*c*) with the leave of the court to which the appeal is to be brought, within such other time as that court may direct.

(4) The documents mentioned in paragraph (2)(*b*) to (*c*) shall, subject to any direction of the court to which the appeal is to be brought, be filed and served as soon as practicable after the filing and service of the notice of appeal under paragraph (2)(*a*).

(5) The applicant shall also send a copy of the notice of appeal to the chief clerk or, as the case may be, to the clerk of petty sessions of the court below.

(6) Subject to paragraph (7), a respondent who wishes—

(*a*) to contend on the appeal that the decision of the court below should be varied either in any event or in the event of the appeal being allowed in whole or in part, or

(*b*) to contend that the decision of the court below should be affirmed on grounds other than those relied upon by that court, or

(*c*) to contend by way of cross-appeal that the decision of the court below was wrong in whole or in part,

shall, within 14 days of receipt of notice of the appeal, file and serve on all other parties to the appeal a notice in writing, setting out the grounds upon which he relies.

(7) No notice under paragraph (5) may be filed or served in an appeal against an order under Article 57.

Confidentiality of documents

4.24.—(1) Notwithstanding any rule of court to the contrary, no document, other than a record of an order, held by the court and relating to proceedings to which this Part applies shall be disclosed, other than to—

(*a*) a party,

(*b*) the legal representative of a party,

(*c*) the guardian ad litem,

(*d*) the Legal Aid Department, or

(*e*) a welfare officer

without leave of the judge.

(2) An application for leave shall be made in Form C2 setting out the reasons for the request.

(3) Nothing in this rule shall prevent the notification by the court or the proper officer or chief clerk of a direction under Article 56(1) to the authority concerned.

[(**a**) *Notification of consent*

4.25.—(1) Consent for the purposes of—

(**a**) Rule 4.25 substituted, Rule 4.25A inserted by S.R. 1999 No. 88 with effect from 29.3.99

(*a*) Article 16(3),

(*b*) Article 33(3)(*c*) or (*d*),

(*c*) Article 57A(2)(*b*)(ii), or

(*d*) Article 63A(2)(*b*)(ii) shall be given either—

(i) orally in court, or

(ii) in writing to the court signed by the person giving his consent.

(2) Any written consent given for the purposes of sub-paragraph (2) of Article 57A or Article 63A, shall include a statement that the person giving consent—

(*a*) is able and willing to give to the child the care which it would be reasonable to expect a parent to give him; and

(*b*) understands that the giving of consent could lead to the exclusion of the relevant person from the dwelling house in which the child lives.

Exclusion requirements: interim care orders and emergency protection orders

4.25A.—(1) This rule applies where the court includes an exclusion requirement in an interim care order or an emergency protection order.

(2) The applicant shall—

(*a*) prepare a separate statement of evidence in support of the making of the exclusion requirement;

(*b*) serve the statement personally on the relevant person with a copy of the order containing the exclusion requirement;

(*c*) inform the relevant person of his right to apply to vary or discharge the exclusion requirement.

(3) The relevant person shall serve the parties to the proceedings with any application which he makes for the variation or discharge of the exclusion requirement.

(4) Where an exclusion requirement ceases to have effect whether—

(*a*) as a result of the removal of a child under Article 57A(6) or 63A(6),

(*b*) because of the discharge of the interim care order or emergency protection order, or

(*c*) otherwise,

the applicant shall inform—

(i) the relevant person,

(ii) the parties to the proceedings,

(iii) (where necessary) the court.

(5) Where the court includes an exclusion requirement in an interim care order or an emergency protection order of its own motion, paragraph (2) shall apply with the omission of any reference to the statement of the evidence.

(6) In this rule—

"the applicant" means the person who initiated the proceedings in which the interim care order or emergency protection order is made;

"exclusion requirement" means one or more of the provisions referred to in Article 57A(3) or, as the case may be, Article 63A(3); and

"relevant person" has the same meaning as in Article 57A(2)(*a*) or, as the case may be, Article 63A(2)(*a*).]

Secure accommodation

4.26. In proceedings under Article 44, the court shall, if practicable, arrange for copies of all written reports before it to be made available before the hearing to—

(*a*) the applicant,

(*b*) the parent or guardian of the child,

(*c*) any legal representative of the child,

(*d*) the guardian ad litem; and

(*e*) the child, unless the court otherwise directs

and copies of such reports may, if the court considers it desirable, be shown to any person who is entitled to notice of the proceedings in accordance with these rules.

Investigation under Article 56

4.27.—(1) This rule applies where a direction is given to an appropriate authority by the High Court or a county court under Article 56(1).

(2) On giving a direction the court shall adjourn the proceedings and shall record the direction in Form C35.

(3) A copy of the direction recorded under paragraph (2) shall, as soon as practicable after the direction is given, be served by the proper officer or chief clerk on the parties to the proceedings in which the direction is given and, where the appropriate authority is not a party, on that authority.

(4) When serving the copy of the direction on the appropriate authority the proper officer or chief clerk shall also serve copies of such of the documentary evidence which has been, or is to be, adduced in the proceedings as the court may direct.

(5) Where an authority informs the court of any of the matters set out in Article 56(3)(*a*) to (*c*) it shall do so in writing.

[(**a**) APPLICATIONS RELATING TO THE COUNCIL REGULATION AND THE 1996 HAGUE CONVENTION

Interpretation

4.28.—(1) In rules 4.28 to 4.39—

"Central Authority" means, in relation to Northern Ireland, the Department of Justice;

"Contracting State" means a State party to the 1996 Hague Convention;

"judgment" has the meaning given in Article 2(4) of the Council Regulation;

"parental responsibility" has the meaning given in—

(*a*) Article 2(7) of the Council Regulation in relation to proceedings under that Regulation; and

(*b*) Article 1(2) of the 1996 Hague Convention in relation to proceedings under that Convention; and

"seised" has the meaning given in Article 16 of the Council Regulation.

(2) In rules 4.29 to 4.38, references to the court of another Member State or Contracting State include authorities within the meaning of "court" in Article 2(1) of the Council Regulation and authorities of Contracting States which have jurisdiction to take measures directed to the protection of the person or property of the child within the meaning of the 1996 Hague Convention.

(**a**) Rules 4.28 – 4.39 substituted by S.R. 2011 No. 64 effect from 25.03.11

Transfer of proceedings under Article 15 of the Council Regulation or under Article 8 of the 1996 Hague Convention

4.29.—(1) Where a court is considering the transfer of proceedings to the court of another Member State or Contracting State under rules 4.30 to 4.32 it will—

(*a*) fix a date for a hearing for the court to consider the question of transfer; and

(*b*) give directions as to the manner in which the parties may make representations.

(2) The court may, with the consent of all parties, deal with the question of transfer without a hearing.

(3) Directions which are in force immediately prior to the transfer of proceedings to a court in another Member State or Contracting State under rules 4.30 to 4.32 will continue to apply until the court in that other State accepts jurisdiction in accordance with the provisions of the Council Regulation or the 1996 Hague Convention (as appropriate), subject to any variation or revocation of the directions.

(4) The proper officer or chief clerk will—

(*a*) take a note of the giving, variation or revocation of directions under this rule; and

(*b*) as soon as practicable serve a copy of the directions order on every party.

(5) A register of all applications and requests for transfer of jurisdiction to or from another Member State or Contracting State will be kept by the proper officer.

Application by a party for transfer of the proceedings

4.30.—(1) A party may apply to the court under Article 15(1) of the Council Regulation or under Article 8(1) of the 1996 Hague Convention—

(*a*) to stay the proceedings, or a specified part of the proceedings, and to invite the parties to introduce a request before a court of another Member State or Contracting State; or

(*b*) to make a request to a court of another Member State or another Contracting State to assume jurisdiction for the proceedings, or a specified part of the proceedings.

(2) An application under paragraph (1) must be made—

(*a*) to the court in which the relevant parental responsibility proceedings are pending; and

(*b*) in Form C1 or C2 as appropriate.

(3) The applicant must file the application and serve it on the respondents—

(*a*) where the application is also made under Article 11 of the Council Regulation, not less than 5 days, and

(*b*) in any other case, not less than 6 weeks,

before the hearing of the application.

Application by a court of another Member State or another Contracting State for transfer of the proceedings

4.31.—(1) This rule applies where a court of another Member State or another Contracting State makes an application under Article 15(2) of the Council Regulation or under Article 9 of the 1996 Hague Convention that the court having jurisdiction in relation to the proceedings transfer the proceedings, or a specified part of the proceedings, to the applicant court.

(2) When the court receives the application, the proper officer or chief clerk will—

(*a*) as soon as practicable, notify the Central Authority for Northern Ireland of the application; and

(*b*) serve the application, and notice of the hearing on all other parties in Northern Ireland not less than 5 days before the hearing of the application.

[*Suppl. No. 7 (March 2011)*]

Exercise by the court of its own motion of powers to seek to transfer the proceedings

4.32.—(1) The court having jurisdiction in relation to the proceedings may exercise its powers of its own motion under Article 15 of the Council Regulation or Article 8 of the 1996 Hague Convention in relation to the proceedings, or a specified part of the proceedings.

(2) Where the court proposes to exercise its powers, the proper officer or chief clerk will give the parties not less than 5 days notice of the hearing.

Application to High Court to make request under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention to request transfer of jurisdiction

4.33.—(1) An application from an interested person for the court to request transfer of jurisdiction in a matter concerning a child from another Member State or another Contracting State under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention (as the case may be) must be made to the Office of Care and Protection and heard in the High Court.

(2) An application must be made without notice to any other person and the court may give directions about joining any other party to the application.

(3) Where there is agreement between the court and the court or competent authority to which the request under paragraph (1) is made to transfer the matter to the courts of Northern Ireland, the court will consider with that other court or competent authority the specific timing and conditions for the transfer.

(4) Upon receipt of agreement to transfer jurisdiction from the court or other competent authority in the Member State or Contracting State to which the request has been made, the proper officer will serve on the applicant a notice that jurisdiction has been accepted by the courts of Northern Ireland.

(5) The applicant must attach the notice referred to in paragraph (3) to any subsequent application in relation to the child.

(6) Nothing in this rule requires an application with respect to a child commenced following a transfer of jurisdiction to be made to or heard in the High Court.

(7) Upon allocation, the court to which the proceedings are allocated must forthwith fix a directions hearing to consider the future conduct of the case.

Procedure where the court receives a request from the authorities of another Member State or Contracting State to assume jurisdiction in a matter concerning a child

4.34.—(1) Where any court other than the High Court receives a request to assume jurisdiction in a matter concerning a child from a court or other authority which has jurisdiction in another Member State or Contracting State, that court must forthwith refer the request to a judge of the High Court for a decision regarding acceptance of jurisdiction to be made.

(2) Upon the High Court agreeing to the request under paragraph (1), the proper officer will notify the parties to the proceedings before the other Member State or Contracting State of that decision, and the case must be allocated as if the application had been made in Northern Ireland.

(3) Upon allocation, the court to which the proceedings are allocated must forthwith fix a directions hearing to consider the future conduct of the case.

(4) The proper officer will serve notice of the directions hearing on all parties to the proceedings in the other Member State or Contracting State no later than 5 days before the date of that hearing.

Service of the court's order or request relating to transfer of jurisdiction under the Council Regulation or the 1996 Hague Convention

4.35.—The proper officer will serve an order or request relating to transfer of jurisdiction on all parties, the Central Authority of the other Member State or Contracting State, and the Central Authority for Northern Ireland.

Questions as to the court's jurisdiction or whether the proceedings should be stayed

4.36.—(1) If at any time after issue of an application it appears to the court that under any of Articles 16 to 18 of the Council Regulation it does not or may not have jurisdiction to hear the application, or that under Article 19 of the Council Regulation or Article 13 of the 1996 Hague Convention it is or may be required to stay the proceedings or to decline jurisdiction, the court must—

(*a*) stay the proceedings; and

(*b*) fix a date for a hearing to determine jurisdiction or whether there should be a stay or other order.

(2) The proper officer or chief clerk will serve notice of the hearing referred to at paragraph (1)(*b*) on the parties to the proceedings.

(3) The court must, in writing—

(*a*) give reasons for its decision under paragraph (1); and

(*b*) where it makes a finding of fact, state such finding.

(4) The court may with the consent of all the parties deal with any question as to the jurisdiction of the court, or as to whether the proceedings should be stayed, without a hearing.

Request for consultation as to contemplated placement of child in Northern Ireland

4.37.—(1) This rule applies to a request made—

(*a*) under Article 56 of the Council Regulation, by a court in another Member State; or

(*b*) under Article 33 of the 1996 Hague Convention by a court in another Contracting State

for consultation on or consent to the contemplated placement of a child in Northern Ireland.

(2) Where the court receives a request directly from a court in another Member State or Contracting State, the court must, as soon as practicable after receipt of the request, notify the Central Authority for Northern Ireland of the request and take the appropriate action under paragraph (4).

(3) Where it appears to the proper officer or chief clerk that no proceedings relating to the child are pending before a court in Northern Ireland, the proper officer or chief clerk, as the case may be, must inform the Central Authority for Northern Ireland of that fact and forward to the Central Authority all documents relating to the request sent by the court in the other Member State or Contracting State.

(4) Where the court receives a request forwarded by the Central Authority for Northern Ireland, the court must, as soon as practicable after receipt of the request, either—

(*a*) where proceedings relating to the child are pending before the court, fix a directions hearing; or

(*b*) where proceedings relating to the child are pending before another court in Northern Ireland, send a copy of the request to that court and notify the Central Authority for Northern Ireland of this action.

Request made by court in Northern Ireland for consultation as to contemplated placement of child in another Member State or Contracting State

4.38.—(1) This rule applies where the court is contemplating the placement of a child in another Member State under Article 56 of the Council Regulation or another Contracting State under Article 33 of the 1996 Hague Convention, and proposes to send a request for consultation with or for the consent of the Central Authority or other authority having jurisdiction in the other State in relation to the contemplated placement.

(2) In this rule, a reference to "the request" includes a reference to a report prepared for the purposes of Article 33 of the 1996 Hague Convention where the request is made under that Convention.

(3) Where the court sends the request directly to the Central Authority or other authority having jurisdiction in the other State, it must at the same time send a copy of the request to the Central Authority for Northern Ireland.

(4) The court may send the request to the Central Authority for Northern Ireland for onward transmission to the Central Authority or other authority having jurisdiction in the other Member State.

(5) The court should give consideration to the documents which should accompany the request.

Application for a declaration as to the extent, or existence, of parental responsibility in relation to a child under Article 16 of the 1996 Hague Convention

4.39.—(1) Any interested person may apply for a declaration—

(*a*) that a person has, or does not have, parental responsibility for a child; or

(*b*) as to the extent of a person's parental responsibility for a child,

where the question arises by virtue of the application of Article 16 of the 1996 Hague Convention.

(2) An application for a declaration as to the extent, or existence of a person's parental responsibility for a child by virtue of Article 16 of the 1996 Hague Convention must be made in the Office of Care and Protection and heard in the High Court.

(3) An application under paragraph (1) may not be made where the question raised is otherwise capable of resolution in any other family proceedings in respect of the child.]

[(a) PART IVA

FREEING FOR ADOPTION AND ADOPTION ORDERS

INTRODUCTORY

Interpretation

4A.1.—(1) In this Part and Parts IVB and IVC, unless the context otherwise requires—

"the 1976 Act" means the Adoption Act 1976(**b**);

"the 1978 Act" means the Adoption (Scotland) Act 1978(**c**);

"the Order of 1987" means the Adoption (Northern Ireland) Order 1978(**d**) and —

(*a*) a reference to an Article by number is a reference to that Article as numbered in that Order; and

(*b*) expressions which are defined in the Order of 1987 have the same meaning as in that Order;

"adoption agency" means a Board or a registered adoption society which is an accredited body for the purposes of the Convention(**e**);

"parental responsibility" has the same meaning as in the Order of 1995;

"application" means an application made under or by virtue of the Order of 1987 or under these Rules and "applicant" shall be construed accordingly;

"Board" means a Health and Social Services Board or, as the case may be, a Trust;

"CA of the receiving State" means, in relation to a Convention country(**f**) other than the United Kingdom, the Central Authority of the receiving State;

"CA of the State of origin" means, in relation to a Convention country other than the United Kingdom, the Central Authority of the State of origin;

"Central Authority" means the Department of Health, Social Services and Public Safety;

"the child" means the person whom the applicant for an adoption order or an order authorising a proposed foreign adoption proposes to adopt, or, as the case may be, the person the adoption agency proposes should be freed for adoption;

"Convention" means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

"Convention country" means any country or territory in which the Convention is in force;

(**a**) New rules 4A. 1 to 4C. 8 inserted by S.R. 2003 No. 75 with effect from 1.6.03

(**b**) 1976 c. 36

(**c**) 1978 c. 28

(**d**) S.I. 1987 2003 (N.I. 22) as amended by S.I. 1994 429 (N.I. 2), S.I. 1995 755 (N.I. 2) and 2001 c. 11 (N.I.)

(**e**) Section 2(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 c. 11 (N.I.) provides that a registered adoption society is an accredited body for the purposes of the Convention if its registration extends to the provision of facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders

(**f**) The term "Convention country" is defined in Article 2(2) of the Order of 1987, as amended by section 6 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

"Convention proceedings" means proceedings in the High Court or a county court for a Convention adoption order or in connection with a Convention adoption order or a Convention adoption(**a**);

"Hague Convention Regulations" means the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(**b**);

"interim order" means an order under Article 26;

"the Master" means the Master (Care and Protection) or, as the case may be, the chief clerk;

"medical practitioner" has the meaning assigned by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

"the Office" means the Office of Care and Protection or, where appropriate, the office of the chief clerk for the county court division in which proceedings are pending;

"order authorising a proposed foreign adoption" means an order under Article 57;

"receiving State" means the State in which it is proposed that the child will become habitually resident;

"regular armed forces of the Crown" means the Royal Navy, the Regular Armed Forces as defined by section 225 of the Army Act 1955(**d**), the Regular Air Force as defined by section 223 of the Air Force Act 1955(**e**), the Queen Alexandra's Royal Naval Nursing Service and the Women's Royal Naval Service;

"State of origin" means the State in which the child is habitually resident.

Proceedings

4A.2. Any hearing of an application shall be dealt with in chambers unless the court otherwise directs.

FREEING FOR ADOPTION

Commencement of proceedings under Article 17

4A.3.—(1) An application under Article 17 (freeing child for adoption with parental agreement) for an order freeing a child for adoption shall be made in Form A1.

(2) The applicants shall be the adoption agency and each parent or guardian of the child and the respondents shall be—

(*a*) any Board or voluntary organisation that has parental responsibility for, is looking after, or is caring for the child;

(*b*) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child; and

(*c*) the child.

(a) The terms "Convention adoption order" and "Convention adoption" are defined in Article 2(2) of the 1987 Order, as amended by section 6 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(b) S.R. 2003 No. 16

(c) S.I. 1972/1265 (N.I. 14)

(d) 1955 c. 18

(e) 1955 c. 19

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) On filing the application the applicant shall pay the appropriate fee and supply three copies of:—

(*a*) Form A1, together with any other documents required to be supplied under this Part, and

(*b*) a report, in writing, covering all the relevant matters specified in Part I of Appendix 4.

Commencement of proceedings under Article 18

4A.4.—(1) An application under Article 18 (Freeing child for adoption without parental agreement) for an order freeing a child for adoption shall be made in Form A2.

(2) The applicant shall be the adoption agency and the respondents shall be each parent or guardian of the child and those persons prescribed by rule 4A.3(2).

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) There shall be attached to the application a statement of the facts upon which the applicant intends to rely for the purpose of satisfying the court that the agreement of each parent or guardian of the child to the making of an adoption order ought to be dispensed with on a ground specified in Article 16(2).

(5) Where the applicant has been informed by a person with whom the child has been placed for adoption that he wishes his identity to remain confidential, the statement of facts supplied under paragraph (4) shall be framed in such a way as not to disclose the identity of that person.

(6) Except where the request for dispensation is based on the ground that the parent or guardian cannot be found, the Master shall, as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement supplied under paragraph (4).

(7) On filing the application the applicant shall pay the appropriate fee and supply three copies of:—

(*a*) Form A2, together with any other documents required to be supplied under this Part;

(*b*) a report in writing covering all the relevant matters specified in Part I of Appendix 4;

(*c*) the statement of facts.

Appointment of guardian ad litem

4A.5.—(1) As soon as practicable after the application has been filed, the Master shall appoint a guardian ad litem of the child, and shall send to him a copy of the application and any documents attached thereto and of the report supplied by the applicant and that report shall be confidential.

(2) The guardian ad litem shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

Duties of the guardian ad litem

4A.6.—(1) The guardian ad litem shall:—

(*a*) ensure, so far as is reasonably practicable, that any agreement to the making of an adoption order is given freely and unconditionally and with full understanding of what is involved;

(*b*) confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;

(*c*) investigate all the circumstances relevant to any such agreement or declaration;

(*d*) where it is proposed to free for adoption a child whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court-

(i) of that person's views;

(ii) of whether that person intends to apply for an order under Article 7(1) or 10 of the Order of 1995;

(iii) of any matter relevant to the determination of an application.

(*e*) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so.

(2) With a view to safeguarding the interests of the child before the court, the guardian ad litem shall, so far as is reasonably practicable—

(*a*) investigate—

(i) the matters alleged in the application, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 4A.4; and

(ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;

(*b*) advise whether, in his opinion, the child should be present at the hearing of the application; and

(*c*) perform such other duties as appear to him to be necessary or as the court may direct.

(3) With a view to obtaining the directions of the court on any matter, the guardian ad litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the Master shall notify the applicant.

(4) The court may, at any time before the final determination of the application, require the guardian ad litem to perform such further duties as the court considers necessary.

(5) The guardian ad litem shall attend any hearing of the application if so required by the court.

(6) Any report made to the court under this rule shall be confidential.

Agreement

4A.7.—(1) Any document signifying the agreement of a person to the making of an adoption order shall be in Form A3, and, shall, if executed in Northern Ireland, be witnessed by a Lay Magistrate.

(2) If the document is executed in Scotland it shall be witnessed by a Justice of the Peace or a Sheriff.

(3) If the document is executed in England and Wales it shall be witnessed by a Justice of the Peace.

(4) If the document is executed outside the United Kingdom it shall be witnessed by one of the following persons—

(*a*) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;

(*b*) a British consular officer;

(*c*) a notary public; or

(*d*) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

(5) If the document is executed by a person outside Northern Ireland before the commencement of the proceedings it shall be filed with the application.

Notice of hearing

4A.8.—(1) Within 14 days of being notified by the guardian ad litem that he has made his report to the court, the applicant shall apply to the Master to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the Master shall fix a date and time for the hearing and shall take account of any directions given under paragraph (5) and rule 4A.10(3).

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for the hearing and the applicant shall serve notice of the hearing on all the parties in Form A4.

(4) Anyone who wishes to object to the making of an order freeing the child for adoption shall, within 14 days of the date of service on him of the notice of hearing, give the Master written notice of his intention to object in Form A5.

(5) If at any stage before the hearing of the application it appears to the court that directions for the hearing are required the court may give such directions as it considers necessary.

Objections

4A.9.—(1) Where the Master receives notice of objection under rule 4A.8 he shall notify the judge, the applicant or his solicitor and the guardian ad litem and the judge shall give such directions as appear appropriate.

(2) The judge may direct that the person who served such notice of objection shall appear before him in his chambers on a date fixed by him and, upon hearing the nature or grounds for objection made by him or his legal representative on his behalf, may give such directions or make such orders as appear just.

The hearing

4A.10. —(1) Subject to any directions given under rule 4A.9(2), on the hearing of the application, any person upon whom notice is required to be served under rule 4A.8 may attend and be heard on the question whether an order freeing the child for adoption should be made.

(2) Any member or employee of a Board, adoption agency or other body which is a party to the proceedings may address the court if he is duly authorised in that behalf.

(3) Where the court has been informed by the applicant that the child has been placed with a person (whether alone or jointly with another) for adoption and that

person wishes his identity to remain confidential, the proceedings shall be conducted with a view to securing that any such person is not seen by or made known to any respondent who is not already aware of his identity, except with his consent.

(4) Evidence may be given orally or by affidavit, but where the evidence of any person is on affidavit, the judge may require such person to give oral evidence.

(5) Subject to paragraph (6), the judge shall not make an order freeing the child for adoption except after the personal attendance before him of the child and of a representative of the applicant duly authorised in that behalf.

(6) If there are special circumstances which, having regard to the report of the guardian ad litem, appear to the court to make the attendance of the child unnecessary, the court may direct that the child need not attend.

(7) If there are special circumstances which appear to the court to make the attendance of any other party desirable, the court may direct that that party shall attend.

Proof of identity of child, etc.

4A.11.—(1) Where the child who is the subject of the proceedings is identified in the application by reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be the child to whom the form of agreement refers.

(2) Where the child has previously been adopted, paragraph (1) shall have effect as if for the references to a birth certificate and to the Register of Births there were substituted respectively references to a certified copy of an entry in the Adopted Children Register and to that Register.

(3) Where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined may be specified in the order freeing the child for adoption as the date of his birth.

(4) Where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district in which the court sits, and in any other case (where the country of birth is not proved) the particulars of the country of birth may be omitted from the order freeing the child for adoption.

Application for revocation of order freeing a child for adoption

4A.12.—(1) An application under Article 20(1) for an order revoking an order freeing the child for adoption shall be made in Form A6.

(2) Notice of proceedings in Form A7 shall be served by the applicant on all parties and on any adoption agency which has parental responsibility for the child by virtue of Articles 17, 18 or 21, sections 18 or 21 of the 1976 Act or sections 18 or 21 of the 1978 Act save that notice shall not be served on a party to the proceedings who was joined as a party by virtue of rule 4A.3(2)(*a*).

(3) As soon as practicable after receipt of the application, the Master shall list the case for hearing by a judge and shall appoint a guardian ad litem of the child in accordance with rule 4A.5 and shall send to him a copy of the application and any documents attached thereto.

(4) The guardian ad litem shall have the same duties as if he had been appointed under rule 4A.5 but as if in that rule:—

(*a*) the reference to an order freeing the child for adoption was a reference to the revocation of an order freeing the child for adoption; and

(*b*) each reference to the report supplied by the applicant was omitted.

Substitution of one adoption agency for another

4A.13.—(1) An application under Article 21 shall be made in Form A8.

(2) Notice of any order made under Article 21 shall be sent by the court to the court which made the order under Articles 17, 18 or 21 (if a different court), or under section 18 or 21 of the 1976 Act or under sections 18 or 21 of the 1978 Act and to any former parent of the child.

ADOPTION ORDERS

Application for a serial number

4A.14. Any person proposing to apply to the court for an adoption order who wishes his identity to be kept confidential, may, before commencing proceedings, apply to the Master for a serial number to be assigned to him for the purpose of identifying him in the proposed proceedings and a number shall be assigned to him accordingly.

Commencement of proceedings

4A.15.—(1) An application for an adoption order shall be made in Form A9.

(2) The respondents shall be—

(*a*) each parent or guardian (not being an applicant) of the child, unless the child is free for adoption;

(*b*) any adoption agency having parental responsibility for the child by virtue of Articles 17, 18 or 21, or under sections 18 or 21 of the 1976 Act or sections 18 or 21 of the 1978 Act;

(*c*) any adoption agency named in the application or in any form of agreement to the making of the adoption order as having taken part in the arrangements for the adoption of the child;

(*d*) any Board to whom the applicant has given notice under Article 22 of his intention to apply for an adoption order;

(*e*) any Board or voluntary organisation that has parental responsibility for, is looking after, or is caring for, the child;

(*f*) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child;

(*g*) where the applicant proposes to rely on Article 15(1)(*b*)(ii), the spouse of the applicant; and

(*h*) the child.

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) Notice to the Board for the purposes of Article 22(1) may be given in Form A10.

(5) On filing the application the applicant shall pay the appropriate fee and supply three copies of—

(*a*) Form A9, together with any other documents required to be supplied under this Part, and

(*b*) where the child was not placed for adoption with the applicant by an adoption agency, save where the applicant or one of the applicants is a parent of the child, reports by a medical practitioner made not more than three months earlier on the health of the child and of each applicant, covering the matters specified in Part II of Appendix 4.

Statement of facts in dispensation cases

4A.16.—(1) Where the child is not free for adoption and the applicant intends to request the court to dispense with the agreement of a parent or guardian of the child on any of the grounds specified in Article 16(2), the request shall be included in the application and there shall be attached to the application three copies of a statement of facts on which the applicant intends to rely.

(2) Where a serial number has been assigned to the applicant under rule 4A.14 the statement of facts supplied under paragraph (1) shall be framed in such a way as not to disclose the identity of that person.

(3) Except where the request for dispensation is based on the ground that the parent or guardian cannot be found, the Master shall, as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement supplied under paragraph (1).

Appointment of guardian ad litem

4A.17.—(1) As soon as practicable after the application has been filed, the Master shall appoint a guardian ad litem of the child and shall send to him a copy of the application, together with any documents attached thereto.

(2) The guardian ad litem shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

(3) Where the child is free for adoption, the guardian ad litem shall, where practicable, be the same person who was appointed under rule 4A.5.

Duties of guardian ad litem

4A.18.—(1) With a view to safeguarding the interests of the child before the court the guardian ad litem shall—

(*a*) ensure so far as is reasonably practicable that any agreement to the making of the adoption order is given freely and unconditionally and with full understanding of what is involved;

(*b*) investigate all the circumstances relevant to any such agreement;

(*c*) investigate so far as is reasonably practicable—

(i) the matters alleged in the application, any report supplied under rule 4A.15(5)(*b*) and, where appropriate, the statement of facts supplied under rule 4A.16;

(ii) any other matters which appear to him to be relevant to the making of an adoption order;

(*d*) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so;

(*e*) advise whether, in his opinion, the child should be present at the hearing of the application; and

(*f*) perform such other duties as appear to him to be necessary or as the court may direct.

(2) Paragraphs (3) to (6) of rule 4A.6 shall apply to a guardian ad litem appointed under this rule as they apply to a guardian ad litem appointed under that rule.

Agreement

4A.19.—(1) Save with the leave of the court, any document signifying the agreement of a person to the making of the adoption order shall be in Form A11 and shall, if executed in Northern Ireland, be witnessed by a Lay Magistrate.

(2) If the document is executed outside Northern Ireland it shall be witnessed by one of the persons specified in rule 4A.7(2), (3) or (4), according to the country in which it is executed.

(3) If the document is executed outside Northern Ireland before the commencement of the proceedings it shall be filed with the application.

Notice of hearing

4A.20.—(1) Within 14 days of being notified by the guardian ad litem that he has made his report to the court, the applicant shall apply to the Master to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the Master shall fix a date and time for the hearing and shall take account of any directions given under paragraph (7).

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for hearing and the applicant shall, unless he desires his identity to be kept confidential, serve notice of the hearing on all the parties in Form A12.

(4) Where the applicant desires that his identity be kept confidential he shall, in lieu of serving a notice in Form A12, serve upon the parties a notice of presentation in Form A13.

(5) If the applicant has no solicitor acting for him the notice in Form A12 or Form A13 shall be signed by the Master.

(6) Anyone wishing to object to the making of an adoption order, shall within 14 days of the date of service on him, of the notice of hearing or as the case may be the notice of presentation give the Master written notice of his intention to object in Form A14 or Form A15 as the case may be, quoting the serial number of the application.

(7) If at any stage before the hearing of the application it appears to the court that directions for the hearing are required the court may give such directions as it considers necessary.

Objections

4A.21.—(1) Where the Master receives notice of objection under rule 4A.20(6) he shall notify the judge, the applicant (or his solicitor) and the guardian ad litem, and the judge shall give such directions as appear appropriate.

(2) The judge may direct that the person who served such notice of objection shall appear before him in his chambers on a date fixed by him and, upon hearing the nature or grounds for objection made by him or by his legal representative on his behalf, give such directions or make such orders as appear just.

Reports by adoption agency or Board

4A.22.— (1) Where the child was placed for adoption with the applicant by an adoption agency, that agency shall supply, within six weeks of receipt of the notice of hearing under rule 4A.20, three copies of a report in writing covering the matters specified in Part I of Appendix 4.

(2) Where the child was not placed for adoption with the applicant by an adoption agency, the Board to whom the notice under Article 22 of the Order was given shall supply, within six weeks of receipt of the notice of hearing or notice of presentation under rule 4A.20, three copies of a report in writing covering the matters specified in Part I of Appendix 4.

(3) The court may request a further report under paragraph (1) or (2) and may indicate any particular matters it requires such a further report to cover.

(4) The Master shall send a copy of any report supplied under paragraph (1) or (2) to the guardian ad litem.

(5) No other person shall be supplied with a copy of any report supplied under paragraph (1) or (2) and any such report shall be confidential.

The hearing

4A.23.—(1) Subject to any directions given under rule 4A.21(2) on the hearing of the application, any person served with a notice of hearing under rule 4A.20(3) may attend and be heard on the question whether an adoption order should be made.

(2) Any member or employee of a Board, adoption agency or other body which is a party to the proceedings may address the court if he is duly authorised in that behalf.

(3) If a serial number has been assigned to the applicant under rule 4A.14 the proceedings shall be conducted with a view to securing that he is not seen or made known to any respondent who is not already aware of his identity, except with his consent.

(4) Subject to paragraphs (5) and (7), the judge shall not make an adoption order or an interim order except after the personal attendance before him of the applicant and the child.

(5) If there are special circumstances which, having regard to the report of the guardian ad litem, appear to the court to make the attendance of the child unnecessary, the court may direct that the child need not attend.

(6) If there are special circumstances which appear to the court to make the attendance of any other party desirable, the court may direct that that party shall attend.

(7) In the case of an application under Article 14, the judge may in special circumstances make an adoption order or an interim order after the personal attendance of one only of the applicants, if the application is verified by an affidavit sworn by the other applicant or, if he is outside the United Kingdom, by a declaration made by him and witnessed by any of the persons specified in rule 4A.7(4).

Proof of identity of child, etc

4A.24.—(1) Where the child who is the subject of the proceedings is identified in the application by reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be the child to whom the form of agreement refers.

(2) Where the child has previously been adopted, paragraph (1) shall have effect as if for the references to a birth certificate and to the Register of Births, there were substituted respectively references to a certified copy of an entry in the Adopted Children Register and to that Register.

(3) Subject to paragraph (5), where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of

his birth and the date so determined may be specified in the adoption order as the date of his birth.

(4) Subject to paragraph (5), where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district in which the court sits, and in any other case (where the country of birth is not approved) the particulars of the country of birth may be omitted from the adoption order.

(5) Where the child is free for adoption, any order made identifying the probable date and place of birth of the child in the proceedings under Article 17 or 18 or under section 18 of the 1976 Act or section 18 of the 1978 Act shall be sufficient proof of the date and place of birth of the child in proceedings to which this rule applies.

Further proceedings after interim order

4A.25.—(1) Where an interim order is made under Article 26 and the application is postponed without a date being fixed for a further hearing, the applicant shall, at least 2 months before the expiration of the period specified in the interim order, obtain a date for the further hearing of the application from the Master, and if he fails to do so, the guardian ad litem shall obtain such a date.

(2) When the date for a further hearing is fixed the applicant shall, unless the Master otherwise directs, serve a notice in Form A12 or Form A13 of the hearing on the parties and to the guardian ad litem not less than one month before that date.

PART IVB

CONVENTION PROCEEDINGS

Introductory

4B.1. This Part shall apply to Convention proceedings and, subject to the provisions of this Part, rules 4A.2, 4A.14 to 4A.24 and Part IVC shall apply, with the necessary modifications, to Convention proceedings.

Application

4B.2.—(1) An applicant for a Convention adoption order shall state in his application that he is applying for a Convention adoption order.

(2) The application—

(*a*) need not contain paragraphs corresponding to paragraph 2, 24 or 25 of Form A9, but,

(*b*) shall contain the additional information required by Part III of Appendix 4.

Statement at hearing

4B.3. The requirements prescribed by regulations 19 and 30 of the Hague Convention Regulations may be established by a document executed by the applicant containing a statement to that effect attested in accordance with rule 4B.14 and such a statement shall be admissible in evidence without further proof of the signature of the applicant.

Form of consent

4B.4.—(1) Any document signifying the consent of a person to, or otherwise containing the opinion of a person on the making of, the Convention adoption order

shall be in a form which complies with the internal law relating to adoption of the Convention country of which the child is a national:

Provided that where the court is not satisfied that a person consents with full understanding of what is involved, it may call for further evidence.

(2) A document referred to in paragraph (1) shall, if sufficiently witnessed, be admissible as evidence of the consent or opinion contained therein without further proof of the signature of the person by whom it is executed.

(3) A document referred to in paragraph (1) shall, if executed before the date of the application, be attached to that application.

Notice of hearing

4B.5.—(1) On serving notice of the hearing or notice of presentation on the parties as required under rule 4A.20, the applicant shall also serve notice on any person:—

(*a*) whose consent to the making of the order is required, not being an applicant, or

(*b*) who, in accordance with the internal law relating to adoption of the Convention country of which the child is a national has to be consulted about, but does not have to consent to, the adoption.

(2) Any person served or required to be served with notice under this rule shall be treated as if he had been served or was required to be served with notice under rule 4A.20.

Application to annul a Convention adoption or Convention adoption order

4B.6.—(1) An application for an order under Article 55A(1)(**a**) shall be made in Form A16.

(2) An application for an order under Article 55A(1) may be made by—

(*a*) the adopter or adopters, or

(*b*) the adopted person, or

(*c*) the relevant Central Authority, or

(*d*) the adoption agency, or

(*e*) the Board to whom notice under Article 22 was given (if different), or

(*f*) the Secretary of State for the Home Department.

(3) The respondent shall be—

(*a*) the adopted person; and

(*b*) any adopter,

not being the applicant.

(4) The court may require notice of the application to be served on such persons as it thinks fit.

Application for directions where a full adoption has not been made

4B.7.—(1) An application for a direction under Article 40(3A)(**b**) may—

(a) Article 55A was inserted into the Order of 1987 by virtue of section 5 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(b) Article 40(3A) was inserted into the Order of 1987 by virtue of section 4(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(*a*) be made by the adopted child, the adopter or adopters or the birth parents of the child; and

(*b*) shall be made in Form A17.

(2) The respondents shall be—

(*a*) the adopter or adopters (if not the applicant),

(*b*) the birth parents (if not the applicant),

(*c*) the adoption agency,

(*d*) the Board to whom notice under Article 22 was given (if different),

(*e*) the Attorney General

and the court may require notice of the application to be served on such other persons as it thinks fit, including the child, having regard to the child's age and degree of maturity.

Application to declare overseas adoption invalid or determination invalid or affected

4B.8.—(1) An application for an order or decision under Article 55A(2) shall be made in Form A18.

(2) The respondent shall be—

(*a*) the adopted person; and

(*b*) any adopter, not being the applicant.

Evidence in support of application

4B.9.—(1) Evidence in support of an application under Article 55A shall be given by means of an affidavit in Form A19 which shall be filed within 14 days after the issue of the application.

(2) There shall be exhibited to the affidavit a statement of facts and there shall be filed with the affidavit expert evidence of any provision of foreign law relating to adoption on which the applicant intends to rely.

(3) The court may order any deponent to give oral evidence concerning the grounds stated in, or exhibited to, his affidavit.

Notice of order made under Article 55A

4B.10. Where under Article 55A the court has ordered that an adoption be annulled or that an adoption or a determination shall cease to be valid in Northern Ireland, the Master shall serve notice of the order on the Registrar General and, where it relates to a Convention adoption order or a Convention adoption, the relevant Central Authority, and shall state in the notice—

(*a*) the date of the adoption;

(*b*) the name and address of the authority which granted the adoption; and

(*c*) the names of the adopter or adopters and of the adopted person as given in the affidavit referred to in rule 4B.9.

Application for removal, return etc of the child in Convention proceedings

4B.11.—(1) Paragraph (2) shall apply where—

(*a*) a notice under regulation 16(1) of the Hague Convention Regulations has been given but not been complied with; or

(*b*) before such a notice was given an application for a Convention adoption order has been made and not disposed of.

(2) Where this paragraph applies, an application for the return of the child shall be made in writing by the Board to whom notice under Article 22 was given.

(3) The respondents shall be—

(*a*) the prospective adopter or adopters,

(*b*) the guardian ad litem,

(*c*) the adoption agency (if different)

and the court may require notice of the application to be served on such other persons as it thinks fit, including the child, having regard to the child's age and degree of maturity.

(4) Any respondent who wishes to contest the notice shall, within 7 days of service of the notice upon him, file and serve an answer.

(5) The Master shall list the case for hearing on a date not more than 21 days from the date the application under paragraph (2) was submitted to the court.

Specific applications

4B.12.— (1) Where a Convention adoption order is to be or has been sought and has not been disposed of the applicant or proposed applicant may apply to the court for an order—

(*a*) permitting the child to be known by a new surname, or

(*b*) permitting the child to be removed from the United Kingdom for a period of one month or more.

(2) The application under paragraph (1) shall be made—

(*a*) if an application for a Convention adoption order under Article 16A(**a**) is pending, on notice in those proceedings; or

(*b*) if no such application is pending, by filing written application in the court.

(3) The Master shall serve a copy of the application and a notice of the date of the hearing—

(*a*) in a case where proceedings for an adoption order are pending on all the parties to those proceedings and on the guardian ad litem;

(*b*) in any other case, on the adoption agency and the Board to whom notice under Article 22 was given.

Witnessing of documents

4B.13. A document shall be sufficiently attested for the purposes of this Part of these rules if it is witnessed by one of the following persons—

(*a*) if it is executed in Northern Ireland, the guardian ad litem, a Lay Magistrate, any officer of the Court of Judicature appointed by the Lord Chief Justice in accordance with section 112 of the Judicature (Northern Ireland) Act 1978(**b**);

(*b*) if it is executed elsewhere, any person specified in rule 4A.7(2), (3) or (4), according to the country in which it is executed.

Service of documents

4B.14. Any document served out of the jurisdiction in a country in which English is not an official language shall be accompanied by a translation of the document in the official language of the country in which service is to be effected or, if there is more than one official language of the country, in any one of those languages which is appropriate to the place in that country where service is to be effected.

(**a**) Article 16A was inserted into the Order of 1987 by section 3 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(**b**) 1978 c. 23

Translation of documents

4B.15. Where a translation of any document is required for the purposes of Convention proceedings, the translation shall, unless otherwise directed, be provided by the applicant.

PART IVC

MISCELLANEOUS PROCEEDINGS UNDER THE ORDER OF 1987

Application for leave of the court etc

4C.1. —(1) An application under—

(*a*) Article 20(2);

(*b*) Article 28(1) or (2);

(*c*) Article 29(1) or (2);

(*d*) Article 30(1);

(*e*) Article 30(2); or

(*f*) Article 31(2),

shall be made in accordance with paragraph (2).

(2) An application pursuant to paragraph (1) shall be made—

(*a*) if an application for an adoption order or an order under Articles 17, 18 or 20 is pending, by sending a notice of application in Form A20 to the Master; or

(*b*) if no such application is pending, by sending a notice of application in Form A21 to the Master.

(3) Subject to paragraph (5), the Master shall serve a copy of the notice of application, together with a notice of the date of hearing—

(*a*) where the proceedings specified in paragraph 2(*a*) were pending at the time of receipt of the application or where such proceedings were commenced subsequently, on the parties to those proceedings and on the guardian ad litem;

(*b*) in any other case, on any person against whom an order is sought in the application and on the Board to whom the prospective adopter has given notice under Article 22; and

(*c*) in any case, on such other person or body, not being the child, as the court thinks fit.

(4) Anyone who wishes to object to the application shall, within 14 days of the service of the application on him, send written notice of his objection to the Master.

(5) The Master shall serve a copy of the written notice of objection on each person served with a copy of the application.

(6) If in any application under this rule a serial number has been assigned to a person who has applied or who proposes to apply for an adoption order, or such a person applies to the Master in that behalf before filing the application and a serial number is assigned accordingly—

(*a*) the Master shall ensure that the documents served under paragraph (3) or (5) do not disclose the identity of that person to any other party to the application under this rule who is not already aware of that person's identity, and

(*b*) the proceedings on the application under this rule shall be conducted with a view to securing that he is not seen by or made known to any party who is not already aware of his identity except with his consent.

(7) Unless otherwise directed, any prospective adopter who is served with a copy of an application under this rule and who wishes to oppose the application shall file his application for an adoption order within 14 days or before or at the time of the hearing of the application under this rule, whichever is the earliest.

(8) The court may at any time give directions as to the appointment of a guardian ad litem of the child.

(9) Where an application under paragraph (1)(*a*), (*b*) or (*e*) is granted or an application under paragraph (1)(*c*) or (*d*) is refused, the judge may thereupon, if any application for an adoption order has been filed, treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.

(10) Where an application under this rule is determined the Master shall serve notice of the effect of the determination on all the parties.

Proposed foreign adoption proceedings

4C.2.—(1) An application under Article 57(1) shall be made in Form A9.

(2) Subject to paragraph (3), rules 4A.14, 4A.15(2) to (5), 4A.16 to 4A.25 and this Part (except rule 4C.7(1)(*e*)) shall apply to an application for an order authorising a proposed foreign adoption as if such an order were an adoption order.

(3) An applicant for an order authorising a proposed foreign adoption shall provide expert evidence of the law of adoption in the country in which he is domiciled and an affidavit as to that law sworn by such a person as is mentioned in section 114(3) of the Judicature (Northern Ireland) Act 1978(**a**) (that is to say a person who is suitably qualified on the account of his knowledge or experience to give evidence as to that law) shall be admissible in evidence without notice.

Amendment and revocation of orders

4C.3.—(1) An application under Article 52 for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under Article 55 for the revocation of an adoption order, may be made ex parte in the first instance, but the court may require notice of the application to be served on such persons as it thinks fit.

(2) Where the application is granted, the Master shall send to the Registrar General a notice specifying the amendments or informing him of the revocation and shall give sufficient particulars of the order to enable the Registrar General to identify the case.

Service of documents

4C.4. Subject to rule 4B.14, the person effecting service of any document under Part IVA, Part IVB or this Part of these rules shall make, sign and file a certificate showing the date, place and mode of service. If he has failed to effect service of any document, he shall make, sign and file a certificate of non-service showing the reason why service has not been effected.

(**a**) 1978 c. 23

Costs

4C.5. On the determination of proceedings to which Part IVA, Part IVB or Part IVC of these rules apply or on the making of an interim order, the judge may make such order as to the costs as he thinks just and, in particular, may order the applicant to pay—

(*a*) the expenses incurred by the guardian ad litem,

(*b*) the expenses incurred by any respondent in attending the hearing,

or such part of those expenses as the judge thinks proper.

Notice and copies of orders etc

4C.6.—(1) In proceedings to which Part IVA, Part IVB or Part IVC of these rules apply orders shall be made in the form indicated in this paragraph—

Description of order		*Form*
(*a*)	Order under Article 17	A22
(*b*)	Order under Article 18	A23
(*c*)	Order under Article 20	A24
(*d*)	Interim order	A25
(*e*)	Order under Article 40(3A)	A26
(*f*)	Adoption order	A27
(*g*)	Convention adoption order	A27 (with the word 'Convention' inserted where appropriate)
(*h*)	Order authorising a proposed foreign adoption	A27 (with the words 'order authorising a proposed foreign adoption' substituted for the words 'adoption order' wherever they appear)

(2) Within 7 days of the making of an order to which paragraph (1)(*d*), (*f*) or (*g*) applies, the Master shall send a copy of the order to the Registrar General.

(3) Where an order to which paragraph (1)(*a*), (*b*), (*f*) or (*g*) applies is made or refused or an order to which paragraph (1)(*c*) applies is made, the Master shall serve notice to that effect on every respondent.

(4) The Master shall serve notice of the making of an order to which paragraph (1)(*a*), (*b*), (*c*), (*g*) or (*h*) applies on any court in the United Kingdom which appears to him to have made any such order as is referred to in Article 12(3) (orders relating to parental responsibility for the child).

(5) A copy of any order may be supplied to the Registrar General at his request.

(6) A copy of any order may be supplied to the applicant.

(7) A copy of any order may be supplied to any other person with the leave of the court.

(8) Within 7 days of the making of an order to annul a Convention adoption order or a Convention adoption, the proper officer shall send a copy of the order to the applicant, every respondent, the relevant Central Authority and the Registrar General.

Custody, inspection and disclosure of documents and information

4C.7.—(1) All documents relating to proceedings under the Order of 1987 (or under any previous enactments relating to adoption) shall, while they are in the custody of the court, be kept in a place of special security.

(2) A party who is an individual and is referred to in a confidential report supplied to the court by an adoption agency, a Board or a guardian ad litem may inspect, for the purposes of the hearing, that part of any such report which refers to him, subject to any direction given by the court that—

(*a*) no part of one or any of the reports shall be revealed to that party, or

(*b*) the part of one or any of the reports referring to that party shall be revealed only to that party's legal advisers, or

(*c*) the whole or any other part or any of the reports shall be revealed to that party.

(3) Any person who obtains any information in the course of, or relating to, any proceedings mentioned in paragraph (1) shall treat that information as confidential and shall only disclose it if—

(*a*) the disclosure is necessary for the proper exercise of his duties, or

(*b*) the information is requested—

(i) by a court or public authority (whether in Northern Ireland or not) having power to determine adoptions and related matters, for the purpose of the discharge of its duties in that behalf, or

(ii) by the Registrar General, or a person authorised in writing by him, where the information requested relates only to the identity of any adoption agency which made the arrangements for placing the child for adoption in the home of the applicants, and of any Board which was notified of the applicant's intention to apply for an adoption order in respect of the child, or

(iii) by a person who is authorised in writing by the Department to obtain the information for the purposes of research.

(4) Save as required or authorised by a provision of any enactment or of these Rules or with the leave of the court, no document or order held by or lodged with the court in proceedings under the Order of 1987 (or under any previous enactment relating to adoption) shall be open to inspection by any person, and no copy of any such document or order, or of an extract from any such document or order, shall be taken by or issued to any person.

Transfer to county court

4C.8. Where the Judge presiding in the High Court is of the opinion that, by reason of any special circumstances, an application under the Order of 1987 should be dealt with in the county court, he may by order transfer the matter to a county court and any matter so transferred shall be heard and determined in accordance with these rules as if it has been commenced in that court.

[(**a**) *County courts prescribed as an authorised court*

4C.9. For the purposes of Article 2(2)(c) a county court specified as a family care centre in Schedule 2 to the Children (Allocation of Proceedings) Order (Northern Ireland) 1996 is prescribed as an authorised court.]

(a) New Rule inserted by S.R. 2008 No. 259 with effect from 05.09.08

PART V

APPEALS

Appeal from a [(**a**) *designated county court*] *to the Court of Appeal*

5.1. R.S.C. Order 58 rule 4 and Order 59 shall apply with the necessary modifications to an appeal to the Court of Appeal under Article 48(9) of the Order of 1978(**b**) or Article 40(2) of or paragraph 10 of Schedule 1 to the Order of 1989 [(**c**) or Article 39(6) of the Order of 1998] [(**d**) or section 189(1) of the Act of 2004] [(**e**) or paragraph 11(3) of Schedule 1 to the Act of 2007 from, as the case may be a decree, civil partnership order, forced marriage protection order, or other order of a judge (or the dismissal of or refusal to grant such decree or order) in proceedings in a designated county court as if the reference to the High Court in Order 59 rule 10(1) were a reference to a designed county court.]

Appeal from the district judge

5.2.—(1) C.C.R Order 14 rule 1(1)(*f*) (which enables the judge to vary or rescind an order by the district judge in the course of proceedings) shall not apply to an order or decision made or given by the district judge in family proceedings in a county court but any party may appeal from such an order or decision to a judge on notice filed within 5 days after the order or decision was made or given and served not later than 2 clear days before the day fixed for hearing of the appeal, which shall be heard in chambers unless the judge otherwise orders.

(2) Except so far as the court may otherwise order, an appeal under paragraph (1) shall not operate as a stay of proceedings on the order or decision appealed from.

[(**f**) *Appeals from orders made under the Order of 1998*

5.3.—(1) Where an appeal lies to the High Court or a county court such as is specified in the Allocation Order of 1999 for the purposes of Article 39(4)(*a*) of the Order of 1998—

(*a*) paragraphs (2) to (6) of rule 4.23, and

(*b*) paragraph (2) of rule 5.2

shall apply subject to the following provisions of this rule and with the necessary modifications.

(2) Where the appeal is brought against the making of a hospital order or a guardianship order under the Mental Health (Northern Ireland) Order 1986(**g**), a copy of any written evidence considered by the magistrates' court under Article 44(2)(*a*) of that Order shall be sent by the clerk of petty sessions to the chief clerk for the county court division in which the appeal will be heard.]

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) S.I. 1978/1045 (N.I. 15) as amended by Article 185(1) and paragraph 96 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))
(**c**) Words inserted by S.R. 1999 No. 88 with effect from 29.3.99
(**d**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**e**) Words substituted by S.R. 2008 No. 466 with effect from 22.12.08
(**f**) New Rule inserted by S.R. 1999 No. 88 with effect from 29.3.99
(**g**) S.I. 1986/595 (N.I. 4)

[(a) *Appeal under section 8(1) of the Gender Recognition Act 2004*

5.4.—(1) R.S.C. Order 55 applies to an appeal to the High Court under section 8(1) of the Gender Recognition Act 2004 subject to the modifications made by this rule.

(2) The notice of the originating motion shall be—

(a) issued out of the Matrimonial Office;

(b) served on the Secretary of State in addition to the person to be served under R.S.C. Order 55 rule 15(1).

(3) The Secretary of State may appear and be heard in the proceedings on the appeal.

(4) Where the High Court issues a gender recognition certificate under section 8(3)(a) of the Gender Recognition Act 2004, the proper officer shall send a copy of that certificate to the Secretary of State.]

PART VI

DISABILITY

Interpretation

6.1.—(1) In this Part—

"person under disability" means a person who is a minor or a person who by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986(**b**) is incapable of managing and administering his property and affairs.

(2) So far as they relate to minors who are the subject of applications the provisions of this Part shall not apply to proceedings which are specified proceedings within the meaning of Article 60(6) of the Order of 1995 and this Part shall have effect subject to the said Article 60(6) and Part IV.

(3) Rule 6.3 shall apply only to proceedings under the Order of 1995.

Person under disability must sue by next friend etc

6.2.—(1) A person under disability may begin and prosecute any family proceedings by his next friend and may defend any such proceedings by his guardian ad litem and, except as otherwise provided by this rule, it shall not be necessary for a guardian ad litem to be appointed by the court.

(2) No person's name shall be used in any proceedings as next friend of a person under disability unless he is the Official Solicitor or the documents mentioned in paragraph (6) have been filed.

(3) Where the disability of a person who is entitled to defend any family proceedings is not solely due to minority, the Official Solicitor shall, if he consents, be guardian ad litem; but at any stage of the proceedings an application may be made (on not less than 4 days' notice to the Official Solicitor, if he has consented to act) for the appointment of some other person as guardian; and there shall be filed in support of any application under this paragraph the documents mentioned in paragraph (6).

(4) Where a petition, answer, application or originating summons has been served on a person whom there is reasonable ground for believing to be a person

(a) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) S.I. 1986/595 (N.I. 4)

under disability and no notice of intention to defend has been given or answer or affidavit in answer filed on his behalf, the party at whose instance the document was served shall, before taking any further step in the proceedings, apply to the Master for directions as to whether a guardian ad litem should be appointed to act for that person in the cause, and on any such application the Master may, if he considers it necessary in order to protect the interest of the person served, order that some proper person be appointed his guardian ad litem.

(5) No notice of intention to defend shall be given, or answer or affidavit in answer filed (by or on behalf of a person under disability) unless the person giving the notice or filing the answer or affidavit—

(*a*) is the Official Solicitor or, in a case in which paragraph (3) applies, is the Official Solicitor or has been appointed by the court to be guardian ad litem; or

(*b*) in any other case, has filed the documents mentioned in paragraph (6).

(6) The documents referred to in paragraphs (2), (3) and (5) are—

(*a*) a written consent to act by the proposed next friend or guardian ad litem;

(*b*) a certificate by the solicitor acting for the person under disability—

(i) that he knows or believes that the person to whom the certificate relates is a person under disability stating the grounds of his knowledge or belief, and

(ii) that the person named in the certificate as next friend or guardian ad litem has no interest in the cause or matter in question adverse to that of the person under disability and is a proper person to be next friend or guardian.

Certain minors may sue without next friend etc

6.3.—(1) Where a person entitled to begin, prosecute or defend any proceedings to which this rule applies, is a minor to whom this Part applies, he may subject to paragraph (3), begin, prosecute or defend, as the case may be, such proceedings without a next friend or guardian ad litem—

(*a*) where he has obtained the leave of the court for that purpose; or

(*b*) where a solicitor—

(i) considers that the minor is able, having regard to his understanding, to give instructions in relation to the proceedings; and

(ii) has accepted instructions from the minor to act for him in the proceedings and, where the proceedings have begun, is so acting.

(2) A minor shall be entitled to apply for the leave of the court under paragraph (1)(*a*) without a next friend or guardian ad litem either—

(*a*) by filing a written request for leave setting out the reasons for the application, or

(*b*) by making an oral request for leave at any hearing in the proceedings.

(3) On considering a request for leave filed under paragraph (2)(*a*), the court shall either—

(*a*) grant the request, whereupon the proper officer or chief clerk shall communicate the decision to the minor and, where the leave relates to the prosecution or defence of existing proceedings, to the other parties to those proceedings, or

(*b*) direct that the request be heard ex parte, whereupon the proper officer or chief clerk shall fix a date for such a hearing and give to the minor making the request such notice of the date so fixed as the court may direct.

(4) Where a minor has a next friend or guardian ad litem in proceedings and the minor wishes to prosecute or defend the remaining stages of the proceedings without a next friend or guardian ad litem, the minor may apply to the court for leave for that purpose and for the removal of the next friend or guardian ad litem; and paragraph (2) shall apply to the application as if it were an application under paragraph (1)(*a*).

(5) On considering a request filed under paragraph (2) by virtue of paragraph (4), the court shall either—

(*a*) grant the request, whereupon the proper officer or chief clerk shall communicate the decision to the minor and next friend or guardian ad litem concerned and to all other parties to the proceedings, or

(*b*) direct that the request be heard, whereupon the proper officer or chief clerk shall fix a date for such a hearing and give to the minor and next friend or guardian ad litem concerned such notice of the date so fixed as the court may direct;

provided that the court may act under sub-paragraph (*a*) only if it is satisfied that the next friend or guardian ad litem does not oppose the request.

(6) Where the court is considering whether to—

(*a*) grant leave under paragraph (1)(*a*), or

(*b*) grant leave under paragraph (4) and remove a next friend or guardian ad litem,

it shall grant the leave sought and, as the case may be, remove the next friend or guardian ad litem if it considers that the minor concerned has sufficient understanding to participate as a party in the proceedings concerned or proposed without a next friend or guardian ad litem.

[(**a**) (6A) In exercising its powers under paragraph (6) the court may order the next friend or guardian ad litem to take such part in the proceedings as the court may direct.]

(7) Where a request for leave is granted at a hearing fixed under paragraph (3)(*b*) (in relation to the prosecution or defence of proceedings already begun) or (5)(*b*), the proper officer or chief clerk shall forthwith communicate the decision to the other parties to the proceedings.

(8) The court may revoke any leave granted under paragraph (1)(*a*) where it considers that the child does not have sufficient understanding to participate as a party in the proceedings concerned without a next friend or guardian ad litem.

(9) Without prejudice to any requirement of C.C.R. Order 43, rule 2 or R.S.C. Order 67, where a solicitor is acting for a minor in proceedings which the minor is prosecuting or defending without a next friend or guardian ad litem by virtue of paragraph (1)(*b*) and either of the conditions specified in the paragraph (1)(*b*)(i) and (ii) cease to be fulfilled, he shall forthwith so inform the court.

(10) Where—

(*a*) the court revokes any leave under paragraph (8), or

(*b*) either of the conditions specified in paragraph (1)(*b*)(i) and (ii) is no longer fulfilled,

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(**a**) New paragraph inserted by S.R. 1999 No. 88 with effect from 29.3.99

the court may, if it considers it necessary in order to protect the interests of the minor concerned, order that some proper person be appointed his next friend or guardian ad litem.

(11) Where a minor is of sufficient understanding to begin, prosecute or defend proceedings without a next friend or guardian ad litem—

(*a*) he may nevertheless begin, prosecute or defend them by his next friend or guardian ad litem; and

(*b*) where he is prosecuting or defending proceedings by his next friend or guardian ad litem, the respective powers and duties of the minor and next friend or guardian ad litem, except those conferred or imposed by this rule shall not be affected by the minor's ability to dispense with a next friend or guardian ad litem under the provisions of this rule.

Service on person under disability

6.4.—(1) Where a document to which rule 2.9 applies is required to be served on a person under disability it shall be served—

(*a*) in the case of a minor who is not otherwise a person under disability, on his father or guardian or, if he has no father or guardian, on the person with whom he resides or in whose care he is;

(*b*) in the case of any other person under disability—

(i) on the Official Solicitor if he has consented under rule 6.2(3) to be the guardian ad litem, or

(ii) if the Official Solicitor has not so consented, on the person with whom he resides or in whose care he is:

Provided that the court may order that a document which has been, or is to be, served on the person under disability or on a person other than one mentioned in sub-paragraph (*a*) or (*b*) shall be deemed to be duly served on the person under disability.

(2) Where a document is served in accordance with paragraph (1), it shall be indorsed with a notice in Form M22; and after service has been effected the person at whose instance the document was served shall, unless the Official Solicitor is the guardian ad litem of the person under disability or the court otherwise directs, file an affidavit by the person on whom the document was served stating whether the contents of the document were, or its purport was, communicated to the person under disability and, if not, the reasons for not doing so.

Petition for nullity on ground of insanity, etc

6.5.—(1) Where a petition for nullity [(**a**) of marriage] has been presented on the ground that at the time of the marriage the respondent was suffering from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986 of such a kind or to such an extent as to be unfitted for marriage, then, whether or not the respondent gives notice of intention to defend, the petitioner shall not proceed with the cause without the leave of the Master.

[(**b**) (1A) Where a petition for nullity of civil partnership has been presented on the ground that at the time of the formation of the civil partnership the respondent was suffering from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986(**c**) of such a kind or to such an extent as to be unfitted for civil partnership, then, whether or not the respondent gives notice of intention to

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**c**) 1986 No. 595 (N.I. 4)

defend, the petitioner shall not proceed with the cause without the leave of the Master.]

(2) The Master may make it a condition of granting leave that some proper person be appointed to act as guardian ad litem of the respondent.

Separate representation of children

6.6.—(1) Without prejudice to rule 2.59, if in any family proceedings it appears to the court that any child ought to be separately represented, the court may appoint—

(*a*) the Official Solicitor, or

(*b*) some other proper person

(provided, in either case, that he consents) to be the guardian ad litem of the child, with authority to take part in the proceedings on the child's behalf.

(2) An order under paragraph (1) may be made by the court of its own motion or on the application of a party to the proceedings or of the proposed guardian ad litem.

(3) The court may at any time direct that an application be made by a party for an order under paragraph (1) and may stay the proceedings until the application has been made.

(4) Unless the court otherwise directs, on making an application for an order under paragraph (1) the applicant shall—

(*a*) unless he is the proposed guardian ad litem, file a written consent by the proposed guardian to act as such;

(*b*) unless the proposed guardian ad litem is the Official Solicitor, file a certificate that the proposed guardian has no interest in the proceedings adverse to that of the child and is a proper person to be guardian.

(5) Unless the court otherwise directs, a person appointed under this rule or rule 2.59 to be the guardian ad litem of a child in any family proceedings shall be treated as a party for the purpose of any provision of these Rules requiring a document to be served on or notice to be given to a party to the proceedings.

PART VII

PROCEDURE

Application

7.1. Except for rule 7.2, the provisions of this Part apply to all family proceedings, but have effect subject to the provisions of any other Part of these Rules.

Security for costs in a matrimonial cause

7.2.—(1) A wife who is petitioner in a cause or who has been given notice of intention to defend may, after the certificate of readiness has been lodged or at an earlier stage of a cause with leave, lodge her bill of costs incurred to the date of such certificate for taxation against her husband. The taxing master on the taxation of such bill of costs shall if requested by the wife so to do ascertain what is a sufficient sum of money to cover the costs of the wife of and incidental to the trial or hearing of the cause, and the Master may, unless the husband shall prove that the wife has sufficient separate estate or show other good cause, order the husband within such time as the Master may fix to pay to the wife or into court the amount of such taxed costs and to pay into court or secure the sum ascertained as sufficient to cover the costs of and incidental to the trial or hearing and may direct a stay of the proceedings until the order is complied with.

(2) C.C.R Order 4, rule 1 (which provides that a plaintiff may be required to give security for costs if he is not resident in Northern Ireland), shall not apply to matrimonial proceedings in a county court.

Service out of Northern Ireland

7.3.—(1) Any document in family proceedings may be served out of the jurisdiction without leave either in the manner prescribed by these Rules for service within the jurisdiction or in accordance with R.S.C. Order 11.

(2) Where a petition or notice of an application for ancillary relief is to be served out of the jurisdiction, the time limited for giving notice of intention to defend which is to be endorsed on the petition or contained in the notice shall be fixed having regard to the place where or country within which the petition or notice is to be served in accordance with the practice adopted under the said Order.

Service of documents

7.4.—(1) Where a document is required by these Rules to be sent to any person, it shall, unless otherwise directed, be sent by post—

(*a*) if a solicitor is acting for him,

(i) to the solicitor's address; or

(ii) where that address includes a numbered box at a document exchange, at that document exchange or at a document exchange which transmits documents every business day to that document exchange; and any document which is left at a document exchange in accordance with this paragraph, shall unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left;

(iii) by sending a legible copy of the document by FAX (as defined by R.S.C. Order 1 rule 3(1)) in accordance with the provisions of R.S.C. Order 65 rule 5(2A) to the solicitor's office;

(*b*) if he is acting in person, to the address for service given by him or, if he has not given an address for service his last known address, but if in the opinion of the Master the document would be unlikely to reach him if sent to that address, the Master may dispense with sending the document to him.

(2) Unless the court otherwise directs, service of any document in family proceedings shall, if no other mode of service is prescribed or ordered, be effected—

(*a*) if a solicitor is acting for the person to be served by leaving the document at, or sending it by first class pre-paid post to, the solicitor's address;

(*b*) if the person to be served is acting in person, by delivering the document to him or by leaving it at, or sending it by first class pre-paid post to, the address for service given by him or, if he has not given an address for service, his last known address;

Provided that where, in a case to which sub-paragraph (*b*) applies, it appears to the Master that it is impracticable to deliver the documents to the person to be served and that, if the document were left at, or sent by post to, the address specified in that sub-paragraph, it would be unlikely to reach him, the Master may dispense with service of the document.

[(**a**) (3) Where a document is required by these Rules to be served personally and the court is satisfied by evidence on oath that personal service is impracticable, it may order that service of that document be effected in such manner as it may direct.]

(**a**) New paragarph inserted by S.R. 1999 No. 88 with effect from 29.3.99

Mode of making applications

7.5. Except where these Rules, or any rules applied by these Rules, otherwise provide, every application in family proceedings shall be made to a Master by summons.

No notice of intention to proceed after year's delay

7.6. No provision in the Rules of the Supreme Court (Northern Ireland) 1980, which requires a party to give notice of intention to proceed after a year's delay, shall apply to any family proceedings.

Filing of documents at place of hearing, etc

7.7. Where the file of any matrimonial proceedings [(**a**) or civil partnership proceedings] has been sent from the Matrimonial Office to a county court for the purpose of a hearing or for some other purpose, any document required to be filed shall be filed in that court.

Mode of giving notice

7.8. Unless the court otherwise directs, any notice which is required by these Rules to be given to any person shall be in writing and, if it is to be given by the proper officer or chief clerk, shall be given by post.

[(**b**) *Evidence*

7.8A. The court may allow a witness to give evidence through a video link or by any other method of direct communication.]

Copies of Decrees [(**c**), *civil partnership orders and other orders*]

7.9.—(1) A copy of every decree [(**c**), civil partnership order or other order] shall be sent by the proper officer or chief clerk to every party to the cause.

(2) A sealed or other copy of a decree [(**c**), civil partnership order or other order] pronounced or made in open court shall be issued to any person requiring it on payment of the prescribed fee.

Service of order

7.10.—(1) Where an order made in family proceedings has been drawn up, the proper officer or chief clerk, as the case may be, shall, unless the court otherwise directs, send a copy of the order to every party affected by it.

(2) Where a party against whom the order is made is acting by a solicitor, a copy may, if the Master thinks fit, be sent to that party as well as to his solicitor.

(3) It shall not be necessary for the person in whose favour the order was made to prove that a copy of the order has reached any other party to whom it is required to be sent.

(4) This rule is without prejudice to R.S.C. Order 45, rule 5 (which deals with the service of an order to do or abstain from doing an act), C.C.R Order 57, rule 7 (which deals with orders enforceable by attachment), and any other rule or enactment for the purposes of which an order is required to be served in a particular way.

Record of proceedings at trial

7.11.—(1) A record of the proceedings at the trial of every cause shall where practicable be made by mechanical or electronic means.

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) Rule 7.8A inserted by S.R. 2007 No. 324 with effect from 05.09.07
(**c**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(2) A record may be made by mechanical or electronic means of any other proceedings before the judge if directions for making such a record are given by him.

(3) The person who operated the recording machine shall, if it be the case, certify that the recording is a complete recording or a continuous part of a complete recording taken at the proceedings to which it relates.

(4) On being so directed a shorthand writer or other competent person shall furnish the Master with a transcript of the whole or such part as may be directed of the record.

(5) The shorthand writer or other competent person shall, if it be the case, certify the transcript to be a correct transcript of the record or such part of the record as may be requested.

(6) Any party, any person who has intervened in a cause or the Crown Solicitor shall be entitled to bespeak a copy of the transcript on payment of the appropriate fee.

Inspection of documents retained in court

7.12.—(1) A party to any family proceedings or his solicitor or the Crown Solicitor or a person appointed under rule 2.59 or 6.6 to be the guardian ad litem of a child in any family proceedings may have a search made for, and may inspect and bespeak a copy of, any document filed or lodged in the court office in those proceedings.

(2) Except as provided by paragraph (1) of this rule no document filed or lodged in the court office other than a [(**a**) decree, civil partnership order or other order] made in open court, shall be open to inspection by any person without the leave of the Master, and no copy of any such document, or of an extract from any such document, shall be taken by, or issued to, any person without such leave.

Disclosure of information under the Order of 1991

7.13. Where the Department requires a person mentioned in regulation 2(2) or (3) of the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(**b**) to furnish information or evidence for a purpose mentioned in regulation 3 of those Regulations nothing in rule 7.12 shall prevent that person from furnishing the information or evidence sought or require him to seek the leave of the court before doing so.

[(**c**) *Documents in family proceedings concerning gender recognition*

7.13A.—(1) This rule applies to all documents in family proceedings brought under—

(*a*) Article 14(*g*) or (*h*) of, or paragraph 18(1)(*e*) of Schedule 3 to, the Order of 1978;

(*b*) section 174(1)(*d*) or (*e*) of the Act of 2004; and

(*c*) the Gender Recognition Act 2004.

(2) Documents to which this rule applies shall, while they are in the custody of the court, be kept in a place of special security.]

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(**b**) S.R. 1992 No. 339
(**c**) Rule inserted by S.R. 2005 No. 497 with effect from 05.12.05

Applications for relief which are precluded by the Order of 1991

7.14.—(1) Where an application is made for an order which in the opinion of the Master, the court would be prevented from making by Article 10 or 11 of the Order of 1991 the proper officer or chief clerk as the case may be, shall send a notice in Form M31 to the applicant and to the other parties.

(2) In the first instance, the Master shall consider the matter under paragraph (1), without holding a hearing.

(3) An applicant who has been sent a notice under paragraph (1) may within 14 days of receipt of the notice inform the proper officer or chief clerk, as the case may be, in writing, that he wishes to pursue his application and upon being so informed the proper officer shall act in accordance with paragraph (4) and the chief clerk shall refer the matter to the district judge who shall act in accordance with paragraph (4).

(4) Where the Master acts in accordance with this paragraph he shall fix an appointment for the matter to be heard and determined by the court and may direct that the hearing shall be ex parte.

(5) Where an appointment has been fixed in accordance with paragraph (4) the proper officer or chief clerk, as the case may be, shall give the applicant notice of the date and time of the appointment and in relation to the other parties—

(*a*) where the hearing is to be ex parte, inform them that the matter is being resolved ex parte and that they will be informed of the result in due course;

(*b*) where the hearing is to be inter partes, inform them of the date and time of the appointment.

(6) Where a notice is sent under paragraph (1) and the proper officer or chief clerk, as the case may be, is not informed under paragraph (3) the application shall be treated as having been withdrawn.

(7) Where the matter is heard in accordance with paragraph (4) and the court determines that it would be prevented by Article 10 or 11 of the Order of 1991 from making the order sought it shall dismiss the application.

(8) Where the court dismisses an application under this rule it shall give its reasons in writing, copies of which shall be sent to the parties by the proper officer or chief clerk, as the case may be.

(9) In this rule "the matter" means the question whether the making of an order in the terms sought by the application would be prevented by Article 10 or 11 of the Order of 1991.

Additional requirement where application for child maintenance is combined with application for other relief

7.15. Where a notice is sent under rule 7.14(1) in respect of an application which is contained in a petition or other document ("the document") which contains material intrinsic to the application—

(*a*) the document shall, until the contrary is directed under sub-paragraph (*c*), be treated as if it did not contain the application in respect of which the notice was sent;

(*b*) the proper officer or chief clerk shall, when he sends a copy of the notice under rule 7.14(1) to the parties, also send a notice informing them of the effect of sub-paragraph (*a*); and

(*c*) where it is determined under rule 7.14 that the court would not be prevented by Article 10 or 11 of the Order of 1991 from making the order sought by the application, the court shall direct that the document shall be treated as if it contained the application, and it may give such directions as it considers

appropriate for the conduct of the proceedings in consequence of that direction.

Disclosure of address

7.16.—(1) Subject to rule 2.4 nothing in these Rules shall be construed as requiring any party to reveal the address of their private residence (or that of any child) except by order of the court.

(2) Where a party declines to reveal an address in reliance upon paragraph (1) he shall give notice to the court in Form C5 and that address shall not be revealed to any person except by order of the court.

Practice to be observed in the Matrimonial Office and [(**a**) *designated county courts*]

7.17. The Lord Chief Justice may with the concurrence of the Lord Chancellor, issue directions for the purpose of securing due observance of statutory requirements and uniformity of practice in matrimonial proceedings [(**b**) and civil partnership proceedings] in the Matrimonial Office and [(**c**) designated county courts].

PART VIII

Enforcement Of Orders

Application

8.1. In this Part, unless the context otherwise requires—

"matrimonial order" means an order made in matrimonial proceedings for the periodical payment of money;

[(**d**) "civil partnership order" means an order made in civil partnership proceedings for the periodical payment of money;]

"government stock" means any stock issued by Her Majesty's government in the United Kingdom or any funds of or annuity granted by that body;

"judgment creditor" means the person entitled to payments under an order;

"judgment debtor" means the person liable to make payments under an order.

GARNISHEE PROCEEDINGS

Attachment of debt due to judgment debtor

8.2.—(1) On the application of the judgment creditor where there is an amount remaining unpaid by the judgment debtor under a matrimonial order [(**e**) or a civil partnership order] and any other person within the jurisdiction (hereinafter referred to as "the garnishee") is in debt to the judgment debtor, the court may, subject to the provisions of paragraph (2) and rules 8.3 to 8.8 and 8.10 and to any other statutory provision, order the garnishee to pay the judgment creditor the amount of any debt due or accruing to the judgment debtor from the garnishee, or so much thereof as is sufficient to satisfy the order and the costs of the garnishee proceedings.

(2) An order under this rule shall in the first instance be an order to show cause, specifying the time and place for further consideration of the matter, and in the meantime attaching such debt as is mentioned in paragraph (1), or so much thereof

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Definition inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

as may be specified in the order, to answer the order mentioned in that paragraph and the costs of the garnishee proceedings.

(3) In this rule "the garnishee" shall include a limited company having a place of business within the jurisdiction or a firm any member of which is resident within the jurisdiction and a garnishee order may be made against any firm in the name of the firm; and any appearance by any member then within the jurisdiction pursuant to an order made under this rule shall be a sufficient appearance by the firm.

Application for order

8.3. An application for an order under rule 8.2 must be made ex parte supported by an affidavit—

(*a*) identifying the order to be enforced and stating the amount remaining unpaid under it at the time of the application;

(*b*) stating that to the best of the information and belief of the deponent the garnishee (naming him) is within the jurisdiction and is indebted to the judgment debtor and stating the sources of the deponent's information and the grounds for his belief; and

(*c*) stating, where the garnishee is a bank having more than one place of business, the name and address of the branch at which the judgment debtor's account is believed to be held or, if it be the case, that this information is not known to the deponent.

Service and effect of order to show cause

8.4.—(1) An order under rule 8.12 to show cause must, at least 7 days before the time appointed thereby for the further consideration of the matter, be served—

(*a*) on the garnishee personally, and

(*b*) unless the court otherwise directs, on the judgment debtor.

(2) Such an order shall bind in the hands of the garnishee as from the service of the order on him any debt specified in the order or so much thereof as may be so specified.

No appearance or dispute of liability by garnishee

8.5.—(1) Where on the further consideration of the matter the garnishee does not attend or does not dispute the debt due or claimed to be due from him to the judgment debtor, the court may, subject to rule 8.8 make an order absolute under rule 8.2 against the garnishee.

(2) An order absolute under rule 8.2 against the garnishee may be enforced as if judgment for the amount payable thereunder had been given against the garnishee.

Dispute of liability by garnishee

8.6. Where on the further consideration of the matter the garnishee disputes liability to pay the debt due or claimed to be due from him to the judgment debtor, the court may summarily determine the question at issue or order that any question necessary for determining the liability of the garnishee be tried in any manner in which any question or issue in an action may be tried.

Claims of third persons

8.7.—(1) If in garnishee proceedings it is brought to the notice of the court that some other person than the judgment debtor is or claims to be entitled to the debt sought to be attached or has or claims to have a charge or lien upon it, the court may

order that person to attend before the court and state the nature of his claim with particulars thereof.

(2) After hearing any person who attends before the court in compliance with an order under paragraph (1), the court may summarily determine the questions at issue between the claimants or make such other order as it thinks just, including an order that any question or issue necessary for determining the validity of the claim of such other person as is mentioned in paragraph (1) be tried in such manner as is mentioned in rule 8.6.

Discharge of garnishee

8.8. Any payment made by a garnishee in compliance with an order absolute under these Rules, shall be a valid discharge of his liability to the judgment debtor to the extent of the amount paid notwithstanding that the garnishee proceedings are subsequently set aside or the judgment or order from which they arose is reversed.

Money in court

8.9.—(1) Where money is standing to the credit of the judgment debtor in court, the judgment creditor shall not be entitled to take garnishee proceedings in respect of that money but may apply to the court by summons for an order that the money or so much thereof as is sufficient to satisfy the order sought to be enforced and the costs of the application be paid to the judgment creditor.

(2) On issuing a summons under this rule the applicant must produce the summons at the Court Funds Office and leave a copy at that office, and the money to which the application relates shall not be paid out of court until after the determination of the application.

If the application is dismissed, the applicant must give notice of that fact to the Court Funds Office.

(3) Unless the court otherwise directs, the summons must be served on the judgment debtor at least 7 days before the day named therein for the hearing.

(4) The court hearing an application under the rule may make such order with respect to the money in court as it thinks just.

Costs

8.10. The costs of any application for an order under rule 8.2 to 8.9 and of any proceedings arising therefrom or incidental thereto, shall, unless the court otherwise directs, be retained by the judgment creditor out of the money recovered by him under the order and in priority to the judgment debt.

CHARGING ORDERS, STOP ORDERS ETC

Order imposing charge on securities

8.11.—(1) The court may for the purpose of enforcing a matrimonial order [(**a**) or a civil partnership order] by order impose on any interest to which the judgment debtor is beneficially entitled in such of the securities to which this rule applies as may be specified in the order a charge for securing payment of the amount due under the order and interest thereon.

(2) Any such order shall in the first instance be an order to show cause, specifying the time and place for further consideration of the matter and imposing the charge until that time in any event.

(**a**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(3) The securities to which this rule applies are—

(*a*) any Government stock, and any stock of any company registered under the Companies (Northern Ireland) Order 1986(**a**) including any such stock standing in the name of the Accountant General, and

(*b*) any dividend of or interest payable on such stock.

Application for order under rule 8.13

8.12. An application for an order under rule 8.13 must be made ex parte supported by an affidavit—

(*a*) identifying the order to be enforced, stating the amount unpaid under it at the date of the application and showing that the applicant is entitled to enforce the order;

(*b*) specifying the securities on the judgment debtor's interest in which it is sought to impose a charge and stating in whose name they stand;

(*c*) stating that to the best of the information and belief of the deponent the judgment debtor is beneficially entitled to an interest in the securities in question, describing that interest and stating the sources of the deponent's information or the ground for his belief.

Service of notice of order to show cause

8.13.—(1) Unless the court otherwise directs, a copy of the order under rule 8.11 to show cause must, at least 7 days before the time appointed thereby for the further consideration of the matter, be served on the judgment debtor, and, if he does not attend on such consideration, proof of service must be given.

(2) Notice of the making of the order to show cause, with a copy of that order, must as soon as practicable after the making of the order be served—

(*a*) where the order relates to Government stock, on the principal office in Belfast of the Bank of Ireland,

(*b*) where the order relates to other stock, on the company concerned,

(*c*) where the order relates to stock standing in the name of the Accountant General, on the proper officer of the Court Funds Office.

Effect of order to show cause

8.14.—(1) No disposition by the judgment debtor of his interest in any securities to which an order under rule 8.11 to show cause relates which is made after the making of that order shall, so long as that order remains in force, be valid as against the judgment creditor.

(2) Until such order is discharged or made absolute, the Bank of Ireland or, as the case may be, a company shall not permit any transfer of any such stock as is specified in the order or pay to any person any dividend thereof or interest payable thereon, except with the authority of the court.

(3) If, after the notice of the making of such order is served on the Bank of Ireland or a company, the Bank or company permits any transfer or makes any payment prohibited by paragraph (2), it shall be liable to pay the judgment creditor the value of the stock transferred or, as the case may be, the amount of the payment made or, if that value or amount is more than sufficient to satisfy the judgment or order to which such order relates, so much thereof as is sufficient to satisfy it.

(**a**) S.I. 1986/1032 (N.I. 6)

Making and effect of charging order absolute

8.15.—(1) On the further consideration of the matter the court shall, unless it appears that there is sufficient cause to the contrary, make the order absolute with or without modifications.

(2) Where on the further consideration of the matter it appears to the court that the order should not be made absolute, it shall discharge the order.

(3) A charge imposed by an order under rule 8.11 made absolute under this rule shall have the same effect, and the judgment creditor in whose favour it is made shall, subject to paragraph (4), have the same remedies for enforcing it, as if it were a valid charge effectively made by the judgment debtor.

(4) No proceedings to enforce a charge imposed by an order made absolute under this rule shall be taken until after the expiration of 6 months from the date of the order to show cause.

Discharge, etc of charging order

8.16. The court, on the application of the judgment debtor or any other person interested in the securities to which an order under rule 8.11 relates, may at any time whether before or after the order is made absolute, discharge or vary the order on such terms (if any) as to costs as it thinks just.

Money in court: charging order

8.17.—(1) The court may for the purpose of enforcing a matrimonial order [(**a**) or a civil partnership order] by order impose on any interest to which the judgment debtor is beneficially entitled in any money in court identified in the order a charge for securing payment of the amount due under the order and interest thereon.

(2) Any such order shall in the first instance be an order to show cause, specifying the time and place for the further consideration of the matter and imposing the charge until that time in any event.

(3) Rules 8.12 and 8.13 shall, with the necessary modifications, apply in relation to an application for an order under this rule and to the order as they apply in relation to an application for an order under rule 8.11 and to such order.

(4) Notice of the making of an order under this rule to show cause, with a copy of that order, must as soon as practicable after the making of the order, be served on the proper officer of the Court Funds Office.

(5) Rules 8.14(1), 8.15(1) and (2) and 8.16 shall, with the necessary modifications, apply in relation to an order under this rule as they apply in relation to an order under rule 112.

Jurisdiction of Master to grant injunction or appoint receiver to enforce charge

8.18. The Master shall have power to grant an injunction if, and only so far as, it is ancillary or incidental to an order under rule 8.11 or 8.17, and an application for an injunction under this rule may be joined with the application for the order under rule 8.11 or 8.17 to which it relates.

Funds in court: stop order

8.19.—(1) The court, on the application of the judgment creditor may without notice to the applicant make an order prohibiting the transfer, sale, delivery out or payment of, or other dealing with, funds in court or any part thereof or the income thereon in which the judgment debtor has an interest.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(2) An application for an order under this rule must be made by summons in the cause or matter relating to the funds in court.

(3) The summons must be served on every person whose interest may be affected by the order applied for and on the proper officer of the Court Funds Office but shall not be served on any other person.

(4) Without prejudice to the court's powers and discretion as to costs, the court may order the applicant for an order under this rule to pay the costs of any party to the cause or matter relating to the funds in question, or of any person interested in those funds, occasioned by the application.

Securities not in court: stop notice

8.20.—(1) A judgment creditor claiming to be beneficially entitled to an interest in any securities to which rule 8.11 applies, other than securities in court, who wishes to be notified of any proposed transfer or payment of those securities may avail himself of the provisions of this rule.

(2) A person claiming to be so entitled must file in the court office,

(*a*) an affidavit identifying the securities in question and describing his interest therein by reference to the document under which it arises, and

(*b*) a notice in Form M23, signed by the deponent to the affidavit, and annexed to it, addressed to the Bank of Ireland or, as the case may be, the company concerned

and must serve an office copy of the affidavit and a copy of the notice sealed with the seal of the court on the Bank of that company.

(3) There must be indorsed on the affidavit filed under this rule a notice stating the address to which any such notice as is referred to in rule 8.21(1) is to be sent and, subject to paragraph (4), that address shall for the purpose of that rule be the address for service of the person on whose behalf the affidavit is filed.

(4) A person on whose behalf an affidavit under this rule is filed may change his address for service for the purpose of rule 8.21 by serving on the Bank of Ireland or, as the case may be, the company concerned, a notice to that effect, and as from the date of service of such a notice the address stating thereon shall for the purpose of that rule be the address for service of that person.

Effect of stop notice

8.21.—(1) Where a notice under rule 8.20 has been served on the Bank of Ireland or a company, then, so long as the notice is in force, the Bank or company shall not register a transfer of any stock or make a payment of any dividend or interest, being a transfer or payment restrained by the notice, without serving on the person on whose behalf the notice was filed at his address for service a notice informing him of the request for such transfer or payment.

(2) Where the Bank of Ireland or a company receives a request for such a transfer or payment as is mentioned in paragraph (1) made by or on behalf of the holder of the securities to which the notice under rule 8.20 relates, the Bank or company shall not by reason only of that notice refuse to register the transfer or make the payment for longer than 8 days after receipt of the request except under the authority of an order of the court.

Amendment of stop notice

8.22. If any securities are incorrectly described in a notice filed under rule 8.20, the person on whose behalf the notice was filed may file in the Matrimonial Office or county court office an amended notice and serve on the Bank of Ireland or, as the

case may be, the company concerned a copy of that notice sealed with the appropriate seal and where he does so the notice under rule 8.20 shall be deemed to have been served on the Bank or company on the day on which the copy of the amended notice was served on it.

Withdrawal, etc of stop notice

8.23.—(1) The person on whose behalf a notice under rule 8.20 was filed may withdraw it by serving a request for its withdrawal on the Bank of Ireland or, as the case may be, the company on whom the notice was served.

(2) Such request must be signed by the person on whose behalf the notice was filed and his signature must be witnessed by a practising solicitor.

(3) The court, on the application of any person claiming to be beneficially entitled to an interest in the securities to which a notice under rule 8.20 relates, may by order discharge the notice.

(4) An application for an order under paragraph (3) must be made by summons, and the summons must be served on the person on whose behalf the notice under rule 8.20 was filed.

RECEIVERS: EQUITABLE EXECUTION

Appointment of receiver by way of equitable execution

8.24. Where an application is made for the appointment of a receiver by way of equitable execution, the court in determining whether it is just or convenient that the appointment should be made shall have regard to the amount claimed by the judgment creditor, to the amount likely to be obtained by the receiver and to the probable costs of his appointment and may direct an inquiry on any of these matters or any other matter before making the appointment.

Master may appoint receiver, etc

8.25. The Master shall have power to make an order for the appointment of a receiver by way of equitable execution and to grant an injunction if, and only so far as, the injunction is ancillary or incidental to such an order.

Application of rules as to appointment of receiver, etc

8.26. An application for the appointment of a receiver by way of equitable execution shall be made by summons.

Attachment of earnings

8.27. Articles 73 to 79 of the Judgments Enforcement (Northern Ireland) Order 1981 and R.S.C. Order 105 (which deals with attachment of earnings) shall apply to the enforcement of orders made in [(**a**) matrimonial proceedings or civil partnership proceedings in a designated county court] as if they were orders of the High Court.

EXAMINATION IN AID OF ENFORCEMENT

Examination as to debts owing to judgment debtor, etc

8.28.—(1) Any party entitled to enforce an order made in matrimonial proceedings may issue and serve a summons on the judgment debtor liable under such order requiring him to attend before the court to be orally examined as to whether

(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

any and what debts are owing to the judgment debtor, and whether the judgment debtor has any and what other property or means of satisfying the order.

(2) The summons under paragraph (1) shall be in Form M24 or as near thereto as the circumstances of the case may render necessary and shall be served on the judgment debtor by recorded delivery or personally.

(3) If the judgment debtor shall fail to attend in pursuance of the summons the court may make an order for the attendance of the judgment debtor or any other person and for the production of any books or documents.

(4) An order for attendance under paragraph (3) shall be served personally on such person or persons and within such time as the court shall direct.

(5) Upon the examination the court may make any of the following orders:—

(*a*) a conditional order of garnishee,

(*b*) a charging order or stop order or any order ancillary thereto,

(*c*) an order for the appointment of a receiver by way of equitable execution, under the preceding rules,

(*d*) an attachment of earnings order under Article 73 of the Judgments Enforcement (Northern Ireland) Order 1981.

(6) The evidence given on the examination shall be taken down in writing, not ordinarily by question and answer, but so as to represent as nearly as may be the statement of the examinee. A copy of the note of such evidence shall, on payment of the appropriate fee, be made available to the parties to any such examination, but save as aforesaid no person shall, without leave of the court, be entitled to examine such note or obtain a copy thereof.

JUDGMENT SUMMONSES

Application for issue of judgment summons

8.29.—(1) In this rule and in rules 8.30 and 8.31 unless the context otherwise requires—

"the Order" means the Judgments (Enforcement) (Northern Ireland) Order 1981(**a**),

"order" means an order made in matrimonial proceedings [(**b**) or civil partnership proceedings] for the periodical payment of money or an order made by the Enforcement of Judgments Office for the payment by instalments of the amount due under an order made in matrimonial proceedings [(**c**) or civil partnership proceedings] for payment of a lump sum or costs;

"judgment creditor" means a person entitled to enforce an order;

"debtor" means a person liable under an order;

"judgment summons" means a summons issued under Article 108 of the Order.

(2) An application for the issue of a judgment summons may be made—

(*a*) in the case of an order of the High Court, to the Matrimonial Office;

(*b*) in the case of an order of a county court to that court;

by filing an affidavit verifying the amount due under the order and showing how the amount is arrived at.

(a) S.I. 1981/226 (N.I. 6)
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(3) A judgment summons shall not be issued without the leave of the judge if the debtor is in default under an order of committal made on a previous judgment summons in respect of the same order.

(4) Every judgment summons shall be in Form M25 and shall be served on the debtor personally not less than 10 clear days before the hearing and at the time of service there shall be paid or tendered to the debtor a sum reasonably sufficient to cover his expenses in travelling to and from the court.

(5) Where a judgment summons has not been served in due time, it may by leave of the registrar be reissued and, if necessary, amended from time to time within 6 months of the date of the original judgment summons.

(6) If the judge makes an order for committal, he may direct its execution to be stayed on terms that the debtor pays to the judgment creditor the amount due, together with the costs of the judgment summons, either at a specified time or by instalments, in addition to any sums accruing due under the original order.

(7) All payments under an order made under or an order of committal shall be made to the judgment creditor unless the judge otherwise directs.

(8) Where an order of committal is stayed on such terms as are mentioned in paragraph (9)—

(*a*) all payments thereafter made shall be deemed to be made, first, in or towards the discharge of any sums from time to time accruing due under the original order and, secondly, in or towards the discharge of the debt in respect of which the judgment summons was issued and the costs of the summons; and

(*b*) the said order shall not be issued until the judgment creditor has filed an affidavit of default on the part of the debtor.

(9) Where an order of committal has been made but execution of the order is stayed and the debtor subsequently desires to apply for a further stay, he shall attend at or write to the Matrimonial Office or the county court office, as the case may be, and apply for the stay he requires, stating the reasons for his inability to comply with the order, and the Master or chief clerk, as the case may be, shall fix a day for the hearing of the application by the judge and serve notice thereof on the judgment creditor and on the debtor by recorded delivery at least 3 clear days before the day fixed for the hearing.

(10) The judgment creditor shall serve notice by recorded delivery on the debtor of the terms of any order made under this rule whether or not the debtor has attended the hearing.

(11) An order for committal shall be directed to any police officer or other person as the court may direct for execution.

Further provisions as to judgment summonses

8.30.—(1) R.S.C. Order 38, rule 2(3) (which enables evidence to be given by affidavit in certain cases) shall apply to a judgment summons issued in the High Court or a county court as if it were an originating summons.

(2) Witnesses may be summoned to prove the means of the debtor in the same manner as witnesses are summoned to give evidence on the hearing of a cause, and writs of subpoena or witness summonses may be issued for that purpose.

(3) Where the debtor appears at the hearing, the travelling expenses paid to him may, if the judge so directs, be allowed as expenses of a witness, but if the debtor appears at the hearing and no order of commitment is made, the judge may allow to the debtor, by way of set-off or otherwise, his proper costs, including compensation for loss of time, as upon an attendance by a defendant at a trial in court.

Special provisions as to judgment summonses in [(**a**) *designated county courts*]

[*Suppl. No. 7 (March 2011)*]

8.31. C.C.R. Order 40 (which deals with enforcement of decrees) shall not apply to a judgment summons issued in a county court.

Removal of [(**a**) *designated county court order*] *into High Court*

8.32. Any order made by a county court in matrimonial proceedings [(**b**) or civil partnership proceedings] may, on an application made to the High Court ex parte by affidavit by the person entitled to enforce the order, be removed into the High Court by direction of the Master, if he is satisfied that the order cannot conveniently be enforced in the county court.

[(c) Registration And Enforcement Under The Council Regulation And The 1996 Hague Convention

Application

8.33. Rules 8.33 to 8.63 apply to proceedings for the recognition, non-recognition and registration of—

(*a*) judgments to which the Council Regulation applies;

(*b*) measures to which the 1996 Hague Convention applies; and

(*c*) judgments to which the Jurisdiction and Recognition of Judgments Regulations apply, and which relate to dissolution, annulment or legal separation of overseas relationships entitled to be treated as a civil partnership.

Interpretation

8.34.—(1) In rules 8.33 to 8.63—

(*a*) "Central Authority" means, in relation to Northern Ireland, the Department of Justice;

(*b*) "Contracting State" means a State, other than a Member State, in relation to which the 1996 Hague Convention is in force as between that State and the United Kingdom;

(*c*) "judgment" is to be construed—

(i) in accordance with the definition in Article 2(4) of the Council Regulation where it applies;

(ii) in accordance with regulation 6 of the Jurisdiction and Recognition of Judgments Regulations where they apply; or

(iii) as meaning any measure taken by an authority with jurisdiction under Chapter II of the 1996 Hague Convention where that Convention applies;

(*d*) "the Jurisdiction and Recognition of Judgments Regulations" means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005;

(*e*) "Member State" includes, where recognition is sought of a judgment to which the Jurisdiction and Recognition of Judgments Regulations apply, a Member State of the European Union to which Part II of those Regulations applies;

(*f*) "parental responsibility"—

(i) where the Council Regulation applies, has the meaning given in Article 2(7) of that Regulation; and

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(**a**) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

(**b**) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

(**c**) Rules 8.33 – 8.63 substituted by S.R. 2011 No. 64 with effect from 25.03.11

(ii) where the 1996 Hague Convention applies, has the meaning given in Article 1(2) of that Convention; and

(g) "the Service Regulation" means Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (service of documents) and repealing Council Regulation (EC) No.1348/2000.

(2) References in rules 8.33 to 8.63 to registration are to the registration of a judgment in accordance with the provisions of those rules.

Filing of applications

8.35.—(1) Every application under rules 8.33 to 8.63, except for an application under rule 8.56, for a certified copy of a judgment or certificate, or under rule 8.61, for rectification of a certificate issued under Articles 41 or 42 of the Council Regulation, must be filed with the Office of Care and Protection.

(2) Notwithstanding paragraph (1), where recognition of a judgment is raised as an incidental question in proceedings under the Council Regulation, 1996 Hague Convention or the Jurisdiction and Recognition of Judgments Regulations the court hearing those proceedings may determine the question of recognition.

Application for registration, recognition or non-recognition of a judgment

8.36.—(1) Any interested person may apply to the court for an order that the judgment be registered, recognised or not recognised.

(2) Except for an application under rule 8.46, an application for registration, recognition or non-recognition must be made to the Master.

(3) In the case of an application under the Jurisdiction and Recognition of Judgments Regulations or the 1996 Hague Convention, a translation of the judgment must be supplied.

(4) Where any document required by rules 8.33 to 8.63 or by the direction of the court under rule 8.44 is not in the English language, the applicant must supply a translation of each such document into English by a notary public or a person qualified for the purpose, authenticated by witness statement or affidavit.

Application for registration or recognition of a judgment under the Council Regulation

8.37. An application for registration or recognition under the Council Regulation must be accompanied by supported by a statement that is sworn to be true or an affidavit—

(a) exhibiting—

(i) the judgment, or a verified, certified or otherwise duly authenticated copy of the judgment;

(ii) the certificate, in the form set out in Annex I or Annex II of the Council Regulation, issued by the Member State in which judgment was given;

(iii) in the case of a judgment given in default, the documents referred to in Article 37(2) of the Council Regulation;

(iv) where it is appropriate under Article 56 of the Council Regulation, evidence of the consent of the relevant authority or authorities;

(*b*) stating—

(i) whether the judgment provides for the payment of a sum or sums of money;

(ii) whether interest is recoverable on the judgment or part of it in accordance with the law of the Member State in which the judgment was given, and if so, the rate of interest, the date from which the interest is recoverable, and the date on which interest ceases to accrue;

(*c*) giving an address within the jurisdiction of the court for service of process on the party making the application and stating, so far as is known to the witness, the name and the usual or last known address or place of business of the person against whom judgment was given;

(*d*) stating, where appropriate, whether Article 56 has been complied with and giving the identity and address of the authority or authorities from whom consent has been obtained.

Application for non-recognition of a judgment under the Council Regulation

8.38. An application for an order that a judgment should not be recognised under the Council Regulation must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the documents referred to in rule 8.37(*a*)(i) and (ii);

(ii) in the case of a judgment given in default, the documents referred to in Article 37(2) of the Council Regulation or a statement that no service or acceptance of service has occurred if that is the case;

(iii) the documents to support the statement referred to in paragraph (*c*);

(*b*) giving an address within the jurisdiction of the court for service of process on the party making the application and stating, so far as is known to the witness, the name and the usual or last known address or place of business of the person in whose favour judgment was given;

(*c*) stating, to the best of the information or belief of the witness, the ground or grounds under Articles 22 or 23 of the Council Regulation (as the case may be) on which it is requested that the judgment should not be recognised and the reasons why the witness asserts that such ground or grounds is or are made out.

Application for registration of a judgment under the 1996 Hague Convention

8.39.—(1) An application for registration under the 1996 Hague Convention must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the judgment, or a verified, certified or otherwise duly authenticated copy of the judgment;

(ii) those documents necessary to show that the judgment is enforceable according to the law of the Contracting State in which it was given;

(iii) any documents to support the statements referred to paragraph (*d*);

(*b*) giving a description of the opportunities provided by the authority which gave the judgment in question for the child to be heard, except where that judgment was given in a case of urgency;

(*c*) giving details of any measures taken in a non-Contracting State of the habitual residence of the child, if applicable, specifying the nature and effect of the measure, and the date on which it was taken;

(*d*) in so far as not apparent from the copy of the judgment provided, stating the grounds on which the authority which gave the judgment has based its jurisdiction;

(*e*) where appropriate, stating whether Article 33 of the 1996 Hague Convention has been complied with, and the identity and address of the authority or authorities from which consent has been obtained;

(*f*) giving the information referred to in rule 8.37(*b*) and (*c*).

Application for non-recognition of a judgment under the 1996 Hague Convention

8.40. An application for an order that a judgment should not be recognised under the 1996 Hague Convention must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the judgment, or a verified, certified or otherwise duly authenticated copy of the judgment;

(ii) any documents to support the statements referred to in paragraph (*b*);

(*b*) stating the ground or grounds under Articles 23 of the 1996 Hague Convention on which it is requested that the judgment should not be recognised and the reasons why the applicant asserts that such ground or grounds is or are made out; and

(*c*) giving an address within the jurisdiction of the court for service of process on the applicant and stating, so far as is known to the applicant, the name and usual or last known address or place of business of the person in whose favour the judgment was given.

Application for recognition only of a judgment under the 1996 Hague Convention

8.41. Where it is sought to apply for recognition only of a judgment under the 1996 Hague Convention, the provisions of rule 8.39 apply with the exception that the applicant is not required to produce the document referred to in rule 8.39(*a*)(ii).

Application for recognition of a judgment under the Jurisdiction and Recognition of Judgments Regulations

8.42. An application for recognition of a judgment under regulation 7 of the Jurisdiction and Recognition of Judgments Regulations must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting the judgment, or a verified, certified or otherwise duly authenticated copy of the judgment;

(*b*) exhibiting, where the judgment was obtained otherwise than by means of proceedings—

(i) an official document certifying that the judgment is effective under the law of the country in which it was obtained;

(ii) where either civil partner was domiciled in another country from that in which the judgment was obtained at the relevant date, an official document certifying that the judgment is recognised as valid under the law of that country.

(*c*) exhibiting, where the judgment was obtained by means of proceedings and given in default, the document which establishes that the party who did not respond was served with the document instituting the proceedings or with an equivalent document, or any document indicating that the respondent has accepted the judgment unequivocally;

(*d*) giving—

(i) the information referred to in rule 8.37(*b*) and (*c*); and

(ii) where applicable, details of any decision determining the question of the substance or validity of the civil partnership previously given by a court of civil jurisdiction in Northern Ireland, or by a court elsewhere.

Application for non-recognition of a judgment under the Jurisdiction and Recognition of Judgments Regulations

8.43. An application for an order that a judgment should not be recognised under regulation 8 of the Jurisdiction and Recognition of Judgments Regulations must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the judgment, or a verified, certified or otherwise duly authenticated copy of the judgment;

(ii) any documents to support the statements referred to in paragraphs (*b*) and (*c*);

(iii) where the judgment was obtained by means of proceedings and given in default, the document referred to in rule 8.42(*c*) or a statement that no such service or acceptance occurred if that is the case.

(*b*) giving an address within the jurisdiction of the court for service of process on the applicant and stating, so far as is known to the applicant, the name and usual or last known address or place of business of the person in whose favour judgment was given;

(*c*) stating the ground or grounds under regulation 8 on which it is requested that the judgment should not be recognised and the reasons why the applicant asserts that such ground or grounds is or are made out.

Documents – supplementary

8.44.—(1) Except as regards a copy of a judgment required by Article 37(1)(*a*) of the Council Regulation, where the person making an application under rules 8.33 to 8.63 does not produce the documents required by those rules, the court may—

(*a*) fix a time within which the documents are to be produced;

(*b*) accept equivalent documents; or

(*c*) dispense with production of the documents if the court considers it has sufficient information.

(2) This rule does not apply to applications under rule 8.46.

Directions

8.45.—(1) As soon as practicable after an application under rules 8.33 to 8.63 has been made, the court may (subject to the requirements of the Council Regulation) give such directions as it considers appropriate, including as regards the following matters—

(*a*) whether service of the application may be dispensed with;

(*b*) expedition of the proceedings or any part of the proceedings (and any direction for expedition may specify a date by which the court must give its decision);

(*c*) the steps to be taken in the proceedings and the time by which each step is to be taken;

(*d*) the service of documents; and

(*e*) the filing of evidence.

(2) The proper officer or chief clerk will—

(*a*) record the giving, variation or revocation of directions under this rule: and

(*b*) as soon as practicable serve a copy of the directions order on every party.

Recognition and enforcement under the Council Regulation of a judgment given in another Member State relating to rights of access or under Article 11(8) for the return of the child to that State

8.46.—(1) This rule applies where a judgment has been given in another Member State—

(*a*) relating to rights of access: or

(*b*) under Article 11(8) of the Council Regulation for the return of a child to that State,

which has been certified, in accordance with Article 41(2) or 42(2) as the case may be, by the judge in the court of origin.

(2) An application for recognition or enforcement of the judgment must be—

(*a*) made in writing to the Master: and

(*b*) accompanied by a copy of the certificate issued by the judge in the court of origin.

(3) The application may be made without notice.

(4) Rules 8.44 and 8.47 to 8.55 do not apply to an application made under this rule.

(5) Nothing in this rule prevents a holder of parental responsibility from seeking recognition and enforcement of a judgment in accordance with the provisions of rules 8.47 to 8.55.

Registration for enforcement or order for non-recognition of a judgment

8.47.—(1) This rule applies where an application is made for an order that a judgment given in another Member State, or a Contracting State, should be registered, or should not be recognised, except where rule 8.46 applies.

(2) Where the application is made for an order that the judgment should be registered—

(*a*) upon receipt of the application, and subject to any direction given by the court under rule 8.45, the proper officer will serve the application on the person against whom registration is sought;

(*b*) the court will not accept submissions from either the person against whom registration is sought or any child in relation to whom the judgment was given.

(3) Where the application is for an order that the judgment should not be recognised—

(*a*) upon receipt of the application, and subject to any direction given by the court under rule 8.45, the proper officer or the chief clerk will serve the application on the person in whose favour judgment was given;

(*b*) the person in whose favour the judgment was given must file an answer to the application and serve it on the applicant—

(i) within one month of service of the application: or

(ii) if the applicant is habitually resident in another Member State, within two months of service of the application.

(4) In cases to which the 1996 Hague Convention applies and the Council Regulation does not apply, the court may extend the time set out in paragraph (3)(*b*)(ii) on account of distance.

(5) The person in whose favour the judgment was given may request recognition or registration of the judgment in their answer, and in that event must comply with these rules, to the extent that such documents, information and evidence are not already contained in the application for non-recognition.

(6) If, in a case to which the Council Regulation applies, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3), the court will act in accordance with the provisions of Article 18 of the Council Regulation.

(7) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3)—

(*a*) where the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court must apply Article 15 of that Convention; and

(*b*) in all other cases, the court will not consider the application unless—

(i) it is proved to the satisfaction of the court that the person in whose favour judgment was given was served with the application within a reasonable period of time to arrange his or her answer; or

(ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the application.

(8) In a case to which the Jurisdiction and Recognition of Judgments Regulations apply, if the person in whose favour judgment was given fails to file an answer as required by paragraph (3), the court will apply the Service Regulation where that Regulation applies, and if it does not—

(*a*) where the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court must apply Article 15 of that Convention; and

(*b*) in all other cases, the court will apply the provisions of paragraph (7)(*b*).

Stay of recognition proceedings by reason of an appeal

8.48. Where recognition or non-recognition of a judgment given in another Member State or Contracting State is sought, or is raised as an incidental question in other proceedings, the court may stay the proceedings—

(*a*) if an ordinary appeal against the judgment has been lodged; or

(*b*) if the judgment was given in the Republic of Ireland, if enforcement of the judgment is suspended there by reason of an appeal.

Effect of refusal of application for a decision that a judgment should not be recognised

8.49.—(1) Where the court refuses an application for a decision that a judgment should not be recognised, the court may direct that the decision to refuse the application is to be treated as a decision that the judgment be recognised.

(2) Where the High court refuses an application for a decision that a judgment should not be recognised, that court may—

(*a*) treat the answer under rule 8.47(3)(*b*) as an application that the judgment be registered for enforcement if rule 8.47(5) is complied with; and

(*b*) order that the judgment be registered for enforcement in accordance with rule 8.50.

[Suppl. No. 7 (March 2011)]

Notification of the court's decision on an application for registration or non-recognition

8.50.—(1) Where the court has—

(*a*) made an order on an application for an order that a judgment should be registered for enforcement: or

(*b*) refused an application that a judgment should not be recognised and ordered under rule 8.49(2) that the judgment be registered for enforcement,

the proper officer will as soon as practicable take the appropriate action under paragraph (2) or (3).

(2) If the court refuses the application for the judgment to be registered for enforcement, the proper officer will serve the order on the applicant and the person against whom judgment was given in the state of origin.

(3) If the court orders that the judgment should be registered for enforcement, the proper officer will—

(*a*) register the judgment in the register of judgments kept by the Office of Care and Protection:

(*b*) confirm on the order that the judgment has been registered; and

(*c*) serve on the parties the court's order endorsed with the proper officer's confirmation that the judgment has been registered.

(4) A sealed order of the court endorsed in accordance with paragraph (3)(*b*) will constitute notification that the judgment has been registered under Article 28(2) of the Council Regulation or under Article 26 of the 1996 Hague Convention, as the case may be, and in this rule and rules 8.53 and 8.54 "notice of registration" means a sealed order so endorsed.

(5) The notice of registration must state—

(*a*) full particulars of the judgment registered and the order for registration;

(*b*) the name of the party making the application and that party's address for service within the jurisdiction;

(*c*) the right of the person against whom judgment was given to appeal against the order for registration; and

(*d*) the period within which an appeal against the order for registration may be made.

Effect of registration under rule 8.50

8.51. Registration of a judgment under rule 8.50 will serve for the purpose of Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague Convention, or regulation 7 of the Jurisdiction and Recognition of Judgments Regulations (as the case may be) as a decision that the judgment is recognised.

Decision on recognition of a judgment only

8.52.—(1) Where an application is made seeking recognition of a judgment only, the provisions of rules 8.47 and 8.48 apply to that application as they do to an application for registration for enforcement.

(2) Where the court orders that the judgment should be recognised, the proper officer or chief clerk will serve a copy of the order on each party as soon as practicable.
(3) A sealed order of the court will constitute notification that the judgment has been recognised under Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague Convention or regulation 7 of the Jurisdiction and Recognition of Judgments Regulations, as the case may be.

(4) The sealed order must indicate—

(*a*) full particulars of the judgment recognised;

(*b*) the name of the party making the application and that party's address for service within the jurisdiction;

(*c*) the right of the person against whom judgment was given to appeal against the order for recognition; and

(*d*) the period within which an appeal against the order for recognition may be made.

Appeal against the court's decision under rules 8.49, 8.50 or 8.52

8.53.—(1) An appeal against the court's decision under rules 8.49, 8.50 or 8.52 must be made to a judge of the High Court—

(*a*) within one month of the date of service of the notice of registration; or

(*b*) if the party bringing the appeal is habitually resident in another Member State, or a Contracting State, within two months of the date of service.

(2) The court may not extend time for an appeal on account of distance unless the matter is one to which the 1996 Hague Convention applies and the Council Regulation does not apply.

(3) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the appeal is brought by the applicant for a declaration of enforceability or registration and the respondent fails to appear—

(*a*) where the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court must apply Article 15 of that Convention; and

(*b*) in all other cases, the court will not consider the appeal unless—

(i) it is proved to the satisfaction of the court that the respondent was served with notice of the appeal within a reasonable period of time to arrange his or her response; or

(ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the appeal.

(4) This rule is subject to rule 8.54.

Stay of enforcement where appeal pending in state of origin

8.54.—(1) A party against whom enforcement is sought of a judgment which has been registered under rule 8.50 may apply to the court with which an appeal is lodged under rule 8.53 for the proceedings to be stayed where—

(*a*) that party has lodged an ordinary appeal in the Member State or Contracting State of origin; or

(*b*) the time for such an appeal has not yet expired.

(2) Where an application for a stay is filed in the circumstances described in paragraph (1)(*b*), the court may specify the time within which an appeal must be lodged.

Enforcement of judgments registered under rule 8.51

8.55.—(1) The court will not enforce a judgment registered under rule 8.50 until after—

(*a*) the expiration of any applicable period under rules 8.53 or 8.54; or

(*b*) if that period has been extended by the court, the expiration of the period so extended.

[Suppl. No. 7 (March 2011)]

(2) A party applying to the court for the enforcement of a registered judgment must produce to the court a certificate of service of—

(*a*) the notice of registration of the judgment; and

(*b*) any order made by the court in relation to the judgment.

Request for a certificate or a certified copy of a judgment

8.56.—(1) An application for a certified copy of a judgment, or for a certificate under Articles 39, 41 or 42 of the Council Regulation, must be made to the court which made the order and without giving notice to any other party.

(2) The certified copy of the judgment will be an office copy sealed with the seal of the court and signed by the Master or by the chief clerk where the application is made to the county court. It will be issued with a certified copy of any order which has varied any of the terms of the original order.

(3) Where the application is made for the purposes of applying for recognition or recognition and enforcement of the order in another Contracting State, the court must indicate on the certified copy of the judgment the grounds on which it based its jurisdiction to make the order, for the purposes of Article 23(2)(*a*) of the 1996 Hague Convention.

Applications for certified copy of judgment and certificate under Article 41 or 42 of the Council Regulation

8.57. An application for a certified copy of the judgment and a certificate under Article 41 or 42 of the Council Regulation must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) a copy of the application by which the proceedings were begun;

(ii) a copy of all pleadings filed in the proceedings;

(iii) a document showing that the applicant has benefited from legal aid in the proceedings to which the judgment relates;

(iv) evidence of service of the application on all respondents, and if no such service occurred, evidence of all opportunities provided to each respondent to put their case before the court;

(*b*) giving details of the proceedings in which the judgment was obtained;

(*c*) stating—

(i) whether the certificate is sought under Article 41 or Article 42;

(ii) the full names, addresses and dates and places of birth (where available) of all persons holding parental responsibility in relation to the child or children to whom the judgment relates;

(iii) the full names and dates of birth of each child to whom the judgment relates;

(iv) the age of the child at the time of the judgment and the opportunities given during the proceedings, if any, for the child's wishes and feelings to be ascertained;

(v) whether the judgment provides for the payment of a sum or sums of money; and

(vi) whether interest is recoverable on the judgment or part of it in accordance with the law of the Member State in which the judgment was given, and if so, the rate of interest, the date from which the interest is recoverable, and the date on which interest ceases to accrue.

Applications for certified copy of judgment and certificate under Article 39 of the Council Regulation

[*Supplt No. 7 (March 2011)*]

8.58. An application for a certified copy of the judgment and a certificate under Article 39 of the Council Regulation must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the documents referred to in rule 8.57(*a*)(i) to (iii);

(ii) in relation to a parental responsibility matter, evidence that the judgment has been served on the respondent;

(iii) in the case of a judgment given in default, a document which establishes that the respondent was served with the application by which the proceedings were commenced, or any document indicating that the respondent accepted the judgment unequivocally;

(*b*) stating whether—

(i) the certificate sought relates to a parental responsibility matter or a matrimonial matter;

(ii) the judgment provides for the payment of a sum or sums of money; and

(iii) interest is recoverable on the judgment or part of it in accordance with the law of the Member State in which the judgment was given, and if so, the rate of interest, the date from which the interest is recoverable, and the date on which interest ceases to accrue.

(*c*) stating that the time for service has expired, or the date on which it will expire, as appropriate, and whether a notice of appeal against the judgment has been given;

(*d*) in relation to a matrimonial matter, stating the full name, address, country and place of birth, and date of birth of each party and the country, place and date of the marriage;

(*e*) in relation to a parental responsibility matter, stating the full name, address, place and date of birth of each person who holds parental responsibility; and

(*f*) as appropriate, the name, address, and date of birth of the person with access rights or to whom the child is to be returned.

Applications for certified copy of judgment under the 1996 Hague Convention

8.59. An application for a certified copy of the judgment for the purposes of recognition and enforcement of the judgment under the 1996 Hague Convention must be supported by a statement that is sworn to be true or an affidavit—

(*a*) exhibiting—

(i) the documents referred to in rule 8.57(*a*)(i) and (ii);

(ii) evidence of service of the proceedings, if any;

(*b*) stating the grounds on which the court based its jurisdiction to make the orders in question;

(*c*) stating the age of the child at the time of the judgment and the measures taken, if any, for the child's wishes and feelings to be ascertained; and

(*d*) stating which persons were provided with notice of the proceedings.

[*Suppl. No. 7 (March 2011)*]

Certificates issued in Northern Ireland under Articles 41 and 42 of the Council Regulation

8.60. The proper officer or chief clerk, as the case may be, will serve—

(*a*) a certificate issued under Articles 41 or 42;

(*b*) a certificate rectified under rule 8.61,

on all parties and will transmit a copy to the Central Authority for Northern Ireland which will keep a register of those certificates.

Rectification of certificate issued under Articles 41 or 42 of the Council Regulation

8.61.—(1) Where there is an error in a certificate issued under Articles 41 or 42, an application to rectify that error must be made to the court which issued the certificate.

(2) A rectification under paragraph (1) may be made—

(*a*) by the court of its own motion; or

(*b*) on application by—

(i) any party to the proceedings;

(ii) the Central Authority for Northern Ireland; or

(iii) the court or Central Authority of another Member State.

(3) An application under paragraph (2)(*b*) may be made without notice being served on any other party.

Authentic instruments and agreements under Article 46 of the Council Regulation

8.62. Rules 8.33 to 8.63 apply to an authentic instrument and an agreement to which Article 46 of the Council Regulation applies as they apply to a judgment.

Application for provisional, including protective measures

8.63. An application for provisional, including protective measures, under Article 20 of the Council Regulation or Articles 11 or 12 of the 1996 Hague Convention may be made notwithstanding that the time for appealing against an order for registration of a judgment has not expired or that a final determination of any issue relating to enforcement of the judgment is pending.]

[(a) MEDIATION DIRECTIVE

Application and interpretation

8.64.—(1) This rule and rules 8.65 to 8.68 apply to mediated cross-border disputes that are subject to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

(2) In this rule and rules 8.65 to 8.68—

(*a*) "Mediation Directive" means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;

(*b*) "cross-border dispute" has the meaning given by article 2 of the Mediation Directive;

(*c*) "mediation" has the meaning given by article 3(*a*) of the Mediation Directive;

(*d*) "mediation administrator" means a person involved in the administration of the mediation process;

(a) Rules 8.64 – 8.68 inserted by S.R. 2011 No. 64 with effect from 25.03.11

(*c*) "mediation evidence" means evidence arising out of or in connection with a mediation process; [*Suppl. No. 7 (March 2011)*]

(*f*) "mediator" has the meaning given by article 3(*b*) of the Mediation Directive; and

(*g*) "relevant dispute" means a cross-border dispute that is subject to the Mediation Directive.

Relevant disputes: applications for consent orders in respect of financial remedies

8.65.—(1) This rule applies in relation to proceedings for a financial remedy where the applicant, with the explicit consent of the respondent, wishes to make an application that the content of a written agreement resulting from mediation of a relevant dispute be made enforceable by being made the subject of a consent order.

(2) The court will not include in a consent order any matter which is contrary to the law of Northern Ireland or which is not enforceable under that law.

(3) The applicant must file two copies of a draft of the order in the terms sought.

(4) Subject to paragraph (5), the application must be supported by evidence of the explicit consent of the respondent.

(5) Where the respondent has written to the court consenting to the making of the order sought, the respondent is deemed to have given explicit consent to the order and paragraph (4) does not apply.

(6) Where this rule applies, rule 2.72 shall apply to the extent that it is consistent with this rule.

Relevant disputes: financial remedies expressed in a foreign currency

8.66. Where an application is made under rule 8.65 in respect of a financial remedy which is expressed in a foreign currency, the application must contain a certificate of the sterling equivalent of the sums or sums concerned at the close of business on the day before the date of the application.

Mediation evidence: disclosure or inspection

8.67.—(1) Where a party to proceedings seeks disclosure or inspection of mediation evidence that is in the control of a mediator or mediation administrator, that person must first apply to the court for permission to seek the disclosure or inspection.

(2) Where an application is made under paragraph (1), the mediator or mediation administrator who has control of the mediation evidence must be named as a respondent to the application and must be served with a copy of the application.

(3) Evidence in support of the application under paragraph (1) must include evidence that—

(*a*) all parties to the mediation agree to the disclosure or inspection of the mediation evidence;

(*b*) disclosure or inspection of the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(*a*) of the Mediation Directive; or

(*c*) disclosure or inspection of the mediation settlement is necessary to implement or enforce the mediation settlement agreement.

(4) Where this rule applies, rules 2.24, 2.25, 2.40 to 2.45, 2.60 to 2.63, 4.18, 4.24, 4B.9, 4C.7, 7.8A, 7.12, 7.13 and 7.13A apply to the extent they are consistent with this rule.

[Suppl. No. 7 (March 2011)]

Mediation evidence: witnesses

8.68.—(1) This rule applies where a party wishes to obtain mediation evidence from a mediator or mediation administrator by—

(*a*) a witness summons;

(*b*) cross-examination with permission of the court under rule 2.41(5) or (6) or rule 2.45; or

(*c*) an order under rule 2.41(4) (order for the examination on oath of any person).

(2) When applying for a witness summons, permission under rule 2.41(5) or (6) or rule 2.45, or an order under rule 2.41(4), the party must provide the court with evidence that—

(*a*) all parties to the mediation agree to the obtaining of the mediation evidence;

(*b*) obtaining the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(*a*) of the Mediation Directive; or

(*c*) the disclosure or inspection of the mediation settlement is necessary to implement or enforce the mediation settlement agreement.

(3) When considering a request for a witness summons, permission under rule 2.41(5) or (6) or rule 2.45, or an order under rule 2.41(4), the court may invite any person, whether or not a party, to make representations.

(4) Where this rule applies, rules 2.24, 2.25, 2.40 to 2.45, 2.60 to 2.63, 4.18, 4.24, 4B.9, 4C.7, 7.8A, 7.12, 7.13 and 7.13A apply to the extent they are consistent with this rule.]

Brian Hutton
John MacDermott
Malachy J. Higgins
J. F. B. Russell
F. Brian Hall
Mary Connolly

Dated 19th July 1996
I concur
Dated 25th July 1996

Mackay of Clashfern, C.

ARRANGEMENT OF FORMS

APPENDIX 1

FORMS TO BE USED IN MATRIMONIAL AND OTHER PROCEEDINGS

Form No.	*Subject*
Form M1	Originating Summons
Form M2	Heading of Petition
Form M3	General Hearing of Proceedings
Form M4	Statements of Arrangements for Children
Form M5	Notice of Proceedings
[(a) Form M5A Notice of Proceedings: Civil Partnership Act 2004]	
Form M6	Acknowledgement of Service
[(b) Form M6A Acknowledgement of Service: Civil Partnership Act 2004]	
Form M7	Affidavit of Service
Form M8	Certificate of Readiness
Form M9	Notice under Rule 2.39
Form M10	[(c) Notice of Application for Decree Nisi to be Made Absolute or Conditional Order to be Made Final]
Form M11	Certificate of Making Decree Nisi Absolute (Divorce)
[(d) Form M11A Certificate of Making Conditional Order for Dissolution Final]	
Form M12	Certificate of Making Decree Nisi Absolute (Nullity)
[(e) Form 12A Certificate of Making Conditional Nullity Order Final]	
Form M13	Notice of Application for Ancillary Relief
Form M14	Notice of Application under Rule 2.48
Form M15	Notice of Intention to proceed with Applications for Ancillary Relief made in Petition or Answer
Form M16	Notice of Allegation in Proceedings for Ancillary Relief
Form M17	Notice of Request for Periodical Payments Order at same rate as Order for Maintenance pending suit
Form M18	Origination Summons for Maintenance
Form M19	Notice under Rule 3.1(5)
Form M20	Originating Summons for Alteration of Maintenance Agreement during the Lifetime of the Parties
Form M21	Originating Summons for Alteration of Maintenance Agreement after the Death of one of the Parties
Form M22	Notice to be Indorsed on Document served in accordance with Rule 6.4
Form M23	Affidavit and Notice under Rule 8.20
Form M24	Summons under Rule 8.28

(a) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

[Suppl. No. 2 (December 2005)]

Form No.	*Subject*
Form M25	Judgment Summons
Form M26	Declaration as to Marital status under Article 31 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
[(a) Form M26A	Declaration as to Civil Partnership Status under section 181 of the Civil Partnership Act 2004]
Form M27	Ex Parte Originating Summons under Article 17 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
Form M28	Originating Summons under Article 16 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
Form M29	Originating Summons under Article 28 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
Form M30	Notice of Proceedings and Acknowledgement of Service
Form M31	Notice under Rule 7.13(1)
Form M32	Form of Notice to Appear in Petition for Declaration of [Parentage] [Legitimacy] [Legitimation]
Form M33	Certificate of Readiness
Form M34	Declaration of Parentage under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
Form M35	Declaration as to Legitimacy or Legitimation under Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
Form M36	Transfer of Proceedings under the Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002

FORMS TO BE USED IN PROCEEDINGS RELATING TO CHILDREN

Form C1	Application for an Order
[(b) Form C1A	Supplemental Information Form]
Form C2	Application – for leave to commence proceedings – for an order or directions in existing family proceedings – to be joined as, or cease to be, a party in existing family proceedings
Form C3	Notice to Parties of Proceedings [Hearing] [Directions Appointment]
Form C3A	Notice to Non-Parties of Proceedings [Hearing] [Directions Appointment]
Form C4	Acknowledgement
Form C5	Confidential Address
Form C6	Statement of Service
Form C7	Supplement for an Application for Financial Provision for a Child or Variation of Financial Provision for a Child
Form C7A	Statement of Means
Form C8	Supplement for an Application for an Emergency Protection Order
Form C9	Supplement for an Application for a Warrant to assist a person authorised by an Emergency Protection Order
Form C10	Supplement for an Application for a Care or Supervision Order

(a) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

Form No.	*Subject*
Form C11	Supplement for an Application for Authority to refuse Contact with a Child in Care
Form C12	Supplement for an Application for Contact with a Child in Care
Form C13	Supplement for an Application for a Child Assessment Order
Form C14	Supplement for an Application for an Education Supervision Order
Form C14A	Supplement for an Application for an Extension of an Education Supervision Order
Form C15	Supplement for an Application for a Recovery Order
Form C16	Application for a Warrant of Assistance
Form C17	Supplement for an Application for an Order to hold a child in Secure Accommodation
Form C18	Order Book/Record of Hearing
	Order Book/Record of Hearing (for lay members at ex parte hearing)
	Order – blank
	Directions Order
Form C19	Order Book/Record of Hearing
	Order Book/Record of Hearing (for lay members at ex parte hearing)
Form C20	Emergency Protection Order
Form C21	Variation of an Emergency Protection Order Direction
	Extension of an Emergency Protection Order
	Discharge of an Emergency Protection Order
Form C22	To assist person authorised by an Emergency Protection Order
	To assist person authorised by an Emergency Protection Order (for lay members at ex parte hearing)
Form C23	Authority to keep a child in Secure Accommodation
Form C24	Authority to search for another child
Form C25	To assist person to gain access to a child or entry to premises
Form C26	Recovery of a child
	Recovery of a child (for lay members at ex parte hearing)
Form C27	Care Order
	Discharge of a Care Order
Form C28	Interim Care Order
Form C29	Contact with a child in care
	Authority to refuse contact with a child in care
Form C30	Supervision Order
	Interim Supervision Order
Form C31	Substitution of a Supervision Order for a Care Order
	Discharge/Variation of a Supervision Order
	Extension of Supervision Order
Form C32	Education Supervision Order
Form C33	Discharge of an Education Supervision Order
	Extension of an Education Supervision Order
Form C34	Child Assessment Order
Form C35	To undertake an investigation
Form C36	Family Assistance Order
Form C37	Residence/Contact/Specific Issue/Prohibited Steps Order

Form No.	*Subject*
Form C38	Leave to change the surname by which a child is known
	Leave to remove a child from the United Kingdom
Form C39	Parental Responsibility Order
	Termination of a Parental Responsibility Order
Form C40	Appointment of a guardian
	Termination of the appointment of a guardian
Form C41	Making or refusing the appointment of a guardian ad litem
	Termination of the appointment of a guardian ad litem
Form C42	Appointment of a solicitor for a child
	Refusal of the appointment of a solicitor
	Termination of the appointment of a solicitor
Form C43	Transfer of proceedings to court
	FORMS TO BE USED IN FAMILY HOMES AND DOMESTIC VIOLENCE PROCEEDINGS
Form F1	Application for transfer of tenancy
Form F2	Application for a Non-Molestation Order/An Occupation Order
Form F3	Notice of Proceedings
Form F4	Statement of Service
Form F5	Notice to Mortgagees and Landlords
Form F6	Record of Hearing
Form F7	Any Order made on the Hearing
Form F8	Application to vary, extend or discharge an Order
Form F9	Transfer of proceedings to another Court
[Form 10	Application for a Forced Marriage Protection Order
Form 11	Notice of Proceedings
Form 12	Record of Hearing
Form 13	Forced Marriage Protection Order
Form 14	Application for leave to Commence Proceedings
Form 15	Application to be joined as, or cease to, be a party to proceedings
Form 16	Application to vary, extend or discharge a Forced Marriage Protection Order
Form 17	Statement of Service (a)]
	FORMS TO BE USED IN ADOPTION PROCEEDINGS
Form A1	Application for an Order Freeing a Child for Adoption (with Parental Consent)
Form A2	Application for an Order Freeing a Child for Adoption (without Parental Consent)
Form A3	Agreement to an Adoption Order (Freeing Cases)
Form A4	Notice of Hearing of an Application for an Order Freeing a Child for Adoption
Form A5	Notice of Objection to the Making of an Order Freeing a Child for Adoption
Form A6	Application for Revocation of an Order Freeing a Child for Adoption
Form A7	Notice of Hearing of an Application for Revocation of an Order Freeing a Child for Adoption
Form A8	Application for Substitution of One Adoption Agency for Another
Form A9	Application for an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/Convention Adoption Order

(a) New Forms F10-F17 inserted by S.R. 2008 No. 466 with effect from 22.12.08

Form No.	*Subject*
Form A10	Notice to Board under Article 22(1) of the Adoption (Northern Ireland) Order 1987
Form A11	Agreement to an Adoption Order/a Proposed Foreign Adoption/a Convention Adoption Order
Form A12	Notice of Hearing of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order
Form A13	Notice of Presentation of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order
Form A14	Notice of Objection to the Making of an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order
Form A15	Notice of Objection to the Making of an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order
Form A16	Application for the Annulment of a Convention Adoption or Convention Adoption Order
Form A17	Application for a Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987
Form A18	Application for an Order that an Overseas Adoption or a Determination Cease to be valid or that a Determination has been Affected by a Subsequent Determination
Form A19	Affidavit in Support of Application under Article 55A
Form A20	Application for leave of Court where Application for Adoption Order/ Freeing Order/Revocation of Freeing Order is pending
Form A21	Application for Leave of Court where no Application under Article 17, 18 or 20 is pending
Form A22	Order Freeing a Child for Adoption (Consent Cases)
Form A23	Order Freeing a Child for Adoption (Dispensation with Parental Consent)
Form A24	Order revoking an Order Freeing a Child for Adoption/dismissing an Application to revoke an Order Freeing a Child for Adoption
Form A25	Interim Order
Form A26	Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987
Form A27	(Convention) Adoption Order/Order Authorising a Proposed Foreign Adoption
	[(a) PROCEEDINGS RELATING TO CHILD SUPPORT
Form CS1	Originating Summons under Article 32L of the Child Support (Northern Ireland) Order 1991
Form CS2	Acknowledgement of Service]

(a) Heading and Forms inserted by S.R. 2010 No. 379 with effect from 20.12.10

APPENDIX 2

CONTENTS OF PETITION

APPENDIX 3

NOTICES AND RESPONDENTS

APPENDIX 4

PART I

MATTERS TO BE COVERED IN REPORTS SUPPLIED UNDER RULES 4A.3(4), 4A.4(7), 4A.22(1) OR 4A.22(2)

PART II

REPORTS ON THE HEALTH OF THE CHILD AND OF THE PROSPECTIVE ADOPTER(S)

PART III

MODIFICATION TO FORM A9 FOR THE PURPOSES OF CONVENTION PROCEEDINGS

PART IV

ADDITIONAL INFORMATION REQUIRED FOR A CONVENTION ADOPTION APPLICATION

APPENDIX 1 Rule 2.1 [*Suppl No. 2 (December 2005)*]

FORM M1

ORIGINATING SUMMONS

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

In the matter of a Proposed Petition by AB for the annulment of his (or her) [(a) [Marriage] [Civil Partnership]] with CB.

LET of in the County of attend the Judge in Chambers at on the day of 20 , at o'clock in the noon on the hearing of an application of for an order that the said may be at liberty to file a petition for the annulment of his (or her) [(a) [marriage] [civil partnership]] with the said [(a) [solemnized] [formed]] on the day of 20 , notwithstanding that 3 years have passed since the date of the said [(a) [marriage] [civil partnership]].

A copy of the affidavit to be used in support of the application is delivered herewith.

If you wish to be heard on the application, you must attend at the time and place above mentioned and if you do not attend, such order will be made and proceedings taken as the Judge may think just and expedient.

Dated this day of 20 .

THIS SUMMONS was taken out by solicitor for the above-named.

Note:

1. You must complete the accompanying acknowledgement of service and send it so as to reach the court within fourteen days after you receive this summons.

2. In default of your giving notice of intention to defend the court will proceed to hear and determine the application and make such order thereon as it may think fit, notwithstanding your absence.

3. If you intend to instruct a solicitor to act for you, you should at once give him all the documents served on you, so that he may take the necessary steps on your behalf.

(1)Delete if inapplicable

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M2

HEADING OF PETITION

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

The Petition of AB—

1.

2.

3.

Etc

(1)Delete if inapplicable

FORM M3

[Suppl. No. 2 (December 2005)]

GENERAL HEARING OF PROCEEDINGS

In the High Court of Justice in Northern Ireland

Family Division([1])

In the County Court for the Division of([1])

Between — Petitioner

and — Respondent

and — Co-Respondent([1])

([1])Delete if inapplicable

FORM M4

STATEMENT OF ARRANGEMENTS FOR CHILDREN

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

Between — Petitioner

and — Respondent

and — Co-Respondent(1)

To the Petitioner

You must complete this form
if you or the respondent have any children
- under 16
- or over 16 but under 18 if they are at school or college or are training for a trade, profession or vocation.

Please use black ink.

Please complete Parts I, II and III.

Before you issue a petition for divorce [(a) or dissolution] try to reach agreement with your [(b) [spouse] [civil partner]] over the proposals for the children's future. There is space for him/her to sign at the end of this form if agreement is reached.

If your [(b) [spouse] [civil partner]] does not agree with the proposals he/she will have the opportunity at a later stage to state why he/she does not agree and will be able to make his/her own proposals.

You should take or send the completed form, signed by you (and, if agreement is reached, by your [(b) [spouse] [civil partner]] together with a copy to the court when you issue your petition.

If you wish to apply for any of the orders which may be available to you under Part II or III of the Children (Northern Ireland) Order 1995 you are advised to see a solicitor.

The court will only make an order if it considers that an order will be better for the child(ren) than no order.

You should obtain legal advice from a solicitor or, alternatively, from an advice agency. Addresses of solicitors and advice agencies can be obtained from the Yellow Pages.

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

To the Respondent

The petitioner has completed Part I, II and III of this form which will be sent to the court at the same time that the [(a) petition for divorce or dissolution] is filed.

Please read all parts of the form carefully.

If you agree with the arrangements and proposals for the children you should sign Part IV of the form.

Please use black ink. You should return the form to the petitioner, or his/her solicitor.

If you do not agree with all or some of the arrangements or proposals you will be given the opportunity of saying so when the [(a) petition for divorce or dissolution] is served on you.

Part I - Details of the children

Please read the instructions for boxes 1, 2 and 3 before you complete this section

1. Children of both parties *(Give details only of any children born to you and the Respondent or adopted by you both)*

Forenames	Surname	Date of Birth
(i)		
(ii)		
(iii)		
(iv)		
(v)		

2. Other children of the family *(Give details of any children treated by both of you as children of the family: for example your own or the Respondent's)*

Forenames	Surname	Date of Birth	Relationship to	
			Yourself	Respondent
(i)				
(ii)				
(iii)				
(iv)				
(v)				

(a) Words substituted by S R 2005 No. 497 with effect from 05.12.05

3. Other children who are not children of the family *(Give details of any children born to you or the Respondent that have not been treated as children of the family, or adopted by you both)*

Forenames	Surname	Date of Birth
(i)		
(ii)		
(iii)		
(iv)		
(v)		

Part II — Arrangements for the children of the family

This part of the form must be completed. Give details for each child if arrangements are different. If necessary, continue on another sheet and attach it to this form

4. Home details *(please tick the appropriate boxes)*

(*a*) The address at which the children now live	
(*b*) Give details of the number of living rooms, bedrooms, etc at the address in (*a*)	
(*c*) Is the house rented or owned and by whom? Is the rent or any mortgage being regularly paid?	☐ No ☐ Yes
(*d*) Give the names of all other persons living with the children including your [(a) [spouse] [civil partner]] if he/she lives there. State their relationship to the children.	
(*e*) Will there be any change in these arrangements?	☐ No ☐ Yes *(please give details)*

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

5. Education and training details *(please tick the appropriate boxes)*

(*a*) Give the names of the school, college or place of training attended by each child.	
(*b*) Do the children have any special educational needs?	☐ No ☐ Yes *(please give details)*
(*c*) Is the school, college or place of training, fee-paying?	☐ No ☐ Yes *(please give details of how much the fees are per term/year)*
Are fees being regularly paid?	☐ No ☐ Yes *(please give details)*
(d) Will there be any change in these arrangements?	☐ No ☐ Yes *(please give details)*

6. Childcare details *(please tick the appropriate boxes)*

(*a*) Which parent looks after the children from day to day? If responsibility is shared, please give details.	
(*b*) Does that parent go out to work?	☐ No ☐ Yes *(please give details of his/her hours of work)*
(*c*) Does someone look after the children when the parent is not there?	☐ No ☐ Yes *(please give details)*
(*d*) Who looks after the children during school holidays?	
(*e*) Will there be any change in these arrangements?	☐ No ☐ Yes *(please give details)*

7. Maintenance

(please tick the appropriate boxes)

(*a*) Does your [(a) [spouse] [civil partner]] pay towards the upkeep of the children? If there is another source of maintenance please specify.	☐ No ☐ Yes	*(please give details of how much)*
(*b*) Is the payment made under a court order?	☐ No ☐ Yes	*(please give details)*
(*c*) Is the payment made following an assessment by the Child Support Agency?	☐ No ☐ Yes	
(*d*) Has maintenance for the children been agreed? If not, will you be applying for a maintenance order from the court?	☐ No ☐ Yes	
Child Support maintenance through the Child Support Agency.	☐ No ☐ Yes ☐ No ☐ Yes	*(please give details*

8. Details for contact with the children *(please tick the appropriate boxes)*

(*a*) Do the children see your [(a) [spouse] [civil partner]]?	☐ No ☐ Yes	*(please give details of how often and where)*
(*b*) Do the children ever stay with your [(a) [spouse] [civil partner]]?	☐ No ☐ Yes	*(please give details of how much)*
(*c*) Will there be any change to these arrangements?	☐ No ☐ Yes	*(please give details of how much)*

(a) Words substituted by S.R. 2005 No 497 with effect from 05.12.05

9. Details of health *(please tick the appropriate boxes)*

(*a*) Are the children generally in good health?	☐ No ☐ Yes	*(please give details of any serious disability or chronic illness)*
(*b*) Do the children have any special health needs?	☐ No ☐ Yes	*(please give details of the care needed and how it is to be provided)*

10. Details of care and other court proceedings *(please tick the appropriate boxes)*

(*a*) Are the children in the care of a local authority, or under the supervision of a social worker or probation officer?	☐ No ☐ Yes	*(please give details including any court proceedings)*
(*b*) Are any of the children on the Child Protection Register?	☐ No ☐ Yes	*(please give details of the local authority and the date of registration)*
(*c*) Are there or have there been any proceedings in any court involving the children, for example adoption, custody/residence, access/contact wardship, care, supervision or maintenance (you need not include any Child Support Agency proceedings)?	☐ No ☐ Yes	*(please give details and send a copy of any order to the court)*

Part III – To the Petitioner

Conciliation

If you and your [(a) [spouse] [civil partner]] do not agree about the arrangements for the child(ren), would you agree to discuss the matter with a Conciliator and your [(a) [spouse] [civil partner]]?

☐ No ☐ Yes

Declaration

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed: ..... (Petitioner)

Date: .....

Part IV – To the Respondent

I agree with the arrangements and proposals contained in Part I and II of this form.

Signed: ..... (Respondent)

Date: .....

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M5 Rule 2.6(4) *[Suppl No. 2 (December 2005)]*

NOTICE OF PROCEEDINGS

[Heading as in Form M3]

TAKE NOTICE that a petition for divorce (originating summons)(1) has been presented to the court. A sealed copy of it [and a copy of the petitioner's statement of arrangements regarding the children] [is] [are] delivered with this notice.

1. You must complete and detach the acknowledgement of service in Form M6 and send it so as to reach the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, within 14 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.

2. If you intend to instruct a solicitor to act for you, you should at once give him all documents which have been served on you, so that he may send the acknowledgement to the Matrimonial Office on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Any change of address should be notified to the Matrimonial Office.

NOTES ON QUESTIONS IN FORM M6

[(a) 2A.—

(*a*) If you answer "Yes" to Question 1A please attach a copy of any relevant order or court documents to the acknowledgement of service.

(*b*) Before answering "Yes" to Question 1A or "No" to Question 1C you should understand that, under [(b) Articles 16, 17 and 19] of Council Regulation (EC) [(b) 2201/2003 of 27th November 2003 concerning] jurisdiction and the recognition and enforcement of judgments in matrimonial matters and [(b) the] matters of parental responsibility [(c) ...], the court will need to decide whether it has jurisdiction to entertain the proceedings. In these circumstances, the proceedings may be stayed whilst the court reaches its decision.]

3. If you answer Yes to Question [4 or 7](1) you must within 35 days after you receive this notice, inclusive of the day of receipt, file in the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, an answer to the petition, and deliver a copy to every other party to the proceedings. The case will then be transferred to the High Court(2).

4.(1) Before you answer Yes to Question 5 you should understand that—

(*a*) you are under no obligation to answer this question but you may do so if you wish;

(*b*) the answer Yes will be treated by the court as an admission on which the petitioner is entitled to rely and may result in an order for costs being made against you;

(*c*) if you are in any doubt about the answer to give you should consult a solicitor.

(a) New paragraph inserted by S.R. 2002 No. 137 with effect from 6.5.02
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words omitted by S.R. 2005 No. 497 with effect from 05.12.05

5.(1) Before you answer Yes to Question 6 you should understand that—

(*a*) if the petitioner satisfies the court that the petitioner and you have lived apart for 2 years immediately before the presentation of the petition and that you consent to a decree, the court will grant one unless it considers that the marriage has not broken down irretrievably;

(*b*) a decree absolute of divorce will end your marriage so that—

(i) any right you may have to a pension which depends on the marriage continuing will be affected;

(ii) you will not be able to claim a State widow's pension when the petitioner dies;

(*c*) once the court grants a decree absolute of divorce or a decree of judicial separation, you will lose your right to inherit from the petitioner if he or she dies without having made a will;

(*d*) a decree may have other consequences in your case depending on your particular circumstances and if you are in any doubt about these you would be well advised to consult a solicitor.

6.(1) If after consenting you wish to withdraw your consent you must immediately inform the Matrimonial Office and give notice to the petitioner.

7.(1) The petitioner relies in support of the petition on the fact that the parties to the marriage have lived apart for at least 5 years. Article 12 of the Matrimonial Causes (Northern Ireland) Order 1978 provides that if in such a case the respondent applies to the court for it to consider the respondent's financial position after the divorce, a decree nisi based on 5 years' separation only cannot be made absolute unless the court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner should not be required to make any financial provision for the respondent. The petition will tell you whether the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 7 in the acknowledgement.

8.(1) If you answer Yes to Question 8 you must, before the decree is made absolute, make application to the court by filing and serving on the petitioner a notice in Form M14.

9.(1) (*a*) If you do not wish to defend the case but object to the claim for costs, you should answer Yes to Question 9 in the acknowledgement. You must state the grounds on which you object. An objection cannot be entertained unless grounds are given which, if established, would form a valid reason for not paying the costs. If such grounds are given, you will be notified of a date on which you must attend before the judge if you wish to pursue your objection.

(*b*) If you do not object to the claim for costs but simply wish to be heard on the amount to be allowed, you should answer No to Question 9.

(*c*) If you are ordered to pay costs, the amount will, unless agreed between the petitioner and yourself, be fixed by the court, or will be taxed by the taxing master, after lodgment of the petitioner's bill of costs. In the latter event, you will be sent a copy of the bill and will have the right to be heard about the amount before it is finally settled.

10. Please answer Question 10. If your answer to Question 10(*b*) is Yes make sure you sign the form at the end. [*Suppl No. 2 (December 2005)*]

11. If you wish to make an application for

– a residence order

– a contact order

– a specific issue order

– a prohibited steps order

in respect of a child you will have to make a separate application on Form C1. Before you apply for any of these orders or any other order which may be available to you under the Children (Northern Ireland) Order 1995 you are advised to see a solicitor.

12. If you wish to contest the petitioner's financial or property claim, you will have an opportunity of doing so when you receive a notice stating that the petitioner intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

13. If you wish to make some financial or property claim on your own account, you will have to make a separate application. If you are in doubt as to the consequences of divorce on your financial position, you should obtain legal advice from a solicitor.

[(a) **14.** If the petition is brought on the ground that an interim gender recognition certificate has been issued to a party to the marriage (under Article 14(g) of, or paragraph 18(1)(e) of the Matrimonial Causes (Northern Ireland) Order 1978) and such a certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your interim certificate.

15. If the petition is brought on the ground that your gender was the acquired gender at the time of the marriage under the Gender Recognition Act 2004 (under Article 14(h) of the Matrimonial Causes (Northern Ireland) Order 1978) and a full gender recognition certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your full certificate.]

Dated this day of 20 .

Master

To

(1) Delete if inapplicable

(2) Delete if petition has been presented to the High Court or if the case has already been transferred to the High Court

(a) Paragraph inserted by S R. 2005 No. 497 with effect from 05 12 05

[(a) FORM M5A Rule 2.6(4)

NOTICE OF PROCEEDINGS: CIVIL PARTNERSHIP ACT 2004

[*Heading as in Form M3*]

TAKE NOTICE that a petition for dissolution (originating summons)([1]) has been presented to the court. A sealed copy of it [and a copy of the petitioner's statement of arrangements regarding the children] [is] [are] delivered with this notice.

1. You must complete and detach the acknowledgment of service in Form M6A and send it so as to reach the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, within 14 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.

2. If you intend to instruct a solicitor to act for you, you should at once give him all documents which have been served on you, so that he may send the acknowledgement to the Matrimonial Office on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Any change of address should be notified to the Matrimonial Office.

NOTES ON QUESTIONS IN FORM M6A

3.—

(a) If you answer "Yes" to Question 2 please attach a copy of any relevant order or court documents to the acknowledgement of service.

(b) Before answering "Yes" to Question 2 or "No" to Question 5 you should understand that the court will need to decide whether it has jurisdiction to entertain the proceedings. In these circumstances, the proceedings may be stayed whilst the court reaches its decision.

4. If you answer "Yes" to Question 8 or 10(1) you must within 35 days after you receive this notice, inclusive of the day of receipt, file in the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, an answer to the petition, and deliver a copy to every other party to the proceedings. The case will then be transferred to the High Court([2]).

5.([1]) Before you answer "Yes" to Question 9 you should understand that—

(a) if the petitioner satisfies the court that the petitioner and you have lived apart for 2 years immediately before the presentation of the petition and that you consent to a Conditional Order, the court will grant one unless it considers that the civil partnership has not broken down irretrievably;

(b) a Dissolution Order, Presumption of Death Order or Nullity Order which has been made final will end your civil partnership so that—

(i) any right you may have to a pension which depends on the civil partnership continuing will be affected;

(ii) you will not be able to claim a State surviving civil partner's pension when the petitioner dies;

(a) Form inserted by S R 2005 No 497 with effect from 05 12 05

(c) once the court makes a final dissolution order or a final nullity order or a final presumption of death order or a separation order, you will lose your right to inherit from the petitioner if he or she dies without having made a will;

(d) a civil partnership order may have other consequences in your case depending on your particular circumstances and if you are in any doubt about these you would be well advised to consult a solicitor.

6.([1]) If after consenting you wish to withdraw your consent you must immediately inform the Matrimonial Office and give notice to the petitioner.

7.([1]) The petitioner relies in support of the petition on the fact that the parties to the civil partnership have lived apart for at least 5 years. Section 172 of the Civil Partnership Act 2004 provides that if in such a case the respondent applies to the court for it to consider the respondent's financial position after the dissolution of the civil partnership, a Conditional Order for Dissolution based on 5 years' separation only cannot be made final unless the court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner should not be required to make any financial provision for the respondent. The petition will tell you whether the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 10 in the acknowledgement.

8.([1]) If you answer "Yes" to Question 11 you must, before the Conditional Order is made final, make application to the court by filing and serving on the petitioner a notice in Form M14.

9.([1])(a) If you do not wish to defend the case but object to the claim for costs, you should answer "Yes" to Question 12 in the acknowledgement. You must state the grounds on which you object. An objection cannot be entertained unless grounds are given which, if established, would form a valid reason for not paying the costs. If such grounds are given, you will be notified of a date on which you must attend before the judge if you wish to pursue your objection.

(b) If you do not object to the claim for costs but simply wish to be heard on the amount to be allowed, you should answer "No" to Question 12.

(c) If you are ordered to pay costs, the amount will, unless agreed between the petitioner and yourself, be fixed by the court, or will be taxed by the Taxing Master, after lodgment of the petitioner's bill of costs. In the latter event, you will be sent a copy of the bill and will have the right to be heard about the amount before it is finally settled.

10. Please answer Question 13. If your answer to Question 13(b) is "Yes" make sure you sign the form at the end.

11. If you wish to make an application for

— a residence order

— a contact order

— a specific issue order

— a prohibited steps order

in respect of a child, you will have to make a separate application in Form C1.

Before you apply for any of these orders or any other order which may be available to you under the Children (Northern Ireland) Order 1995 you are advised to see a solicitor.

12. If you wish to contest the petitioner's financial or property claim you will have an opportunity of doing so when you receive a notice stating that the petitioner intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

13. If you wish to make some financial or property claim on your own account, you will have to make a separate application. If you are in doubt as to the consequences of dissolution of civil partnership on your financial position, you should obtain legal advice from a solicitor.

14. If the petition is brought on the ground that an interim gender recognition certificate has been issued to either civil partner (under section 174(1)(d) of the Civil Partnership Act 2004) and such a certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your interim certificate.

15. If the petition is brought on the ground that you are a person whose gender, at the time of the formation of the civil partnership, had become the acquired gender under the Gender Recognition Act 2004 (under section 174(1)(e) of the Civil Partnership Act 2004) and a full gender recognition certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your full certificate.

Dated this day of 20 .

To

([1]) Delete if inapplicable

([2]) Delete if petition has been presented to the High Court or if the case has already been transferred to the High Court

Master]

FORM M6 Rule 2.10(1) [*Suppl. No. 2 (December 2005)*]

ACKNOWLEDGEMENT OF SERVICE

If you intend to instruct a solicitor to act for you, give him this form immediately

[*Heading as in Form 3*]

Read carefully the Notice of Proceedings before answering the following questions.

1. Have you received the originating summons [and copy of the supporting affidavit] [*or* the petition for [divorce]](1) delivered with this form?

[(a) **1A.** Are there any proceedings continuing in any country outside Northern Ireland which relate to the marriage or are capable of affecting its validity or subsistence? If so, please provide the following information:

(*a*) particulars of the proceedings, including the court in or tribunal or authority before which they were begun,

(*b*) the date when they were begun,

(*c*) the names of the parties,

(*d*) the date or expected date of any trial in the proceedings, and

(*e*) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under [(b) Article 19] of the Council Regulation.

1B. In which country are you—

(*a*) habitually resident?

(*b*) domiciled?

1C. Of which country are you a national?

1D. Do you agree with the statement of the petitioner as to the grounds of jurisdiction set out in the petition? If not, please state the grounds on which you disagree.]

2. On what date and at what address did you receive it?

3. Are you the person named as Respondent?

4. Do you intend to defend the case?

***5.**(1) [In the case of a petition alleging adultery] Do you admit the adultery alleged in the petition?

***6.**(1) [In the case of a petition alleging 2 years' separation coupled with the respondent's consent to a decree being granted]. Do you consent to a decree being granted?

(a) New paragraphs inserted by S.R. 2002 No. 137 with effect from 6.5.02
(b) Word substituted by S.R. 2005 No. 497 with effect from 05.12.05

7.(2) [In the case of a petition asking for divorce alleging 5 years' separation]. Do you intend to oppose the grant of a decree on the ground that the divorce will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the marriage?

8.(2) In the event of a decree nisi being granted on the basis of 2 years' separation, coupled with the respondent's consent, or 5 years' separation, do you intend to apply to the court for it to consider your financial position as it will be after the divorce?

9.(2) Even if you do not intend to defend the case, do you object to paying the costs of the proceedings? If so, on what grounds?

10. (*a*) Have you received a copy of the Statement of Arrangements for Child[ren].

(*b*) Do you agree with the proposals in that Statement of Arrangements? *If not* you may file a written statement of your own views on the present and proposed arrangements for the children. It would help if you sent that statement to the court office with this form.

11. [In the case of proceedings relating to a polygamous marriage]. If you have any wife [or husband] in addition to the petitioner [or applicant] who is not mentioned in the petition [or originating summons], what is the name and address of each such wife [or husband] and the date and place of your marriage to her [or him]?

Dated this day of 20 .

Signed

*****[*If a solicitor is instructed, he will sign below on your behalf [but if the answer to Question 5 or 6 is Yes, then you must also sign here]*].

Address for service [unless you intend to instruct a solicitor, give your place of residence, or if you do not reside in Northern Ireland, the address of a place to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast].

[I am [We are] acting for the Respondent [or the above-named in this matter].

Signed

Address for service:

(1) Or as the case may be
(2) Delete if inapplicable

[(a) FORM M6A Rule 2.10(1) [*Suppl. No. 2 (December 2005)*]

ACKNOWLEDGEMENT OF SERVICE: CIVIL PARTNERSHIP ACT 2004

If you intend to instruct a solicitor to act for you, give him this form immediately

[*Heading as in Form 3*]

Read carefully the Notice of Proceedings before answering the following questions.

1. Have you received the originating summons [and copy of the supporting affidavit] [or the petition for [dissolution]] delivered with this form?

2. Are there any proceedings continuing in any country outside Northern Ireland which relate to the civil partnership or are capable of affecting its validity or subsistence? If so, please provide the following information:

(a) particulars of the proceedings, including the court in or tribunal or authority before which they were begun,

(b) the date when they were begun,

(c) the names of the parties,

(d) the date or expected date of any trial in the proceedings, and

(e) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed.

3. In which country are you—

(a) habitually resident?

(b) domiciled?

4. Of which country are you a national?

5. Do you agree with the statement of the petitioner as to the grounds of jurisdiction set out in the petition? If not, please state the grounds on which you disagree.

6. On what date and at what address did you receive it?

7. Are you the person named as Respondent?

8. Do you intend to defend the case?

9. In the case of a petition alleging 2 years' separation coupled with the respondent's consent to a Conditional Order being granted. Do you consent to a Conditional Order being granted?

10. In the case of a petition asking for dissolution alleging 5 years' separation. Do you intend to oppose the grant of a Conditional Order on the ground that the dissolution will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the civil partnership?

11. In the event of a Conditional Order being granted on the basis of 2 years' separation, coupled with the respondent's consent, or 5 years' separation, do you intend to apply to the court for it to consider your financial position as it will be after the dissolution?

(a) New Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

12. Even if you do not intend to defend the case, do you object to paying the costs of the proceedings? If so, on what grounds?

13. (a) Have you received a copy of the Statement of Arrangements for Child[ren].

    (b) Do you agree with the proposals in that Statement of Arrangements? If not you may file a written statement of your own views on the present and proposed arrangements for the children. It would help if you sent that statement to the court office with this form.

Dated this day of 20 .

Signed

Address for service [unless you intend to instruct a solicitor, give your place of residence, or if you do not reside in Northern Ireland, the address of a place to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast].

[I am [We are] acting for the Respondent [or the above-named in this matter].

Signed

Address for service:

[

FORM M7 Rule 2.10(3) [*Suppl. No. 2 (December 2005)*]

AFFIDAVIT OF SERVICE

[*Heading as in Form M3*]

I, of make Oath and say:

1. That a sealed copy of the([1]) bearing date the day of 20 filed in this court was duly served by me on the said at on the day of 20 by delivery to the said personally a sealed copy thereof [together with copies of the notices in Forms 5 and 6] [Means of knowledge of identity of the person served must be inserted here].

Sworn, etc.

([1])Petition or notice or originating summons.

FORM M8 Rule 2.28(2)

CERTIFICATE OF READINESS

[*Heading as in Form M3*]

To the Master

Sir,

I/We request that you enter this cause for hearing at(1)

I/We certify on the part of the petitioner/respondent (hereinafter called "this party")—

(1) that the requirements of rule 2.28(1) are satisfied;

(2) that there are no pending interlocutory proceedings by or against this party;

(3) that this party does not intend to commence any (further) interlocutory proceedings before trial;

(4) that, so far as concerns this party, the cause is ready for trial.

(Signed)

Solicitor for
petitioner/respondent

(1) State, in the case of a petition pending in a [(a) designated county court], the desired place of hearing.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M9 Rule 2.39(1)

NOTICE UNDER RULE 2.39

[*Heading as in Form M3*]

TAKE NOTICE that the application [state nature of application] which was adjourned on , has been restored to the list for hearing at on at o'clock.

(Signed)

Solicitor for
Petitioner Respondent

To: the Petitioner/Respondent
the Proper Officer/Chief Clerk

[(a) FORM M10 Rule 2.52(1)

NOTICE OF APPLICATION FOR DECREE NISI TO BE MADE ABSOLUTE OR CONDITIONAL ORDER TO BE MADE FINAL

[*Heading as in Form M3*]

TAKE NOTICE that the petitioner [or respondent] applies for

- [the decree nisi pronounced in his (her) favour on the day of 20 , to be made absolute.]
- [the conditional order made in his (her) favour on the day of 20 , to be made final.]*

Dated this day of 20 .

(Signed)

[Solicitor for the]
Petitioner
[or Respondent]

* Delete if inapplicable]

(a) Form substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M11 Rule 2.54(2)

CERTIFICATE OF MAKING DECREE NISI ABSOLUTE (DIVORCE)

[*Heading as in Form M3*]

Referring to the decree made in this cause on the day of 20 , whereby it was decreed that the marriage solemnized on the day of 20 at between the petitioner and the respondent be dissolved unless sufficient cause be shown to the court within from the making thereof why the said decree should not be made absolute, and no such cause having been shown it is hereby certified that the said decree was on the day of 20 , made final and absolute and that the said marriage was thereby dissolved.

Dated this day of 20 .

Note Divorce effects inheritance under a will.

Where a will has already been made by either party to the marriage then, by virtue of Article 13 of the Wills and Administration Proceedings (Northern Ireland) Order 1994, from the above date on which the decree was made absolute:—

(*a*) any appointment of the former spouse as an executor or trustee or any conferment of a power of appointment on the former spouse takes effect as if the former spouse had died on the date on which the marriage is dissolved or annulled; and

(*b*) any property comprising or included in a gift to the former spouse passes as if the former spouse had died on that date;

unless a contrary intention appears in the will.

[(a) FORM M11A RULE 2.54A(2)

CERTIFICATE OF MAKING CONDITIONAL ORDER FOR DISSOLUTION FINAL

[*Heading as in Form M3*]

Referring to the Conditional Order for Dissolution made in this cause on the day of 20 , whereby it was ordered that the civil partnership formed on the day of 20 , at between the petitioner and the respondent be dissolved unless sufficient cause be shown to the court within from the making thereof why the said Conditional Order should not be made final, and no such cause having been shown it is hereby certified that the said Conditional Order was on the day of 20 , made final and that the said civil partnership was thereby dissolved.

Dated this day of 20 .

Note Dissolution of a civil partnership affects inheritance under a will.
Where a will has already been made by either party to the civil partnership then, by virtue of Article 13B of the Wills and Administration Proceedings (Northern Ireland) Order 1994, from the above date on which the Conditional Order was made final:—

(a) any appointment of the former civil partner as an executor or trustee or any conferment of a power of appointment on the former civil partner takes effect as if the former civil partner had died on the date on which the civil partnership is dissolved; and

(b) any property comprising or included in a gift to the former civil partner passes as if the former civil partner had died on that date;

unless a contrary intention appears in the will.]

(a) Form inserted by S R. 2005 No. 497 with effect from 05.12.05

FORM M12 RULE 2.54(2)

CERTIFICATE OF MAKING DECREE NISI ABSOLUTE (NULLITY)

[*Heading as in Form M3*]

(Seal)

Referring to the decree made in this cause on the day of 20 , whereby it was ordered that the marriage in fact solemnized on the day of 20 at between the petitioner and the respondent [in the case of a void marriage be pronounced and declared to have been by law void and the said petitioner be pronounced to have been and to be free of all bond of marriage with the said respondent], [in the case of a voidable marriage be annulled] unless sufficient cause be shown to the court within from the making thereof why the said decree should not be made absolute, and no such cause having been shown, it is hereby certified that the said decree was on the day of 20 , made final and absolute [in the case of a void marriage and that the said marriage was by law void and that the said petitioner was and is free from all bond of marriage with the said respondent] [in the case of a voidable marriage and that the said petitioner was from that date and is free from all bond of marriage with the said respondent].

Dated this day of 20 .

[(a) FORM M12A RULE 2.54A(2)

CERTIFICATE OF MAKING CONDITIONAL NULLITY ORDER FINAL

[*Heading as in Form M3*]

(Seal)

Referring to the Conditional Nullity Order made in this cause on the day of 20 , whereby it was ordered that the civil partnership formed on the day of 20 at between the petitioner and the respondent [in the case of a void civil partnership be pronounced and declared to have been by law void and the said petitioner be pronounced to have been and to be free of all bond of civil partnership with the said respondent], [in the case of a voidable civil partnership be annulled] unless sufficient cause be shown to the court within from the making thereof why the said Conditional Nullity Order should not be made final, and no such cause having been shown, it is hereby certified that the said Conditional Nullity Order was on the day of 20 , made final [in the case of a void civil partnership and that the said civil partnership was by law void and that the said petitioner was and is free from all bond of civil partnership with the said respondent] [in the case of a voidable civil partnership and that the said petitioner was from that date and is free from all bond of civil partnership with the said respondent].

Dated this day of 20 .]

(a) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M13 Rule 2.55(2) and (3)

NOTICE OF APPLICATION FOR ANCILLARY RELIEF

[*Heading as in Form M3*]

TAKE NOTICE that the petitioner [or respondent] intends to apply to the court for [here set out the ancillary relief claimed, stating the terms of any agreements as to the order which the court is to be asked to make and, in the case of an application for a property adjustment order or an avoidance of disposition order, stating briefly the nature of the adjustment proposed or the disposition to be set aside. If the application is to vary periodical payments or secured periodical payments for a child state whether there are or have been any proceedings in the Child Support Agency relating to their maintenance].

[If you are applying for any periodical payments or secured periodical payments for a child please state—

whether you are applying for payment—

- for a step-child;
- in addition to child support maintenance already payable under a Child Support Agency assessment;
- to meet expenses arising from a child's disability;
- to meet expenses incurred by a child being educated or training for work; or
- on some other ground (please specify)

or that

- the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom].

Notice will be given to you of the place and time fixed for the hearing of the application [or the application will be heard by the Master or district judge in chambers at on day, the day of 20 , at o'clock].

[Unless the parties are agreed upon the terms of the proposed order, and in the case of an application for an order for maintenance pending suit [(a) , maintenance pending outcome of proceedings] or a financial provision order or variation order:

TAKE NOTICE ALSO that you must file in the [Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast], [or county court office at] within 14 days after you receive this notice, an affidavit giving full particulars of your property and income. You must at the same time send a copy of your affidavit to the [solicitor for] the applicant.

[If you wish to allege that the petitioner [or respondent] has property or income, you should say so in your affidavit].

Dated this day of 20 .

(Signed)

[Solicitor for the] Respondent
[or Petitioner]

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M14 Rule 2.48

NOTICE OF APPLICATION UNDER RULE 2.48

[*Heading as in Form M3*]

TAKE NOTICE that the respondent applies to the court under [(a) [Article 12(2) of the Matrimonial Causes (Northern Ireland) Order 1978] [section 172(2) of the Civil Partnership Act 2004]] for the court to consider the financial position of the respondent after the [(b) [divorce] [dissolution]].

The application will be heard on a date to be fixed [or if, in the case of an application made after a decree nisi [(c) or conditional order], a date has been fixed by the Master in chambers at on day, the day of 20 , at o'clock].

[Unless the petitioner has already filed an affidavit in connection with an application for ancillary relief under rule 2.63(2)].

TAKE NOTICE ALSO that you must within 14 days after you receive this notice, file in the [Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast], [or county court office at] an affidavit giving full particulars of your property and income. You must at the same time send a copy of your affidavit to the [solicitor for the] respondent.

[If you wish to allege that the respondent has property or income, you should say so in your affidavit].

Dated this day of 20 .

(Signed)

[Solicitor for the] Respondent

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M15 Rule 2.60(1)

NOTICE OF INTENTION TO PROCEED WITH APPLICATION FOR ANCILLARY RELIEF MADE IN PETITION OR ANSWER

[*Heading as in Form M3*]

The petitioner [or respondent] having applied in his [or her] petition [or answer] for [here set out the ancillary relief claimed and intended to be proceeded with, stating the terms of any agreement as to the order which the court is to be asked to make].

[If you are applying for any periodical payments or secured periodical payments for a child please state—

whether you are applying for payment

- for a step-child;
- in addition to child support maintenance already payable under a Child Support Agency assessment;
- to meet expenses arising from a child's disability;
- to meet expenses incurred by a child being educated or training for work; or
- on some other ground (please specify)

or that the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom].

[Add where applicable] TAKE NOTICE that the application will be heard by the Master or district judge in chambers at on day, the day of 20 , at o'clock.

TAKE NOTICE [ALSO] that [continue as in fourth paragraph of Form M13].

Dated this day of 20 .

(Signed)

[Solicitor for the]
Petitioner [or Respondent]

FORM M16 Rule 2.63

NOTICE OF ALLEGATION IN PROCEEDINGS FOR ANCILLARY RELIEF

[*Heading as in Form M3*]

TAKE NOTICE that this affidavit has been filed in proceedings for [state nature of application] and that if you wish to be heard on any matter affecting you in the proceedings you may intervene by applying to the court, within 7 days after you receive this notice, inclusive of the day of receipt, for directions as to the filing and service of pleadings and as to the further conduct of the proceedings.

Dated this day of 20 .

Issued by

[Solicitor for the] Petitioner
[or Respondent]

FORM M17 Rule 2.70(2)

NOTICE OF REQUEST FOR PERIODICAL PAYMENTS ORDER AT SAME RATE AS ORDER FOR [(a) [MAINTENANCE PENDING SUIT] [MAINTENANCE PENDING OUTCOME OF PROCEEDINGS]]

[*Heading as in Form M3*]

To of . The petitioner [or respondent] having on the day of 20 , obtained an order for payment by you of [(a) [maintenance pending suit] [maintenance pending outcome of proceedings]] at the rate of

AND the petitioner [or respondent] having applied to his [her] petition [or answer] for a periodical payments order for himself [or herself].

TAKE NOTICE that the petitioner [or respondent] has requested the court to make a periodical payments order for himself [or herself] providing for payments by you at the same rate as those mentioned above.

AND TAKE NOTICE that if you object to the making of such a periodical payments order, you must give notice to that effect to the [proper officer] [or chief clerk] and the petitioner [or respondent] within 14 days after service of this notice on you, and if you do not do so, the Master may make such a periodical payments order without further notice to you.

Dated this day of 20 .

[Proper Officer]
[Chief Clerk]

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M18 Rule 3.1(1)

ORIGINATING SUMMONS FOR MAINTENANCE

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

[(a) [In the matter of an application under Article 29 of the Matrimonial Causes (Northern Ireland) Order 1978.]

[In the matter of an application under Part 8 of Schedule 15 to the Civil Partnership Act 2004.]]

AB	Applicant
CB	Respondent

LET the respondent CB(2) attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, [or as the case may be] on day, the day of 20 , at o'clock, on the hearing of an application of AB(3) who claims that the said CB, being the [(b) [spouse] [civil partner]] of the applicant,

(*a*) has failed to provide reasonable maintenance for the applicant, or

(*b*) has failed to provide, or to make proper contribution towards, reasonable maintenance for any child of the family,

and applies that the said CB be ordered [here set out the relief claimed].

The applicant further applies that the costs of this application be provided for.

Dated the day of 20 .

This summons was taken out by

Solicitors for the Applicant

To CB(4)

TAKE NOTICE that—

1. A copy of the affidavit to be used in support of the application is delivered herewith.

2. You must complete the accompanying acknowledgement of service and send it so as to reach the court within 14 days after you receive this summons.

3. In default of your giving notice of intention to defend the court will proceed to hear and determine the application and make such order thereon as it may think fit, notwithstanding your absence.

(a) Headings substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

4. In the event of your giving notice of intention to defend you are required within 21 days after the time limited for giving such notice to file in the Matrimonial Office [or county court office] at the address above-mentioned an affidavit in answer to the application setting out the grounds on which you intend to contest the application and setting forth in a schedule to the affidavit full particulars of your property and income. You must at the same time send a copy of your affidavit (with the schedule) to the Solicitor for the Applicant.

5. If you intend to instruct a solicitor to act for you, you should at once give him all the documents served on you, so that he may take the necessary steps on your behalf.

(1) Delete if inapplicable

(2) Name, address and description of respondent

(3) Name and address of applicant

(4) Name, address and description of respondent

FORM M19 Rule 3.1(5)

NOTICE UNDER RULE 3.1(5)

[*Heading as in Form M18*]

To

TAKE NOTICE that in proceedings by AB(1) in the High Court of Justice in Northern Ireland [or in the County Court for the Division of] under Article 29 of the Matrimonial Causes (Northern Ireland) Order 1978 it has been alleged by CB(2) husband of the said AB, that you have committed adultery with the said AB AND FURTHER TAKE NOTICE that you are at liberty within 14(3) days after service of this notice on you to give notice of intention to defend in the proceedings either in person or by your Solicitor at the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, [or county court office at], and to intervene in the proceedings and defend all or any of the charges set forth in the copy affidavit served on you with this notice.

This notice is issued by(4)

Dated the day of 20 .

[Proper Officer]
[Chief Clerk]

1. You must complete the accompanying acknowledgement of service and send it so as to reach the Matrimonial Office [or county court office] within 14 days after you receive this summons.

2. In default of your giving notice of intention to defend the court will proceed to hear and determine the application and make such order thereon as it may think fit, notwithstanding your absence.

3. If you intend to instruct a solicitor to act for you, you should at once give him all the documents served on you, so that he may take the necessary steps on your behalf.

(1) State name and address of wife

(2) State name, address and description of husband

(3) Or as the case may be

(4) State name and address of petitioner or solicitor

FORM M20 Rule 3.4(1)

ORIGINATING SUMMONS FOR ALTERATION OF MAINTENANCE AGREEMENT DURING THE LIFETIME OF THE PARTIES

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

[(a) [IN THE MATTER of an application under Article 37 of the Matrimonial Causes (Northern Ireland) Order 1978]

[IN THE MATTER of an application under paragraph 62 of Schedule 15 to the Civil Partnership Act 2004]]

Between Applicant

and Respondent

LET of attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, [or as the case may be] on day, the day of 20 , at o'clock, on the hearing of an application of AB who claims that the agreement made between the said AB and the said on the day of 20 , should be altered as shown in the affidavit accompanying this summons so as to [make different] [contain] financial arrangements.

Dated the day of 20 .

This summons was taken out by solicitor for the above-named AB

To

TAKE NOTICE: —

The Notice appended to the Summons should follow the Notice in Form M18 but the words "in a schedule to the affidavit" in paragraph 4 should be deleted.

(1) Delete if inapplicable

(a) Headings substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M21 Rule 3.5(1)

ORIGINATING SUMMONS FOR ALTERATION OF MAINTENANCE AGREEMENT AFTER THE DEATH OF ONE OF THE PARTIES

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

[(a) [IN THE MATTER of an application under Article 38 of the Matrimonial Causes (Northern Ireland) Order 1978]

[IN THE MATTER of an application under paragraph 66 of Schedule 15 to the Civil Partnership Act 2004]]

Between Applicant

and Respondent

LET of attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, [or as the case may be] on day, the day of 20 , at o'clock, on the hearing of an application that the agreement made on the day of between [ ] and who died on on the day of 20 , should be altered as shown in the affidavit accompanying this summons so as to [make different] [contain] financial arrangements.

Dated the day of 20 .

This summons was taken out by solicitor for the above-named

To

TAKE NOTICE:—

The Notice appended to the Summons should follow the Notice in Form M18 but the words "in a schedule to the affidavit" in paragraph 4 should be deleted.

(1) Delete if inapplicable

(a) Headings substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M22 Rule 6.4(2)

NOTICE TO BE INDORSED ON DOCUMENT SERVED IN ACCORDANCE WITH RULE 6.4

To of

TAKE NOTICE that the contents or purport of this document are to be communicated to the respondent [or as the case may be], the said if he is over 16 [*add, if the person to be served is by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986 incapable of managing and administering his property and affairs;* unless you are satisfied [after consultation with the responsible medical officer within the meaning of the Mental Health Act (Northern Ireland) Order 1986, or if the said is not liable to be detained or subject to guardianship under that Order, his medical attendant]* that communication will be detrimental to his mental condition].

* Delete these words if the document is served on the responsible medical officer or medical attendant.

FORM M23 Rule 8.20(2)

AFFIDAVIT AND NOTICE UNDER RULE 8.20

[*Heading as in Form M3*]

I, A.B. [or C.D. the solicitor for A.B.] of make oath and say that according to the best of my knowledge, information and belief I am [or the said A.B. is] beneficially entitled under the above-mentioned settlement [or as may be] to an interest in the securities specified in the notice hereto annexed.

Sworn, etc.

This affidavit is filed on behalf of A.B. whose address is

Notice to be annexed to the affidavit.

To the Governor and Company
of the Bank of Ireland
[or as may be]

TAKE NOTICE that the securities comprised in and subject to the trusts of the settlement [or as may be] referred to in the affidavit to which this notice is annexed consist of the following, namely [specify the stock, shares, etc, stating the names in which it stands].

This notice is intended to stop the transfer of the said securities and not the payment of any dividend thereof or interest thereon [or and also the payment of any dividend thereof or interest thereon].

(Signed) A.B. [or C.D. if affidavit sworn by him]

FORM M24 Rule 8.28(2)

SUMMONS UNDER RULE 8.28

[*Heading as in Form M3*]

WHEREAS the petitioner obtained an order against the above-named respondent on the day of 20 , for the sum of £ and there is now due and payable under the said order the sum of £ .

You are therefore hereby SUMMONED to appear personally before the Master in Room at the Royal Courts of Justice, Chichester Street, Belfast, [or at] on day, the day of 20 , at o'clock in the noon to be examined as to whether any and what debts are owing to you, and whether you have any and what other property or means of satisfying the above-mentioned order.

Dated this day of 20 .

To:

[Proper Officer]
[Chief Clerk]

FORM M25 Rule 8.29

JUDGMENT SUMMONS (Seal)

(*Heading as in Form M3*)

WHEREAS the above-named (hereinafter called "the judgment creditor") obtained an order in this court on the day of 20 , against (hereinafter called "the debtor") for [state nature of order].

AND WHEREAS default has been made in payment of the sum of £ payable under the said order and the judgment creditor has required this judgment summons to be issued against you, the said debtor.

YOU ARE HEREBY SUMMONED to appear personally before one of the Judges sitting in this Division at on the day of 20 , at o'clock, to be examined on oath of which you have made default and also to show cause why you should not be committed to prison for such default.

[AND TAKE NOTICE THAT the judgment creditor intends to apply to the court at the hearing of this judgment summons for leave to enforce arrears which became due more than 12 months before the date of this summons].

Dated this day of 20 .

	£
Amount due and unpaid in respect of order and costs	
Costs of this summons	
Travelling expenses to be paid to the debtor	
Sum on payment of which this summons will be discharged	

Note: If payment is made too late to prevent the judgment creditor's attendance on the day of the hearing, you may be liable for further costs.

[The judgment creditor's solicitor is].

FORM M26 Rule 3.11(11)

DECLARATION AS TO MARITAL STATUS UNDER ARTICLE 31OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) ORDER 1989

In the High Court of Justice in Northern Ireland

Family Division(1)

In the County Court for the Division of(1)

Upon the petition of AB (the petitioner) and upon hearing the petitioner and upon hearing CD (the respondent)

It is declared* that the marriage between and was a valid marriage at its inception, namely the day of 20 .

Dated

*or, where a declaration is made under Article 31(1)(b) of the 1989 Order, the following form shall be followed:–

. . . that the marriage between

and subsisted on the day of 20 .

*or, where a declaration is made under Article 31(1)(c) of the 1989 Order, the following form shall be followed:–

. . . that the marriage between

and did not subsist on the day of 20 .

*or, where a declaration is made under Article 31(1)(d) of the 1989 Order, the following form shall be used:–

. . . that the divorce [or annulment or legal separation] in respect of and (parties to the marriage) obtained on the day of 20 , in (the country where the divorce, annulment or legal separation was obtained) is entitled to recognition in Northern Ireland.

*or, where a declaration is made under Article 31(1)(e) of the 1989 Order, the following form shall be used:–

. . . that the divorce [or annulment or legal separation] in respect of and (parties to the marriage) obtained on the day of 20 , in (the country where the divorce, annulment or legal separation was obtained) is not entitled to recognition in Northern Ireland.

(1) Delete if inapplicable.

[(a) FORM M26A Rule 3.11(11)

DECLARATION AS TO CIVIL PARTNERSHIP STATUS UNDER SECTION 181 OF THE CIVIL PARTNERSHIP ACT 2004

In the High Court of Justice in Northern Ireland

Family Division([1])

In the County Court for the Division of([1])

Upon the petition of AB (the petitioner) and upon hearing the petitioner and upon hearing CD (the respondent)

It is declared* that the civil partnership between and was a valid civil partnership at its inception, namely the day of 20 .

Dated

* *or, where a declaration is made under section 181(1)(b) of the Civil Partnership Act 2004, the following form shall be followed:–*

. . . that the civil partnership between and subsisted on the day of 20 .

* *or, where a declaration is made under section 181(1)(c) of the Civil Partnership Act 2004, the following form shall be followed:–*

. . . that the civil partnership between and did not subsist on the day of 20 .

* *or, where a declaration is made under section 181(1)(d) of the Civil Partnership Act 2004, the following form shall be used:–*

. . . that the dissolution [or annulment or legal separation] in respect of and (parties to the civil partnership) obtained on the day of 20 , in (the country where the dissolution, annulment or legal separation was obtained) is entitled to recognition in Northern Ireland.

* *or, where a declaration is made under section 181(1)(e) of the Civil Partnership Act 2004, the following form shall be used:–*

. . . that the dissolution [or annulment or legal separation] in respect of and (parties to the civil partnership) obtained on the day of 20 , in (the country where the dissolution, annulment or legal separation was obtained) is not entitled to recognition in Northern Ireland.

([1]) Delete if inapplicable.]

(a) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M27 Rule 3.12(1)

[(a) [EX PARTE ORIGINATING SUMMONS UNDER ARTICLE 17 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) ORDER 1989]

[PARAGRAPH 4 OF SCHEDULE 17 TO THE CIVIL PARTNERSHIP ACT 2004]]

In the High Court of Justice in Northern Ireland

Family Division

[(b) [In the matter of an application under Article 17 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989]

[In the matter of an application under paragraph 4 of Schedule 17 to the Civil Partnership Act 2004]]

LET all parties concerning attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, on the day of 20 , at am/pm on the hearing of an application by AB that leave be granted to the said AB to make an application for an order for financial relief under [(c) [Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989] [Schedule 17 to the Civil Partnership Act 2004]].

Dated this day of 20 .

This summons was taken out by of solicitor for the above-named applicant whose address is

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(a) Titles substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Headings substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M28 Rule 3.13(1)

[(a) [ORIGINATING SUMMONS UNDER ARTICLE 16 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) 1989]

[ORIGINATING SUMMONS UNDER PARAGRAPH 2 OF SCHEDULE 17 TO THE CIVIL PARTNERSHIP ACT 2004]]

In the High Court of Justice in Northern Ireland

Family Division

[(b) [In the matter of an application under Article 16 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989]

[In the matter of an application under paragraph 2 of Schedule 17 to the Civil Partnership Act 2004]].

Between AB Applicant

and CD Respondent

LET CD of attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF, on the day of 20 , at am/pm, on the hearing of an application by AB for the following relief, namely:

Dated this day of 20 .

This summons was taken out by
of solicitor for the above-named applicant whose address is

(a) Titles substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M29 Rule 3.14(1)

[(a) [ORIGINATING SUMMONS UNDER ARTICLE 28 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) ORDER 1989]

[ORIGINATING SUMMONS UNDER PART 2 OF SCHEDULE 17 TO THE CIVIL PARTNERSHIP ACT 2004]]

In the High Court of Justice in Northern Ireland

Family Division

[(b) [In the matter of an application under Article 28 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989]

[In the matter of an application under Part 2 of Schedule 17 to the Civil Partnership Act 2004]].

Between AB Applicant

and CD Respondent

LET CD of attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF, on the day of 20 , at am/pm, on the hearing of an application by AB that the court shall make an order restraining CD from making any disposition or transferring out of the jurisdiction or otherwise dealing with any property with intent to defeat a claim for financial relief by the applicant under [(c) [Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989] [Part 2 of Schedule 17 to the Civil Partnership Act 2004]].

Dated this day of 20 .

This summons was taken out by
of solicitor for the above-named applicant whose address is

(a) Titles substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Heading substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM M30 Rule 3.13(2)
3.14(2)

NOTICE OF PROCEEDINGS AND ACKNOWLEDGEMENT OF SERVICE

In the High Court of Justice in Northern Ireland

Between	AB	Applicant
and	CD	Respondent

Read carefully this Notice of Proceedings before answering the questions which follow.

NOTICE OF PROCEEDINGS

TAKE NOTICE THAT an application [for financial relief] [to prevent a transaction(1)] has been presented to this court. A sealed copy of it and a copy of the applicant's affidavit in support are delivered with this notice.

1. You must complete and detach the acknowledgement of service and send it so as to reach the court within 31 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.

2. If you wish to dispute the claim made by the applicant you must file in the court an affidavit in answer within 28 days after the time allowed for sending the acknowledgement of service.

3. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgement to the court on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. This should be your place of residence or, if you do not reside in Northern Ireland, the address of a place in Northern Ireland to which documents may be sent to you. Change of address should be notified to the court.

ACKNOWLEDGEMENT OF SERVICE

In the High Court of Justice in Northern Ireland

Family Division

Between	Applicant
and	Respondent

1. Have you received an originating summons and a copy of the supporting affidavit in respect of the proceedings mentioned above?

2. On what date at what address did you receive them?

Date .....
Address .....
.....
.....

3. Are you the person named as the respondent in the originating summons?

4. Do you intend to defend the case? If your answer to this question is yes you must follow the instructions in paragraph 2 of the Notice of Proceedings.

5. Even if you do not intend to defend the case do you object to paying the costs of the proceedings and, if so, on what grounds?

Dated this day of 20 .

Signed .....
Respondent

I am [we are] acting for the Respondent in this matter.

Signed .....
Address for service of documents:

Dated this day of 20 .

(1) Or as the case may be

FORM M31 Rule 7.14(1)

NOTICE UNDER RULE 7.13(1)

[*Heading as in Form M3*]

To

of

These proceedings [include/consist of] an application under the for an order that

TAKE NOTICE that it appears that the court would be prevented from making such an order [in respect of the following children

] because

If you wish to dispute this and to claim that the court should continue to deal with your application you must say so in writing and send it to the court office within 14 days of having received this notice.

If you do this a date for a hearing will be fixed at which you will be able to say why you think the court would be able to make the order sought.

The address of the court office is

Dated this day of 20 .

[Proper Officer]
[Chief Clerk]

[(a) FORM M32 Rule 3.29

FORM OF NOTICE TO APPEAR IN PETITION FOR DECLARATION OF [PARENTAGE] [LEGITIMACY] [LEGITIMATION]

To of

Take notice that you (*insert name of respondent*) are a respondent to this petition and may, within 14 days of service of this petition (inclusive of the day of service), enter an appearance either in person or by your solicitor at (insert address of relevant court office) and make an answer to the petition. If you do not do so, the court will hear the petition and pronounce judgment in your absence.

This petition is filed and this notice to appear is issued by

Dated the day of 20 .

Master.

Note: Any person entering an appearance must at the same time provide an address for service in the jurisdiction.

(a) New Forms inserted by S.R. 2002 No. 137 with effect from 6.5.02

FORM M33 Rule 3.35

CERTIFICATE OF READINESS

To the Master

I/We request that you enter this cause for hearing.

I/We certify on the part of the petitioner that—

(1) there are no pending interlocutory proceedings;

(2) the petitioner does not intend to commence any further interlocutory proceedings before trial;

(3) so far as the petitioner is concerned, the cause is ready for trial.

(Signed)

Solicitor for petitioner

FORM M34 Rule 3.36

DECLARATION OF PARENTAGE UNDER ARTICLE 31B OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) ORDER 1989

[In the High Court of Justice in Northern Ireland Family Division]

[In the Family Care Centre at]

Upon the petition of (insert the name of the petitioner) and upon hearing (insert the name of the respondent) it is hereby declared that [is||is not||was||was not]* the parent of (insert the name of the petitioner).

Dated the day of 20 .

Signed

*Delete as appropriate

FORM M35 Rule 3.36

DECLARATION AS TO LEGITIMACY OR LEGITIMATION UNDER ARTICLE 32 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS (NORTHERN IRELAND) ORDER 1989

|In the High Court of Justice of Northern Ireland Family Division|

|In the Family Care Centre at |

UPON the petition of (*insert name of petitioner*) and upon hearing the petitioner and (*insert name of respondent*), the respondent.

IT IS DECLARED* that and (*the petitioner's parents*) were lawfully married at on the day of and that (*insert name of petitioner*) born at on the day of is the lawful child of his parents and |*or where the petitioner was born before such marriage*, and that by the said marriage (*insert name of petitioner*) [was||was not] legitimated for the purposes of the Legitimacy Act (Northern Ireland) 1928 as from the 4th June 1928, the date of the commencement of the said Act||*or* from the date of the said marriage| |*or where section 1 of the Legitimacy Act (Northern Ireland) 1961 applies* as from the date of commencement of the Legitimacy Act (Northern Ireland) 1961, 4th July 1961||*or* as from the day of , the date of the said marriage (*whichever is the later date*).

Dated 20

**or where section 2 of the Legitimacy Act (Northern Ireland) 1961 applies, the following form shall be followed:*

that, (*insert name of petitioner*), born on the day of at , the child of and who entered into a form of ceremony of marriage at on the day of |is||is not| by virtue of section 2 of the Legitimacy Act (Northern Ireland) 1961 to be treated as a legitimate child of the said and

**or where section 8 of the Legitimacy Act (Northern Ireland) 1928 applies, the following form shall be followed:*

that, because , the father of (*insert name of petitioner*) the said petitioner |was| [was not| domiciled in Northern Ireland at the date of his marriage with , (formerly) and that the requirements of (country of domicile) law as to the legitimation of a person born out of wedlock, by the subsequent marriage of the parents of such a person |had| [had not| been complied with, then by virtue of section 8 of the Legitimacy Act (Northern Ireland) 1928 the said and (formerly) |were||were not| lawfully married at on the day of and that (*insert name of petitioner*) born at on the day of |is||is not| the lawful child of his parents the said and and that by the said marriage the said (*insert name of petitioner*) |was| |was not| legitimated for the purposes of the Legitimacy Act (Northern Ireland) 1928 as from the date of the

commencement of that Act 4th June 1928 [or the date of the marriage] *(whichever is later)*.

**or where there has been a legitimation (whether or not by virtue of the subsequent marriage of the petitioners parents) which is recognised by the law of Northern Ireland and effected under the law of any other country the following form shall be followed:*

that, because , the father of (*insert name of petitioner*), [was][was not] domiciled in at the date of his marriage with , (formerly) and the requirements of (country of domicile) law as to the legitimation of a person born out of wedlock by the subsequent marriage of the parents of such a person [had][had not] been complied with, then, by virtue of the law in Northern Ireland, that the said and (formerly) [were][were not] lawfully married at on the day of and that (*insert name of petitioner*), born at on the day of [is][is not] the lawful child of his parents, the said and and that, by the said marriage, (*insert name of petitioner*) [was] [was not] legitimated for the purpose of the law of Northern Ireland as from the date of the said marriage.

*Delete as applicable.

FORM M36 Rule 3.38

TRANSFER OF PROCEEDINGS UNDER THE DECLARATIONS OF PARENTAGE (ALLOCATION OF PROCEEDINGS) ORDER (NORTHERN IRELAND) 2002

[In the High Court of Justice in Northern Ireland]

[In the Family Care Centre at]

The Court orders that the proceedings concerning the petition of (insert name of petitioner) be transferred to *(insert name of court)*

The next [hearing] [directions appointment] is on at

Please address all future correspondence to

Ordered by

On]

FORM C1

[Suppl. No. 2 (December 2005)]

APPLICATION FOR AN ORDER

Children (Northern Ireland) Order 1995

Family Proceedings Rules (Northern Ireland) 1996: Rule 4.5

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the

Division of]

[In the Family Care Centre at]

[(b) **Important Note: you should only answer question 6A** if you are asking the court to make an Article 8 Order]

1. About you (the applicant)

State.
- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitors name, address, reference, telephone, FAX and DX numbers.*

2. The child(ren) and the order(s) you are applying for

For each child state
- *the full name, date of birth and sex*
- *the type of order(s) you are applying for (for example, residence order, contact order, supervision order, appointment of a guardian).*

3. Other cases which concern the child(ren)

If there have ever been, or there are pending, any court cases which concern

- *a child whose name you have put in paragraph 2*
- *a full, half or step brother or sister of a child whose name you have put in paragraph 2*
- *a person in this case who is or has been, involved in caring for a child whose name you have put in paragraph 2*

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Note inserted by S.R. 2005 No. 497 with effect from 05.12.05

attach a copy of the relevant order and give

- *the name of the court*
- *the name and panel address (if known) of the guardian ad litem, if appointed*
- *the name and contact address (if known) of the solicitor appointed for the child(ren).*

4. The respondent(s)

Appendix 3

For each respondent state
- *the title, full name and address*
- *the date of birth (if known) or the age*
- *the relationship to each child.*

5. Others to whom notice is to be given

Appendix 3

For each person state
- *the title, full name and address*
- *the date of birth (if known) or age*
- *the relationship to each child.*

6. The care of the child(ren)

For each child in paragraph 2 state

- *the child's current address and how long the child has lived there*
- *whether it is the child's usual address and who cares for the child there*
- *the child's relationship to the other children (if any).*

[(a) 6A. Domestic abuse, violence or harm

Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following or through seeing or hearing any of the following:

- any form of domestic abuse
- violence within the household
- other conduct or behaviour
- ill treatment of another person

by any person who is or who has been involved in caring for the child(ren) or lives with, or has contact with, the child(ren)?

Please tick the box which applies ☐ Yes ☐ No

If you tick the Yes box, you must also fill in Supplemental Information Form (Form C1A). You can obtain a copy of this from a court office if one has not been enclosed with the papers served on you.]

(a) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

7. Social Services

For each child in paragraph 2 state

- *whether the child is known to the Social Services*

  If so, give the name of the social worker and the address of the relevant Board or Trust

- *whether the child is, or has been, on the Child Protection Register. If so, give the date of registration.*

8. The education and health of the child(ren)

For each child state

- *the name of the school, college or place of training which the child attends*
- *whether the child is in good health. Give details of any serious disabilities or ill-health*
- *whether the child has any special needs.*

9. The parents of the child(ren)

For each child state

- *the full name of the child's* [(a) *parents*]
- *whether the parents are, or have been, married to each other* [(b) *or civil partners of each other*]
- *whether the parents live together. If so, where*
- *whether, to your knowledge, either of the parents have been involved in a court case concerning a child. If so, give the date and the name of the court.*

10. The family of the child(ren) (other children)

For any other child not already mentioned in the family (for example, a brother or a half sister) state

- *the full name and address*
- *the date of birth (if known) or age*
- *the relationship of the child to you.*

11. Other adults

State

- *the full name of any other adults (for example, lodgers) who live at the same address as any child named in paragraph 2*
- *whether they live there all the time*
- *whether, to your knowledge the adult has been involved in a court case concerning a child. If so, give the date and the name of the court.*

12. Your reason(s) for applying and any plans for the child(ren)

State briefly your reasons for applying and what you want the court to order

---

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

- ***Do not*** *give a full statement if you are applying for an order under Article 8 of Children (Northern Ireland) Order 1995. You may be asked to provide a full statement later.*
- ***Do not*** *complete this section if this form is accompanied by a prescribed supplement.*

13. At the court

State
- *whether you will need an interpreter at court (parties are responsible for providing their own). If so, specify the language*
- *whether disabled facilities will be needed at court.*

Signed (Applicant) Date

[(a) FORM C1A

[*Suppl. No. 2 (December 2005)*]

SUPPLEMENTAL INFORMATION FORM

Children (Northern Ireland) Order 1995

Family Proceedings Rules (Northern Ireland) 1996: Rule 4.5

[In the High Court of Justice in Northern Ireland]

[In the Designated County Court for the Division of]

[in the Family Care Centre at]

The full name(s) of the child(ren)

Important Note

Please read the accompanying Notes for Guidance before completing this form

Section 1 About you (the person completing this form)

State
- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitors name, address, reference, telephone, FAX and DX numbers.*

Section 2 Respondent's comments on allegations made by the Applicant

About this section:

- *Go straight to Section 3 below (Further Information) if:*
  (a) you are the ***Applicant****; or*
  (b) you are the ***Respondent*** *and the Applicant has not filed a Form C1A Supplemental Information Form with his or her application.*
- *This section of the form should only be completed* ***by the Respondent*** *where the Applicant has served a completed Form C1A with his or her application for an order.*
- ***You do not have to complete this section unless you wish to comment on any information given by the Applicant in his or her Form C1A****. This section should not be used to comment on any other information given by the Applicant in his or her application.*
- ***Please comment in summary form only****. You will have an opportunity to make a detailed statement later in the proceedings.*

Comments on allegations made by the Applicant:

(a) Form inserted by S.R. 2005 No. 497 with effect from 05.12.05

Section 3 Further Information

1. Involvement with any outside authorities and organisations

If as a result of any incidence of domestic abuse, other harm or risk of harm to you or the child(ren) there is, has been or there is pending any known involvement with the police, social services, mental health services or other support services in respect of:

- *any child(ren) whose name(s) is/are given at the top of this form;*
- *a full, half or step brother or sister of a child(ren) whose name(s) is/are given at the top of this form; or*
- *a person who is or has been involved in caring for the child(ren) or is having or has had contact with the child(ren) whose name(s) is/are given at the top of this form*

please provide details and identify:

- *which agency or service has been involved;*
- *the name of the person who has been the main contact in that agency or service;*
- *the date or dates of any involvement;*
- *whether there is any current or continuing involvement;*
- *whether or not you have any documents, reports or correspondence relating to the agency or service's involvement.*

2. Incidents of abuse, violence or harm

For each alleged incidence of violence, domestic abuse or harm, please provide in summary form the following information:

- *the date(s) on which the incident occurred*
- *the nature and seriousness of the alleged abuse, violence or harm*
- *by whom and against whom it was directed*
- *how frequently the alleged abuse, harm or violence occurred and the date(s) of the most recent occurrence(s)*
- *whether any hospital or medical treatment has been sought by the child(ren) whose name(s) is/are given at the top of this form, the applicant or other person in respect of any injuries sustained, and*
- *whether you consider there is a likelihood of further harm, abuse or violence occurring.*

3. Involvement of the child(ren)

If the child(ren) whose name(s) is/are given at the top of this form have seen or heard any alleged incidents of abuse within the household or been aware of any alleged abuse and its impact on the family, please give details and in particular state how you believe the child(ren) have been affected by this experience:

4. Witnesses

Has anyone else seen, heard or had reported to them any alleged incidence of violence, domestic abuse or harm? If Yes, would that person be able to provide supporting evidence?

5. Medical treatment or other assessment of the child(ren)

If any child(ren) whose name(s) is/are given at the top of this form have been referred for treatment or psychiatric or psychological assessment, by any medical or health service relating to his/her emotional, social or behavioural development (or where any such treatment or referral is pending) please state:

- *when and to whom such a referral was made*
- *details of any treatment or assessment recommended*
- *whether there is any continuing involvement with the relevant service in relation to the referral and*
- *whether you are aware of or have in your possession any reports or other correspondence in relation to any treatment or assessment recommended.*

6. Steps or orders required to protect you and the children

Please indicate what steps or orders you believe the court should take or make in order to protect the safety of the child(ren) whose name(s) is are given at the top of this form and/or yourself:

7. Attending the Court

Please also indicate whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provision). Do you consider the court should give consideration to any special measures for you or any witnesses to give evidence at the hearing?

If Yes, please explain why.

Signed Date

(Applicant/Respondent)

Notes for Guidance

About these Notes:

* *They explain some of the terms used in form C1A that may be unfamiliar to you and will help you to complete the form.*
* *You should read all these notes before beginning to complete the form.*
* *Please do not enclose any original or copy documents unless you have been asked for something specifically.*
* *These notes are only a guide to help you complete form C1A. If you need further help you should speak to a solicitor, Citizen's Advice Bureau or law centre. Public funding of your legal costs may be available from the Northern Ireland Legal Services Commission – a solicitor will be able to tell you more about this.*

Please note that while court staff will help on procedural matters, they cannot offer any legal advice.

Section 1

1. About you

If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete the Confidential Address Form (Form C5). The court can give you this form. It should be filed at the court at the same time as your application is submitted.

2. Your solicitor's details

You should complete this section if you have a solicitor acting for you. He or she may be able to help you complete this form and will give you the information necessary to complete these details.

If you do not have a solicitor simply insert the words "solicitor not instructed".

Section 2

***Do not** complete this section if you are the applicant. Go straight to Section 3 (Further Information).*

Complete this section only if:

(a) you are the respondent

(b) the applicant has completed Form C1A and,

(c) you wish to comment on the allegations made by the applicant.

You must only comment on the allegations made by the applicant in his or her Form C1A and not on any other information elsewhere in the application.

Put your comments as briefly as you can. You may be asked to provide more detailed information later in the proceedings.

If you do not wish to comment at this stage, this section may be left blank or you may insert the words "No comments at this stage".

Section 3

1. Involvement with outside agencies and organisations

"Harm" means ill-treatment or the impairment of health and development.

If following an incident of domestic abuse or harm, the police, social services, mental health services or other support services have been or are still involved with

(a) any or all of the children listed at the top of the Form C1A

(b) a full, half or step brother or sister of a child(ren) listed at the top of the form

(c) or a person who is or has been involved with caring for the children or has had contact with the children you should provide:

- *the name and address of any agency or service that has been involved but do not give any further details. You can comment on these later in this form.*
- *the name of the person you have as a contact within that agency or service.*
- *the dates on which you had involvement. (If you cannot remember the precise dates, please provide the month or a date as near as possible).*

If any of the agencies mentioned continue to be involved you should say so in simple terms e.g. "the police are continuing their investigations" or "the social services are still involved". This list is not exhaustive so you should include all those that are still involved.

If you have any documents, reports or correspondence, appointment cards or other relevant paperwork please say so here.

***Do not** enclose any of this paperwork with this form. The court may ask you to produce this later in the proceedings if it considers that it may be relevant to the case.*

2. Incidents of abuse, violence or harm

For each alleged incident of violence, domestic abuse or harm, please give short answers to the following questions:

- *What was the date of each incident? (If you cannot remember the precise date, please provide the month or a date as near as possible).*
- *Who was the victim of this behaviour? You should consider whether any child saw or heard anything and name him or her but do not give details here.*
- *Who was responsible for this behaviour?*
- *What was the nature of this behaviour e.g. was it physical mental or sexual (and what form did it take)?*
- *How often did this kind of behaviour happen and give the date (as far as you can remember) of the most recent incident?*
- *Did you go to your GP or to a hospital to get treatment in respect of any injuries sustained for any of the children named in this form or the applicant or other person involved in the incident(s)?*
- *Do you believe that the harm, violence or abuse is likely to happen again in the future?*

You shall have an opportunity later in the proceedings to provide a more substantial statement.

3. Involvement of the children

If you believe that any of the child(ren) named at the top of the Form C1A have either seen, heard or were aware of any of the alleged incidents of abuse, you should say

so here and say briefly how these alleged incidents affected the family and the children. You will have an opportunity to give full details later in the proceedings.

4. Witnesses

If your answer to this question is "yes" you should ask whether he or she is willing, and able, to provide supporting evidence. This evidence could be any paperwork supplied by the police, hospital or any agency to which the incident was reported. You should also say whether or not this person is prepared to give evidence in court.

***Do not** attach any of the evidence to this form. The court may ask you to provide it later in the proceedings.*

5. Medical treatment or other assessment of the child(ren)

If any of the children named at the top of Form C1A have been referred by a doctor, psychiatrist or psychologist for treatment or assessment relating to his or her emotional, social or behavioural development you should provide:

- *the name and address of the psychiatrist or psychologist.*
- *the date when the referral was made (this may not be the date of the appointment). If you cannot remember the precise date, please provide the month or a date as near as possible.*
- *a summary of the treatment recommended or the result of the assessment.*
- *information about whether you know that there was an assessment and the whereabouts of any reports or correspondence relating to it.*

If any of this information is in your possession please say so:

- *information about whether or not this treatment continues.*

You should not include any documents, copies of appointment cards etc at this stage. You may be asked to provide this information later in the proceedings.

6. Steps or orders required to protect you and the children

You are completing this form because there are allegations that the child(ren) may have suffered or be at risk of suffering domestic abuse, violence or harm or seeing another person suffering such domestic abuse, violence or harm and you are asking the court to make an order for Residence, Contact, Prohibited Steps or Specific Issue.

These terms mean:

(a) Residence: this decides who the child or children are going to live with in the future.

(b) Contact: this decides how often and for how long the person with whom the child(ren) are living must let the child(ren) visit, stay or otherwise have contact with the person asking for the order.

(c) Prohibited Steps: this prevents a parent from taking a particular action as set out in the order without the permission of the court. This also applies to actions by any other person named in the order.

(d) Specific Issue: this decides specific questions e.g. about education, medical treatment or a foreign holiday or visit where parents or those with parental responsibility cannot agree.

- *Please say what steps or order you think the court should make to protect the interests of yourself and the child(ren) named in this form so that you and they may be protected.*

7. Attending the Court

If you feel that you are vulnerable or likely to be intimidated when you attend court and would like the court to make special arrangements, please say so on this form. The court will try to supply you and your witnesses with a separate waiting area. For this or any other measures to be considered please will you explain why you feel you need them].

FORM C2

APPLICATION

- for leave to commence proceedings

  Family Proceedings Rules (Northern Ireland) 1996: Rule 4.4

- for an order or directions in existing family proceedings

  Children (Northern Ireland) Order 1995

- to be joined as, or cease to be, a party in existing family proceedings

  Family Proceedings Rules (Northern Ireland) 1996: Rule 4.8(2)

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the

Division of]

[In the Family Care Centre at]

The full name(s) of the child(ren)

[(b) **Important Note: you should only answer question 3A** if you are asking the court to make an Article 8 Order]

1. About you (the person making this application)

State
- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitor's name, address, reference, telephone, FAX and DX numbers*
- *if you are already a party to the case, give your description*

  (for example, applicant, respondent or other).

2. The order(s) or direction(s) you are applying for

State for each child.
- *the full name, date of birth and sex*
- *the type of order(s) you are applying for (for example, residence order, contact order, supervision order).*

3. Persons to be served with this application

For each respondent to this application state the title, full name and address.

[(c) 3A. Domestic abuse, violence or harm

Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following or through seeing or hearing any of the following:

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Note inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

- any form of domestic abuse
- violence within the household
- other conduct or behaviour
- ill treatment of another person

by any person who is or who has been involved in caring for the child(ren) or lives with, or has contact with, the child(ren)?

Please tick the box which applies ☐ Yes ☐ No

If you tick the Yes box, you must also fill in Supplemental Information Form (Form C1A). You can obtain a copy of this from a court office if one has not been enclosed with the papers served on you.]

4. Your reason(s) for applying and any plans for the child(ren)

State briefly your reasons for applying.

***Do not** give a full statement if you are applying for an order under Article 8 Children (Northern Ireland) Order 1995.*

You may be asked to provide a full statement later.

Signed Date

(Applicant)

FORM C3

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the

Division of]

[In the Family Care Centre at]

NOTICE TO PARTIES OF PROCEEDINGS

[HEARING] [DIRECTIONS APPOINTMENT]

has applied to the court for an order.

The application concerns the following child(ren)

About the [Hearing] [Directions Appointment]

You should attend when the court hears the application at

on

at [am] [pm]

The hearing is estimated to last

What to do next

There is a copy of the application with this Notice. You have been named as a party in the application.

Read the application now, and the notes overleaf.

When you go to court please take this Notice with you and show it to a court official.

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

About this Notice

Note 1 **At the hearing or directions appointment**	you will be able to tell the court about any special needs or circumstances of the child(ren).
Note 2 **If Form C4 (Acknowledgement) is enclosed**	you must fill it in and return it to the court as soon as possible, and serve a copy on the other parties.
Note 3 **For legal advice**	go to a solicitor or an advice agency. Some solicitors specialise in court proceedings which involve children. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society. A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.
Note 4 **If you want to apply for an order**	in respect of any of the children named on the Notice, fill in Form C1. You can obtain the form from a court office. The application must be made to the court sending you this notice.

FORM C3A

|In the High Court of Justice in Northern Ireland|

|In the Divorce County Court for the

Division of |

|In the Family Care Centre at |

NOTICE TO NON-PARTIES OF PROCEEDINGS

|HEARING| |DIRECTIONS APPOINTMENT|

has applied to the court for an order.

The application concerns the following child(ren)

About the [Hearing] [Directions Appointment]

The court will hear the application at

on

at |am| |pm|

The hearing is estimated to last

What to do next

You have been named in the application. Please read the notes overleaf.

If you go to court please take this Notice with you and show it to a court official.

About this Notice

Note 1 **You do not have the right to take part in the proceedings, at present.**

If you want to take part (become a party to the proceedings) you must apply to the court on Form C2. In all correspondence quote the case number and the child(ren)'s number(s).

You can obtain Form C2 from a court office. The application must be made to the court sending you this notice.

Note 2 For legal advice go to a solicitor or an advice agency.

Some solicitors specialise in court proceedings which involve children. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society.

A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.

[(a) FORM C4

ACKNOWLEDGEMENT

[Supplt No. 2 (December 2005)]

[In the High Court of Justice in Northern Ireland]

[In the Designated County Court for the Division of]

[In the Family Care Centre at]

Date of [Hearing] [Directions Appointment]

What you (the person receiving this form) should do

- Answer the questions overleaf. **If the applicant is asking only for financial relief in respect of the child(ren) named above, you do not need to answer questions 6 and 7.**
- If you need more space for an answer use a separate sheet of paper. Please put your full name, case number and the child(ren)'s number(s) at the top.
- If the applicant has asked the court to order you to make a payment for a child you must also fill in a Statement of Means (Form C7A). You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- **If you answer "Yes" to both parts of question 6, and/or question 7, you must also fill in Supplemental Information Form (Form C1A).** You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- When you have answered the questions make copies of both sides of this form. You will need a copy for the applicant, and each party named in Part 4 of Form C1.
- Post, or hand, a copy to the applicant and to each party. Then post, or take, this form, and the Statement of Means if you filled one in, to the court at the address below.

You must do this **within 14 days** of the date when you were given the Notice of Proceedings, or of the postmark on the envelope if the Notice of Proceedings was posted to you.

To be completed by the court

The court office is open

from am to pm

on Mondays to Fridays

1. About you	Full name Date of birth Address
Please give a daytime telephone number if you can.	Telephone Number

(a) Form C4 substituted by S.R. 2005 No. 497 with effect from 05.12.05

2. About your solicitor *If you do not have a solicitor put* ***None****. (But see note 3 on the Notice of Proceedings which was served on you).*	Name Address Telephone Number FAX Number DX Number
3. Address to which letters and other papers should be sent.	
4. The application was received on:	
5. Do you oppose the application?	
6. Did you receive a completed Supplemental Information Form (Form C1A) from the applicant with the papers served on you? If Yes, do you wish to comment on any of the statements made in that form by the applicant?	
7. Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following or through seeing or hearing any of the following: • any form of domestic abuse • violence within the household • other conduct or behaviour • ill treatment of another person by any person who— (a) is or has been involved in caring for the child(ren); or (b) lives with, or has contact, with the child(ren)?	
8. Do you intend to apply to the court for an order?	
9. Will you use an interpreter at court? *If Yes state the language into which the interpreter will translate.*	

Note: If you require an interpreter you must bring your own.

[*Supplt. No. 2 (December 2005)*]

Signed (Respondent) Date]

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

FORM C5

CONFIDENTIAL ADDRESS

Family Proceedings Rules (Northern Ireland) 1996: Rule 7.16(2)

The court

The full name(s) of the child(ren)

Your full name

The omitted address

This form is to be used by any party in Family Proceedings who does not wish to reveal the address of their private residence or that of any child. This address will not be revealed to any person save by order of the court. State that address.

FORM C6

STATEMENT OF SERVICE

Family Proceedings Rules (Northern Ireland) 1996: Rule 4.9(5)

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of |

[In the Family Care Centre at |

You must	• give details of service of the application on each of the other parties
	• give details of service on person to whom notice has to be given
	• file this form with the court on or before the first Directions Appointment or Hearing of the Proceedings
You should	• if the person's solicitor was served, give his or her name and address
	• if the guardian ad litem was served on behalf of the child, give his or her name and **panel** address.
You must indicate	• the manner, date, time and place of service,
or	• where service was effected by post, the date, time and place of posting.

Name and address of person served	How, when and where served	Prescribed forms served

I have served the [applicant] [Notice of Proceedings] as stated above.

I am the [applicant] [solicitor for the applicant] [other (state)]

Signed Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C7

SUPPLEMENT FOR AN APPLICATION FOR FINANCIAL PROVISION FOR A CHILD OR VARIATION OF FINANCIAL PROVISION FOR A CHILD

Schedule 1 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of |

[In the Family Care Centre at |

1. About the application

State whether you are seeking

- *an order for a lump sum; a transfer of property; a settlement of property; periodical payments; secured periodical payments*

or • *a variation of an order for periodical payments; secured periodical payments; payment of a lump sum by instalments.*

2. Previous court orders and written agreements

If a written agreement or court order has been made a copy should be attached to this application.

If not available state

- *the date*
- *the terms*
- *the parties*
- *the court.*

3. The Child Support Agency

Assessment for maintenance

State whether the Agency has made an assessment for the maintenance of the child(ren): ☐ *Yes* ☐ *No*

If Yes, state whether you are applying for additional child maintenance

- *because the Child Support Agency will no longer deal with your claim.*

  You should explain why the Agency will not deal with the claim.

or • *on top of payments made through the Child Support Agency.*

You should explain why you need additional maintenance and confirm that the Child Support Agency's assessment is the maximum amount obtainable.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

Written agreement for maintenance

State whether there is a written maintenance agreement: ☐ *Yes* ☐ *No*

If No, state whether you are applying for payment:

☐ for [a] stepchild[ren]

☐ in addition to child support maintenance already paid under a Child Support Agency assessment

☐ to meet expenses arising from the disability of [a] child[ren]

☐ to meet expenses incurred by [a] child[ren] in being educated or training for work

☐ when either the child[ren] OR the person with care of the child[ren] OR the absent parent of the child[ren] is not habitually resident in the United Kingdom

☐ or any other reason (*specify*):

4. About the order

State the terms of the order you ask the court to make and in particular

- *the amount you would like the court to order*
- *whether you would like that amount paid weekly or monthly (if you are not applying for a lump sum)*
- *why you require the payments, or would like the court to carry an existing order.*

5. The collection of payment

If payments are not to be collected and paid to you by the Child Support Agency, give full details of how you would like payments collected. Possible ways are:

☐ **Directly to a bank, building society or post office account**

Give the full name and address, sorting code and the number of the account into which payment is to be made.

☐ **By an attachment of earnings order**

This is a court order which is sent to the employer of the person who is to pay.

☐ **If you would like the court to direct that money is paid in some other way**

Please say what method you would like.

And if you do not mind how the money is paid, please say so. The court will decide how it should be paid.

Signed Date

(Applicant)

You should now complete a Statement of Means, Form C7A

FORM C7A

STATEMENT OF MEANS

Schedule 1 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Warning **The court will require to see written evidence of unemployment or sickness; or wage or salary slips, bank statements, and other papers giving details of your means. This evidence should be attached to this form or brought with you when you attend the hearing.**

1. About you

State
- *your title, full name, address, telephone number and date of birth*
- *whether you are married, [(b) in a civil partnership] single or other*
- *whether you are the applicant or the respondent.*

2. Your dependants

State for each dependant
- *the dependant's title, full name and age*
- *whether the dependant is a spouse, [(c) civil partner,] partner, child or other*
- *whether the dependant is wholly or partially financially dependent on you*
- *whether the dependant lives with you.*

3. Your employment

State whether you are employed, self-employed or other.

If you are employed, state
- *your employment*
- *your employer's name, address and daytime telephone number.*

4. Your buildings and land

List all buildings and land you own, whether in your name alone or jointly, stating for each
- *the address*
- *the name(s) of the owner(s)*
- *the current value.*

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12 05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

5. Your financial assets

List each bank, building society and post office account, stating for each

- *the name and address where the account is held*
- *the account number*
- *the current balance.*

List all investments and securities (for example, shares, insurance policies) stating for each one the name and quantity and current value.

List all pension schemes, stating for each one the scheme name and the company.

6. Other possessions of value

List all possessions of value (for example, jewellery, antiques, collectable items), stating for each:

- *what they are*
- *the current value.*

7. Your income

		State whether Weekly (W) or Monthly (M)
If employed, state your usual take home pay	£	
If self-employed, state		
• your drawings	£	
• your gross turnover	£	
• your profit after expenses	£	
• whether you expect your turnover to increase, decrease or remain the same:		
• the date of the accounts showing the above gross turnover and profit after expenses	Year ending 20	
In all cases, state any of the following which you receive		
• Income Support	£	
• Child Benefits	£	
• Child Support Agency	£	
• Other state benefits (specify source)	£	
	£	
	£	
• Pension(s) (specify source)	£	
	£	
	£	
• Contributions from others in the home (total)	£	
• Other income (specify source and amount)	£	
	£	
	£	
	£	
Total income:	£	

8. Court Orders

Enclose a copy of any order

Court	Case Number	Amount outstanding (£)	Amount of payment (£)	Weekly (W) or Monthly (M)

9. Your expenses

	Amount of payments	Weekly (W) or Monthly (M)	Total debt	Amount of
Mortgage				
1st				
2nd				
Rent				
Rates				
Gas				
Electricity				
Telephone				
Water charges				
Credit Card				
Loans				
Storecards				
HP Payments				
TV rental and licence				
Mail Order				
Food				
Clothing				
Public transport				
Car expenses				
School meals				
Child minding				
Maintenance				
Child Support Agency				
Other payments (give details)				
Total Payments				

Signed [Applicant] [Respondent]

Date

[(a) FORM C8

SUPPLEMENT FOR AN APPLICATION FOR AN EMERGENCY PROTECTION ORDER

Article 63 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(b) Designated County Court] for
the Division of |

[In the Family Care Centre at |

1. Description of the child(ren)

If a child's identity is not known, state details which will identify the child. You may enclose a recent photograph of the child, which should be dated.

2. The grounds for the application

The grounds are

ANY APPLICANT — A ☐ that there is reasonable cause to believe that [this] [these] child[ren] [is] [are] likely to suffer significant harm if

- ☐ the child[ren] [is] [are] not removed to accommodation provided by or on behalf of this applicant

or ☐ the child[ren] [does] [do] not remain in the place where [the child] [they] [is] [are] currently being accommodated.

BOARD OR TRUST APPLICANTS — B ☐ that inquiries are being made about the welfare of the child[ren] under Article 66(1)(*b*) of the Children (Northern Ireland) Order 1995 **and** those inquiries are being frustrated by access to the child[ren] being unreasonably refused to someone who is authorised to seek access **and** there is reasonable cause to believe that access to the child[ren] is required as a matter of urgency.

AUTHORISED PERSON APPLICANTS — C ☐ that there is reasonable cause to suspect that the child[ren] [is] [are] suffering, or [is] [are] likely to suffer, significant harm **and** inquiries are being made with respect to the welfare of the child[ren] **and** those inquiries are being frustrated by access to the child[ren] being unreasonably refused to someone who is authorised to seek access **and** there is reasonable cause to believe that access to the child[ren] is required as a matter of urgency.

(a) Form substituted by S.R. 1999 No. 88 with effect from 29.3.99
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

3. The additional order(s) applied for

- ☐ information on the whereabouts of the child[ren] (Article 67(1) of the Children (Northern Ireland) Order 1995).
- ☐ authorisation for entry of premises (Article 67(3) of the Children (Northern Ireland) Order 1995).
- ☐ authorisation to search for another child on the premises (Article 67(4) of the Children (Northern Ireland) Order 1995).

4. The direction(s) sought

- ☐ contact (Article 63(6)(*a*) of the Children (Northern Ireland) Order 1995).
- ☐ a medical or psychiatric examination or other assessment of the child[ren] (Article 63(6)(*b*) of the Children (Northern Ireland) Order 1995).
- ☐ to be accompanied by a registered medical practitioner, registered nurse or registered health visitor (Article 64(11) of the Children (Northern Ireland) Order 1995).
- ☐ an exclusion requirement (Article 63A(1) of the Children (Northern Ireland) Order 1995).

5. The reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

FORM C9

SUPPLEMENT FOR AN APPLICATION FOR A WARRANT TO ASSIST A PERSON AUTHORISED BY AN EMERGENCY PROTECTION ORDER

Article 67 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. Description of the child(ren)

If a child's identity is not known, state details which will identify the child.

You may enclose a recent photograph of the child, which should be dated.

2. The grounds for the application

An emergency protection order was made on:

(State the date and time, and attach a copy of the order)

and ☐ a person **has been** prevented from exercising powers under the order by being refused entry to premises or access to the child[ren]

or

☐ that a person **is likely to be** prevented from exercising powers under the order by being refused entry to premises or access to the child[ren]

3. The direction(s) sought

State
- *whether you wish to accompany the constable, if the warrant is granted*
- *whether you wish the constable to be accompanied by a registered medical practitioner, registered nurse or registered health visitor, if he so wishes*
- *where the constable is to take the child, if the warrant is executed.*

4. The reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

(a) Words substituted by S R 2005 No 497 with effect from 05.12.05

FORM C10

SUPPLEMENT FOR AN APPLICATION FOR A CARE OR SUPERVISION ORDER

Article 50 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. The grounds for the application

The grounds are that the child[ren] [is] [are] suffering or [is] [are] likely to suffer, significant harm and the harm, or likelihood of harm, is attributable to

☐ the care given to the child[ren], or likely to be given to the child[ren] if the order were not made, not being what it would be reasonable to expect a parent to give to the child[ren]

☐ the child[ren] being beyond parental control

2. The reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

3. Your plans for the child(ren)

Include

- *in the case of supervision orders only, any requirements which you will invite the court to impose pursuant to paragraph 3 Schedule 3 Children (Northern Ireland) Order 1995*
- *in all cases, whether you will invite the court to make an interim order.*

4. The direction(s) sought

Signed (Applicant) Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C11

SUPPLEMENT FOR AN APPLICATION FOR AUTHORITY TO REFUSE CONTACT WITH A CHILD IN CARE

Article 53(4) Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. The current arrangements for contact

State
- *the full name(s) of each person who has contact with each child and the current arrangements for contact*
- *whether the Board or Trust has refused contact for 7 days or less.*

2. The order applied for

State the full name and relationship of any person in respect of whom authority to refuse contact with each child is sought.

3. The reason(s) for the application

If you are relying on a report or other documentary evidence state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

(a) Words substituted by S R 2005 No 497 with effect from 05.12.05

FORM C12

SUPPLEMENT FOR AN APPLICATION FOR CONTACT WITH A CHILD IN CARE

Article 53(2) and (3) Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. Your relationship to the child(ren)

State whether

- *you are a parent or guardian*
- *you hold a residence order which was in force immediately before the care order was made*
- *you had care of the child(ren) through an order which was in force immediately before the care order was made.*

2. The order applied for and your reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C13

SUPPLEMENT FOR AN APPLICATION FOR
A CHILD ASSESSMENT ORDER

Article 62 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of |

[In the Family Care Centre at |

1. The grounds for the application

The grounds are that there is reasonable cause to suspect that the child[ren] [is] [are] suffering, or [is] [are] likely to suffer, significant harm

and

an assessment of the state of the child[ren]'s health or development or of the way in which the child[ren] [has] [have] been treated, is required to determine whether or not the child[ren] [is] [are] suffering, or [is] [are] likely to suffer, significant harm

and

it is unlikely that such an assessment will be made, or be satisfactory, in the absence of an order under this section.

State your reason(s) for believing the grounds exist.

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

2. The direction(s) sought in respect of the assessment

3. The direction(s) sought in respect of contact

Signed (Applicant) Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C14

SUPPLEMENT FOR AN APPLICATION FOR AN EDUCATION SUPERVISION ORDER

Article 55 Children (Northern Ireland) Order 1995

Paragraph 6 Schedule 4 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. Prior consultation

State the name of the Board or Trust which has been consulted:

☐ The Board or Trust is the authority providing the child[ren] with accommodation or on whose behalf the child[ren] [is] [are] being provided with accommodation.

or

☐ the Board or Trust is the authority within whose area the child[ren] live[s], or will live.

2. The grounds for the application

The ground is that the child[ren] [is] [are] of compulsory school age and [is] [are] not being properly educated.

State your reason(s) for believing the ground exists. If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

3. The order and direction(s) applied for

Signed (Applicant) Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C14A

SUPPLEMENT FOR AN APPLICATION FOR AN EXTENSION OF AN EDUCATION SUPERVISION ORDER

Paragraph 5(2) of Schedule 4 to the Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. About the Education Supervision Order

State when the order was made and when it is due to end.

Enclose a copy of the order.

2. The extension

State your reason(s) for asking the court to extend the order. If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM CI5

SUPPLEMENT FOR AN APPLICATION FOR A RECOVERY ORDER

Article 69 Children (Northern Ireland) Order 1995

|In the High Court of Justice in Northern Ireland|

|In the |(a) Designated County Court| for the Division of |

|In the Family Care Centre at |

1. Particulars of the child(ren)

State whether the child|ren| |is| |are|

- ☐ in care
- **or** ☐ the subject of an emergency protection order
- **or** ☐ in police protection

Enclose a copy of the order

If a child's identity is not known, state details that will identify the child.

You may enclose a recent photograph of the child, which should be dated.

2. The order and direction(s) applied for

State

- *whether the child(ren) (is) (are) to be produced to an authorised person specified by the court (Article 69(7) Children (Northern Ireland) Order 1995)*
- *whether you require the court to authorise a constable to enter specified premises (Article 69(3)(d) Children (Northern Ireland) Order 1995).*

3. The grounds for the application

The grounds are that the child|ren|

- ☐ |has| |have| been unlawfully taken away or |is| |are| being unlawfully kept away from the responsible person
- **or** ☐ |has| |have| run away or |is| |are| staying away from the responsible person
- **or** ☐ |is| |are| missing.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

4. The reason(s) for the application

(Include your ground(s) for believing that the child(ren) (is) (are) on the premises named in paragraph 2 above (if applicable) (Article 69(6) Children (Northern Ireland) Order 1995).

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

FORM CI6

APPLICATION FOR A WARRANT OF ASSISTANCE

Article 178 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. About you (the applicant)

State
- your title, full name, address, telephone number, and relationship to the child(ren) (if any)
- your solicitor's name, address, reference, telephone, FAX and DX numbers
- whether you are:
  - ☐ a person authorised by a Board or Trust
  - ☐ a person authorised by the Department
  - ☐ a supervisor acting under a supervision order

2. Description of the child(ren) (if applicable)

If a child's identity is not known, state details which will identify the child. You may enclose a recent photograph of the child, which should be dated.

3. The grounds for the application

☐ I am attempting to exercise powers under an enactment within Article 178 of the Children (Northern Ireland) Order 1995 at the following premises (*give full address*):

and

☐ **I have been** prevented from exercising those powers by

☐ **I am likely to be** prevented from exercising those powers by

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

PERSON AUTHORISED BY THE AUTHORITY

Article 77(5)

☐ [being, or likely to be, refused entry to accommodation provided by a voluntary organisation]

☐ [being, or likely to be, refused access to a child in accommodation provided by a voluntary organisation]

Article 93

☐ [being, or likely to be, refused entry to a children's home]

☐ [being, or likely to be, refused access to a child in a children's home]

☐ [being, or likely to be, refused access to records kept in a children's home]

Article 108

☐ [being, or likely to be, refused entry to a private foster home]

☐ [being, or likely to be, refused access to a child in a private foster home]

Article 130

☐ [being, or likely to be, refused entry to domestic premises where child-minding is carried on]

☐ [being, or likely to be, refused access to a child on domestic premises where child minding is carried on]

☐ [being, or likely to be, refused access to records kept in domestic premises where child-minding is carried on]

☐ [being, or likely to be, refused entry to premises on which day care for children under the age of 12 is provided]

☐ [being, or likely to be, refused access to a child in premises on which day care for children under the age of 12 is provided]

☐ [being, or likely, to be refused access to records kept on premises on which day care for children under the age of 12 is provided]

Article 175

☐ [being, or likely to be, refused entry to a residential care, nursing or mental nursing home]

☐ [being, or likely to be, refused access to a child in a residential care, nursing or mental nursing home]

Article 176

☐ [being, or likely to be, refused entry to an independent school]

☐ [being, or likely to be, refused access to a child in an independent school]

PERSON AUTHORISED BY THE DEPARTMENT	*Article 34 Adoption (Northern Ireland) Order 1987*	☐	[being, or likely to be, refused entry to premises on which a protected child is, or is likely to be, kept]
			[being, or likely to be, prevented from visiting a protected child]
			[being, or likely to be, refused entry to any of the premises specified by Article 149]
	Article 149	☐	[being, or likely to be, refused access to a child in any of the premises specified by Article 149]
			[being, or likely to be, refused access to records stored in any of the premises specified in Article 149]
SUPERVISOR UNDER THE SUPERVISION ORDER	*Paragraph 7(1)(b) Schedule 3*	☐	[being, or likely to be, refused entry to accommodation where a supervised child is living]
	Paragraph 7(2)(b) Schedule 3	☐	[being, or likely to be, refused contact with a supervised child by a responsible person]

4. The respondent(s)

For each respondent state the title, full name, address, telephone number and relationship (if any) to each child.

5. The reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

6. The direction(s) sought

State
- *whether you wish to accompany the constable, if the warrant is granted*
- *whether you wish the constable to be accompanied by a registered medical practitioner, registered nurse or registered health visitor, if he so wishes.*

Signed (Applicant) Date

FORM C17

SUPPLEMENT FOR AN APPLICATION FOR AN ORDER TO HOLD A CHILD IN SECURE ACCOMMODATION

Article 44 Children (Northern Ireland) Order 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. The grounds for the application

The grounds are ☐ that the child[ren] [has] [have] a history of absconding and [is] [are] likely to abscond from any other accommodation and if the child[ren] absconds [he] [she] [they] [is] [are] likely to suffer significant harm.

☐ that if the child[ren] [is] [are] kept in any other accommodation, [the child] [they] [is] [are] likely to injure [himself] [herself] [themselves] or other people.

(In the case of a child under the age of 13) ☐ The approval of the Department of Health and Social Services to the placement of the child[ren] in secure accommodation has been granted and is attached.

2. The reason(s) for the application and length of order applied for

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

Signed (Applicant) Date

(a) Words substituted by S.R 2005 No. 497 with effect from 05.12.05

FORM C18

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

and:

Case Number:

The full name(s) of the child(ren)	Date(s) of birth	Child(ren)'s number(s)

[Order] [Direction]

Ordered by

on

FORM C19

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

Record of the Hearing on: Case Number:

The full name(s) of the child(ren) Child(ren)'s Number(s)

Attendees

Name Represented by

Evidence

The court read the report/statement of

The court heard oral evidence [on oath] from

Findings

The court made the following findings of fact

Reasons

The reasons for the court's decision are

Dated

[(a) FORM C20

[Suppl No. 2 (December 2005)]

IN THE MATTER OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(b) Designated County Court] for the Division of]

[In the Family Care Centre at]

Order	Emergency Protection Order Article 63 Children (Northern Ireland) Order 1995		
	The full name(s) of the child(ren)	Boy or Girl	Date(s) of birth
	[described as		]
Warning	**It is an offence intentionally to obstruct any person exercising the power under Article 63(4)(b) of the Children (Northern Ireland) Order 1995 to remove, or prevent the removal, of a child (Article 63(15) Children (Northern Ireland) Order 1995)**		
The court grants	an Emergency Protection Order to the applicant who is The order gives the applicant parental responsibility for the child[ren].		
The court authorises	[the applicant to remove the child[ren] to accommodation provided by or on behalf of the applicant] [the applicant to prevent the child[ren] being removed from]		
[This order directs that	any person who can produce the child[ren] to the applicant must do so.]		
The court directs that	[[a named person] be excluded from [a named address] [forthwith] [from [date]] so that the child may continue to live there, consent to the exclusion requirement having been given by [a named person]]		
This order ends on		at	[am] [pm]
Ordered by			
on		at	[am] [pm]

(a) Form substituted by S.R. 1999 No. 88 with effect from 29 3 99
(b) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

Notes about the Emergency Protection Order

About this order	This is an Emergency Protection Order. This order states what has been authorised in respect of the child[ren] and when the order will end. The court can extend this order for up to 7 days but it can only do this once.
Warning	**If you are shown this order, you must comply with it. If you do not, you may commit an offence. Read the order now.**
What you may do	You may apply to the court to **change the directions** or to **end the order.** [(a) ...] If you would like to ask the court to change the directions, or end the order, you must fill in a form. You can obtain the form from a court office. If the court has directed that the child[ren] should have a medical, psychiatric or another kind of examination, you may ask the court to allow a doctor of your choice to be at the examination.
What you should do	Go to a solicitor as soon as you can. Some solicitors specialise in court proceedings which involve children. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society. A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.

(a) Paragraph omitted by S.R. 2008 No. 24 with effect from 25.02.08

FORM C21

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of [

[In the Family Care Centre at]

Order [Variation of an Emergency Protection Order direction
(Article 63(9)(*b*) Children (Northern Ireland) Order 1995)
[Extension of an Emergency Protection Order
(Article 64(4) Children (Northern Ireland) Order 1995)
[Discharge of an Emergency Protection Order
(Article 64(7) Children (Northern Ireland) Order 1995

The full name(s) of the child(ren) Date(s) of birth

The court [extends] [varies] [discharges] [[the direction[s] given] [the Emergency Protection Order granted] by [this court] the

court]

on at [am] [pm]

[The direction(s) are varied as follows]

[The order now ends on]

Ordered by

on at [am] [pm]

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C22

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Warrant	To assist a person authorised by an Emergency Protection Order Article 67(9) Children (Northern Ireland) Order 1995
To all Police Constables	
The court was satisfied that	who is the applicant, has been prevented, or is likely to be prevented from exercising powers under an Emergency Protection Order by being refused entry to the named premises or access to the child concerned.
The court authorises	you to assist the applicant to exercise powers under an Emergency Protection Order made on **You may use reasonable force if necessary.**
You may assist the applicant to gain access **to the child**	*Name* *Boy or Girl* *Date of birth* *described as*
You may assist the applicant to gain entry **to the premises**	*known as*
The court directs	[that you should not be accompanied by the person who applied for the warrant] [that you may, if you wish, be accompanied by a registered medical practitioner *or* a registered nurse *or* a registered health visitor] **You should execute this warrant in accordance with the orders and directions contained in the Emergency Protection Order.**
This warrant has	[not] been made ex parte.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

This warrant ends on				
Ordered by				
on		at	[am]	[pm]

FORM C23

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of [ ]

[In the Family Care Centre at [ ]

Order — Authority to keep a child in Secure Accommodation
Article 44 Children (Northern Ireland) Order 1995

The full name(s) of the child — Date of birth

The court authorises

to keep the child in secure accommodation until

This order has been made on the ground that

[the child has a history of absconding and is likely to abscond from any other accommodation, and if the child absconds [he] [she] is likely to suffer significant harm]

[if the child is kept in any other accommodation the child is likely to injure [himself] [herself] or other persons]

[The court was satisfied that the child, not being legally represented, had been informed of [his] [her] right to apply for legal aid and having had the opportunity to apply, had refused or failed to apply]

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C24

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

|In the High Court of Justice in Northern Ireland|

|In the |(a) Designated County Court| for the
Division of |

|In the Family Care Centre at |

Order — Authority to search for another child
Article 67(4) Children (Northern Ireland) Order 1995

The full name(s) of the child	Boy or Girl	Date of birth

|who is described as|

The court was satisfied that |an order had been granted on
to the applicant for the emergency protection of a child, *known as*

and that the order had authorised the applicant to enter these premises|.
|there was reasonable cause to believe that the child named in this order may be on those premises and that an Emergency Protection Order ought to be made in respect of that child|.

The court authorises
who is the applicant

to enter the premises, *known as*

and search for the child.

Warning — **It is an offence intentionally to obstruct the applicant from entering or searching the premises specified above (Article 67(4) and (7) Children (Northern Ireland) Order 1989).**

This order has |not| been made ex parte.

This order ends on

Ordered by

on at |am| |pm|

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C25

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Warrant To assist a person to gain access to a child or entry to premises
Article 178 Children (Northern Ireland) Order 1995

To all Police Constables

The court authorises you to assist

exercise powers under an enactment as specified on the reverse of this warrant.

You may use reasonable force if necessary.

[You may assist this person to gain access **to the child**] *Name*

Boy or Girl *Date of birth*

described as

[You may assist this person to gain entry **to the premises**] *known as*

The court directs [that you should not be accompanied by the person who applied for the warrant]

[that you may, if you wish, be accompanied by

a registered medical practitioner

or a registered nurse

or a registered health visitor]

This warrant has [not] been made ex parte.

Ordered by

on at [am] [pm]

(a) Words substituted by S R. 2005 No 497 with effect from 05.12.05

The court is satisfied that the applicant

☐ has been prevented from exercising those powers by

☐ is likely to be prevented from exercising those powers by

PERSON AUTHORISED BY THE AUTHORITY

Article 77(5) ☐
- [being, or likely to be, refused entry to accommodation provided by a voluntary organisation]
- [being, or likely to be, refused access to a child in accommodation provided by a voluntary organisation]

Article 93 ☐
- [being, or likely to be, refused entry to a children's home]
- [being, or likely to be, refused access to a child in a children's home]

Article 108 ☐
- [being, or likely to be, refused entry to a private foster home]
- [being, or likely to be, refused access to a child in a private foster home]

Article 130 ☐
- [being, or likely to be, refused entry to domestic premises where child-minding is carried on]
- [being, or likely to be, refused access to a child in domestic premises where child-minding is carried on]
- [being, or likely to be, refused access to records kept on domestic premises where child-minding is carried on]
- [being, or likely to be, refused access to a child in premises on which day care for children under the age of 12 is provided]

Article 175 ☐
- [being, or likely to be, refused entry to a residential care, nursing or mental nursing home
- [being, or likely to be, refused entry to premises in which day care for children under the age of 12 is carried on]
- [being, or likely to be, refused access to a child in a residential care, nursing or mental nursing home]
- [being, or likely to be, refused access to records kept on premises on which day care for children under the age of 12 is provided]

Article 176 ☐
- [being, or likely to be, refused entry to an independent school]
- [being, or likely to be, refused access to a child in an independent school]

PERSON AUTHORISED BY THE DEPARTMENT	*Article 149*	☐	[being, or likely to be, refused entry to any of the premises specified by Article 149] [being, or likely to be, refused access to a child in any of the premises specified in Article 149]
	Article 34 Adoption (Northern Ireland) Order 1987	☐	[being, or likely to be, refused entry to premises on which a protected child is, or is likely to be, kept] [being, or likely to be, refused access to a protected child]
	Paragraph 7(1)(b) Schedule 3	☐	[being, or likely to be, refused entry to accommodation where a supervised child is living]
SUPERVISOR UNDER THE SUPERVISION ORDER	*Paragraph 7(2)(b) Schedule 3*	☐	[being, or likely to be, refused contact with a supervised child by a responsible person]

FORM C26

IN THE MATTER OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

Order	Recovery of a child Article 69 Children (Northern Ireland) Order 1995	
	The full name(s) of the child	Boy or Girl / Date(s) of birth
The court is satisfied that	[has parental responsibility for the child by virtue of a [Care Order] [Emergency Protection Order] made on] [the child is in police protection and the designated officer is]	
[The court authorises	[a police constable] to remove the child.]	
Warning	**It is an offence intentionally to obstruct the person from removing the child (Article 69(9) Children (Northern Ireland) Order 1995)**	
[The court authorises	[a police constable to enter the premises, *known as* and search for the child, using reasonable force if necessary.]	
[The court requires	any person who has information about where the child is, or may be, to give that information to a police constable **or** an officer of the court, if asked to do so.]	
[The court directs	any person who can produce the child when asked to by [a police constable] to do so.]	
This order has	[not] been made ex parte.	
Ordered by		
on		

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C27

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Care Order
Article 50 Children (Northern Ireland) Order 1995
[Discharge of a Care Order
Article 58(1) Children (Northern Ireland) Order 1995

The full name(s) of the child[ren]	Date(s) of birth

[The court orders	[that the child(ren) be placed in the care of Board/Trust]
[The court discharges	[the Care Order made by [this court] [the court] on]
Warning	**While a Care Order is in force no person may cause the child(ren) to be known by a new surname or remove the child[ren] from the United Kingdom without the written consent of every person with parental responsibility for the child[ren] or the leave of the court.** **However, the Board or Trust, in whose care [a] [the] child[ren] [is] [are], may remove that child from the United Kingdom for a period of less than 1 month.** **It may be a criminal offence under the Child Abduction (Northern Ireland) Order 1985 to remove the child[ren] from the United Kingdom without the leave of the court.**
Ordered by	
on	

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

[(a) FORM C28

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(b) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order	Interim Care Order Article 57 Children (Northern Ireland) Order 1995
	The full name(s) of the child(ren) — Date(s) of birth
The court orders	that the child(ren) be placed in the care of Board/Trust
The order expires on	
The court directs	[[a named person] be excluded from [a named address] [forthwith] [from [date]] so that the child[ren] may continue to live there, consent to the exclusion requirement having been given by [a named person]].
Warning	**While a Care Order is in force no person may cause the child[ren] to be known by a new surname or remove the child[ren] from the United Kingdom without the written consent of every person with parental responsibility for the child[ren] or the leave of the court.** **However, the Board or Trust, in whose care a child is, may remove that child from the United Kingdom for a period of less than 1 month.** **It may be a criminal offence under the Child Abduction (Northern Ireland) Order 1985 to remove the child[ren] from the United Kingdom without the leave of the court.**
Ordered by	
on	]

(a) Form substituted by S R. 1999 No. 88 with effect from 29.3.99
(b) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

FORM C29

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Contact with a child in care
Article 53(2) and (3) Children (Northern Ireland) Order 1995]
[Authority to refuse contact with a child in care
Article 53(4) Children (Northern Ireland) Order 1995]

The full name(s) of the child(ren) Date(s) of birth

The authority

The court orders that [there may be contact between the child[ren] and]

[the authority is authorised to refuse contact between the child[ren] and]

[The contact is subject
to the following conditions]

[**Notice** Any authority may refuse to allow the contact that would otherwise be required by virtue of Article 53(1) of the Children (Northern Ireland) Order 1995 or an order under this section if (*a*) they are satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child[ren]; and (*b*) the refusal (i) is decided upon as a matter of urgency; and (ii) does not last for more than 7 days (Article 53(6) Children (Northern Ireland) Order 1995).]

Ordered by

on

(a) Words substituted by S R 2005 No 497 with effect from 05.12.05

FORM C30

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Supervision Order]
Article 50 and Schedule 3 Children (Northern Ireland) Order 1995
[Interim Supervision Order]
Article 57 and Schedule 3 Children (Northern Ireland) Order 1995

The full name(s) of the child[ren] Date(s) of birth

The court orders

to supervise the child[ren] [for a period of months from the date of this order]

[for the interim period of]

The court directs

Ordered by

on

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

FORM C31

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Substitution of a Supervision Order for a Care Order
Article 58(4) Children (Northern Ireland) Order 1995]
[Discharge] [Variation] of a Supervision Order
Article 58(2) and (3) of the Children (Northern Ireland) Order 1995
[Extension of a Supervision Order
Paragraph 6(3) Schedule 3 Children (Northern Ireland) Order 1995]

The full name(s) of the child[ren] Date(s) of birth

The court [substitutes]
[discharges] [varies]
[extends] the [Supervision Order] [for the] [Care Order]

made by [this court] [the
court]

on

The court orders

to supervise the child[ren].

The court directs

[This order ends on]

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C32

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order — Education Supervision Order
Article 55 Children (Northern Ireland) Order 1995

The full name(s) of the child[ren] — Date(s) of birth

Warning — **A parent of the child[ren] may be guilty of an offence if he or she persistently fails to comply with a direction given by the supervisor under this order while it is in force**

(Paragraph 8 Schedule 4 Children (Northern Ireland) Order 1995)

The court was satisfied — that the child[ren] [was] [were] of compulsory school age and [was] [were] not being properly educated.

The court orders

education and library board

to supervise the child[ren] — [for a period of 12 months beginning on the date of this order]

[until the child[ren] [is] [are] no longer of compulsory school age].

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C33

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Discharge of an Education Supervision Order
Paragraph 7 Schedule 4 Children (Northern Ireland) Order 1995]
[Extension of an Education Supervision Order
Paragraph 5 Schedule 4 Children (Northern Ireland) Order 1995]

The full name(s) of the child[ren] Date(s) of birth

The court [discharges]
[extends] the Education Supervision Order

made by [this court] [the
court]

on

requiring

education and library board to supervise the child[ren].

[The court directs under Paragraph 7(2) Schedule 4 Children (Northern Ireland) Order 1995

Board [Trust] shall investigate the circumstances of the child[ren]]

[This order ends on]

Ordered by

on

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

FORM C34

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order	Child Assessment Order Article 62 Children (Northern Ireland) Order 1995
	The full name(s) of the child — Date(s) of birth
The court orders	a [medical] [psychiatric]]] assessment of the child
The court directs that [the child is to be assessed at]	
[the child is to be assessed by]	
[the child may be kept away from home and stay at	from to While away from home, the child must be allowed contact with
the assessment is to begin by	and last no more than days from the date it begins.
Notice	Any person who is in a position to produce the child must do so to and must comply with the directions in this order.
Ordered by	
on	

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C35

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Direction	To undertake an investigation Article 56 Children (Northern Ireland) Order 1995
	The full name(s) of the child(ren) — Date(s) of birth
It appears to the court	that it may be appropriate for a Care or Supervision Order to be made in respect of the child[ren].
The court directs	the authority to investigate the circumstances of the child[ren].
[The court directs	copies of the following documents shall be served on the authority.]
Reporting the result	The authority must report to the court, in writing, under Article 56 of the Children (Northern Ireland) Order 1995

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C36

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order — Family Assistance Order
Article 16 Children (Northern Ireland) Order 1995

The full name(s) of the child(ren) — Date(s) of birth

The court orders — [an officer of
Board/Trust]
to be made available to advise, assist and, where appropriate, befriend

[The court directs

This order ends on

Notice This Order will have effect for 6 months from the date below, or such lesser period as specified.

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C37

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Residence] [Contact] [Specific Issue] [Prohibited Steps] Order
Article 8 Children (Northern Ireland) Order 1995

The full name(s) of the child(ren) Date(s) of birth

The court orders

Warning **Where a Residence Order is in force no person may cause the child[ren] to be known by a new surname or remove the child[ren] from the United Kingdom without the written consent of every person with parental responsibility for the child[ren] or the leave of the court.**

However, this does not prevent the removal of [a] child[ren], for a period of less than 1 month, by the person in whose favour the Residence Order is made (Article 13(1) and (2) Children (Northern Ireland) Order 1995).

It may be a criminal offence under the Child Abduction (Northern Ireland) Order 1985 to remove the child[ren] from the United Kingdom without the leave of the court.

Notice Any person with parental responsibility for [a] child[ren] may obtain advice on what can be done to prevent the issue of a passport to the child[ren]. They should write to The United Kingdom Passport Agency, Clive House, Petty France, LONDON, SW1H 9HD.

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C38

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Leave to change the surname by which a child is known
Article 13(1) 52(7) Children (Northern Ireland) Order 1995]
[Leave to remove a child from the United Kingdom
Article 13(1) 52(7) Children (Northern Ireland) Order 1995]

The full name(s) of the child(ren)	Date(s) of birth

The court grants leave to

[to change the child[ren]'s
surname to]

[and] [to remove the child[ren]] from the United Kingdom

[permanently] [until]

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C39

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Parental Responsibility Order
Article 7(1) Children (Northern Ireland) Order 1995]
[Termination of a Parental Responsibility Order
Article 7(3) Children (Northern Ireland) Order 1995]

The full name(s) of the child(ren) Date(s) of birth

The court orders that

shall [no longer] have parental responsibility for the child[ren].

Notice A parental responsibility order can only end

(a) When the child reaches 18 years

(b) By order of the court made

- on the application of any person who has parental responsibility
- with leave of the court on application of the child.

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C40

IN THE MATTER OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

Order [Appointment of a guardian Article 159 Children (Northern Ireland) Order 1995]
[Termination of the appointment of a guardian Article 163 Children (Northern Ireland) Order 1995]

The full name(s) of the child(ren) Date(s) of birth

[The court appoints

to be the guardian of the child[ren].

This appointment will begin on

]

[The court orders that the appointment of

as guardian of the child[ren] be terminated.]

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C41

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order [Making or refusing the appointment of a guardian ad litem
Article 60 Children (Northern Ireland) Order 1995]
[Termination of the appointment of a guardian ad litem
Family Proceedings Rules (Northern Ireland) 1996: Rule 4.11(10)]

The full name(s) of the child(ren) Date(s) of birth

The court [appoints] [refuses to appoint] [terminate the appointment of] [a|s] guardian ad litem] for the child[ren] in the proceedings

- ☐ for a Care Order or Supervision Order
- ☐ for discharge of a Care Order
- ☐ for variation or discharge of a Supervision Order
- ☐ for substitution of a Supervision Order for a Care Order
- ☐ for Contact, or Refusal of Contact, with a child in care
- ☐ for consideration of a Residence Order for a child in care
- ☐ under Article 33 Children (Northern Ireland) Order 1995
- ☐ under Paragraph 6(3) Schedule 3 Children (Northern Ireland) Order 1995
- ☐ under Part VI Children (Northern Ireland) Order 1995 (specify)
- ☐ where a Direction under Article 56(1) Children (Northern Ireland) Order 1995 has been made and the court [has made] [is considering] whether to make an [Interim Care Order] [Supervision Order]
- ☐ under Article 52(7) Children (Northern Ireland) Order 1995
- ☐ under Article 44 Children (Northern Ireland) Order 1995
- ☐ concerning an Appeal against a determination in any of the above proceedings
- ☐ other proceedings which are

The appointment shall continue until [ ] [terminated by the court]

Ordered by _____

on _____

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM C42

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

|In the High Court of Justice in Northern Ireland|

|In the |(a) Designated County Court| for the
Division of |

|In the Family Care Centre at |

Order |Appointment of a solicitor for a child
Article 60(3) Children (Northern Ireland) Order 1995|
|Refusal of the appointment of a solicitor
Family Proceedings Rules (Northern Ireland) 1996: Rule 4.13(5) and (6)| |Termination of the appointment of a solicitor
Family Proceedings Rules (Northern Ireland) 1996: Rule 4.13(3) and (4)|

The full name(s) of the child(ren) Date(s) of birth

|The court is satisfied that the child|ren| |is| |are| not presently separately represented by a solicitor and

|• a guardian ad litem has not been appointed for the child|ren|; and|

|• the child|ren| |has| |have| sufficient understanding to instruct a solicitor and has expressed a wish to do so; and|

|• it would be in the interests of the child|ren| for |him| |her| |them| to be separately represented| .

|The court orders that |it refuses the appointment of a solicitor for the child|ren||
|the appointment of|
|
of
|
|be appointed as solicitor for the child(ren)|
|as solicitor for the child|ren| be terminated|

Ordered by _____

on _____

(a) Words substituted by S R. 2005 No 497 with effect from 05.12.05

[Suppl. No. 2
(December 2005)]

FORM C43

IN THE MATTER OF THE CHILDREN
(NORTHERN IRELAND) ORDER 1995

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the
Division of]

[In the Family Care Centre at]

Order — Transfer of proceedings to [the High Court] [the county court for the Division of] [family care centre at] [family proceedings court]

The Children (Allocation of Proceedings) (Northern Ireland) Order 1995

The full name(s) of the child(ren) — Date(s) of birth

The court orders that proceedings concerning the child[ren] be transferred to the

[High Court] [the county court for the Division of] [family care centre] [family proceedings court]

because

The next [Hearing] [Directions Appointment] is on at [am] [pm]

at

Please address all future correspondence to

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

[(a) FORM F1 Rule 13(*b*)

APPLICATION FOR TRANSFER OF TENANCY

Family Homes and Domestic Violence (Northern Ireland) Order 1998

[In the High Court of Justice in Northern Ireland]

[In the [(b) Designated County Court] for the Division of]

[In the Family Care Centre at]

Applicant

Respondent

To

Concerning the
dwelling House at

Take Notice that has applied to the court for an order for the transfer of the [protected or secure] [statutory] tenancy which governs the occupation of the above dwelling house.

About the Hearing

You should attend when the court hears the application at:

on

at [a.m.] [p.m.]

When you go to court please take this Notice of application with you and show it to a court official.

(a) New Forms inserted by S R. 1999 No. 88 with effect from 29 3 99
(b) Words substituted by S R. 2005 No 497 with effect from 05.12.05

[(a) FORM F2

APPLICATION FOR A NON-MOLESTATION ORDER/AN OCCUPATION ORDER

Family Homes and Domestic Violence (Northern Ireland) Order 1998

[In the High Court of Justice in Northern Ireland]

[In the Designated County Court for the Division of |

[In the Family Care Centre at |

Please read the accompanying notes as you complete this form

1. About you (the Applicant)

State your title (Mr, Mrs etc), full name, address, telephone number and date of birth (if under 18):

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2. About the respondent

State the respondent's name, address and date of birth (if known):

3. The Order(s) for which you are applying

This application is for:

☐ a non-molestation order

☐ an occupation order

☐ Tick this box if you wish the court to hear your application without notice being given to the respondent. The reasons relied on for an application being heard without notice must be stated in the statement in support.

4. Your relationship to the respondent (the person to be served with this application)

Your relationship to the respondent is:
Please tick only one of the following.

1. ☐ Married
2. ☐ Civil Partners
3. ☐ Were Married
4. ☐ Former Civil Partners
5. ☐ Cohabiting
6. ☐ Were cohabiting
7. ☐ Both of you live or have lived in the same household

(a) Form F2 substituted by S.R. 2005 No. 497 with effect from 05.12.05

8. ☐ Relative
State how related

9. ☐ Agreed to marry.
Give date the agreement was made.
If the agreement has ended, state when.

10. ☐ Agreed to form a civil partnership.
Give the date the agreement was made. If the agreement had ended, state when.

11. ☐ Both of you are parents of or have parental responsibility for a child.

12. ☐ One of you is a parent of a child and the other has parental responsibility for that child.

13. ☐ One of you is the natural parent or grandparent of a child adopted or freed for adoption, and the other is:

(i) the adoptive parent

or (ii) a person who has applied for an adoption order for the child

or (iii) a person with whom the child has been placed for adoption

or (iv) the child who has been adopted or freed for adoption.

State whether (i), (ii), (iii) or (iv):

14. ☐ Both of you are parties to the same family proceedings (see also Section 11 below).

5. Application for a non-molestation order

If you wish to apply for a non-molestation order, state briefly in this section the order you want. Give full details in support of your application in your supporting evidence.

6. Application for an occupation order

If you do not wish to apply for an occupation order, please go to Section 9 of this form.

(A) State the address of the dwelling house to which your application relates:

(B) State whether it is occupied by you or the respondent now or in the past, or whether it was intended to be occupied by you or the respondent:

(C) State whether you are entitled to occupy the dwelling house: ☐ Yes ☐ No
If yes, explain why:

(D) State whether the respondent is entitled to occupy the dwelling house: ☐ Yes ☐ No
If yes, explain why:

On the basis of your answer to (C) and (D) above, tick one of the boxes 1 to 5 below to show the category into which you fit.

1. ☐ a spouse or civil partner who has home rights in the dwelling house, or a person who is entitled to occupy it by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation.

   If you tick box 1 state whether there is a dispute or pending proceedings between you and the respondent about your right to occupy the dwelling house.

2. ☐ a former spouse or former civil partner with no existing right to occupy, where the respondent spouse or civil partner is entitled.

3. ☐ a cohabitee or former cohabitee with no existing right to occupy, where the respondent cohabitee or former cohabitee is so entitled.

4. ☐ a spouse or former spouse who is not entitled to occupy, where the respondent spouse or former spouse is also not entitled.

5. ☐ a civil partner or former civil partner who is not entitled to occupy, where the respondent civil partner is also not entitled.

6. ☐ a cohabitee or former cohabitee who is not entitled to occupy, where the respondent cohabitee or former cohabitee is also not entitled.

Home Rights
If you do have home rights please:
State whether the title to the land is registered or unregistered (if known):

If registered, state the Land Registry Folio number (if known):

If you wish to apply for an occupation order, state briefly here the order you want. Give full details in support of your application in your supporting evidence.

7. **Application for additional order(s) about the dwelling-house**
   If you want to apply for any of the orders listed in

the notes to this section, state what order you would like the court to make:

8. Mortgage and rent

Is the dwelling house subject to a mortgage? ☐ Yes ☐ No

If yes, please provide the name and address of the mortgagee:

Is the dwelling house rented? ☐ Yes ☐ No

If yes, please provide the name and address of the landlord:

9. At the court

Will you need an interpreter at court? ☐ Yes ☐ No

If 'Yes', specify the language:

If you need an interpreter because you do not speak English, you are responsible for providing your own.

If you need an interpreter or other facilities because of a disability please contact the court to ask what help is available.

10. Other information

State the name and date of birth of any child living with or staying with or likely to live with or stay with you or the respondent.

State the name of any person living in the same household as you and the respondent, and say why they live there:

11. Other Proceedings and Orders

If there are any other current family proceedings or orders in force involving you and the respondent, state the type of proceedings or orders, the court and the case number. This includes any application for an occupation order or non-molestation order against you by the respondent.

This application is to be served upon the respondent

Signed Date

Application for a non-molestation order or occupation order

Notes for Guidance

Section 1

If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete the Confidential Address Form C5. The court can give you this form.

If you are under 18, someone over 18 must help you make this application. That person,who might be one of your parents, is called a "next friend".

If you are under 16 you need permission to make this application. You must apply to the High Court for permission, using this form. If the High Court gives you permission to make this application, it will then either hear the application itself or transfer it to a county court.

Section 3

An urgent order made by the court before notice of the application is served on the respondent is called an ex-parte order. In deciding whether to make an ex-parte order the court will consider the circumstances of the case, including:

- *any risk of significant harm to the applicant or a relevant child, attributable to conduct of the respondent, if the order is not made immediately*
- *whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately*
- *whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that the applicant or a relevant child will be seriously prejudiced by the delay involved.*

If the court makes an ex-parte order, it must specify a date for a full hearing.

"Harm" in relation to a person who has reached the age of 18 means ill-treatment or the impairment of health, and in relation to a child means ill-treatment or the impairment of health and development. "Ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical. The court will require evidence of any harm which you allege in support of your application. This evidence should be included in the statement accompanying this application.

Section 4

For you to be able to apply for an order you must be related to the respondent in one of the ways listed in this section of the form. If you are not related in one of these ways you should seek legal advice.

Cohabitees are two persons who, although not married to each other nor civil partners of each other, are living together or have lived together as husband and wife or civil partners. People who have cohabited, but have then married or formed a civil partnership will not fall within this category, but will fall within the category of married people or people who are civil partners of each other.

Those who live or have lived in the same household do not include people who share the same household because one of them is the other's employee, tenant, lodger or boarder.

You will only be able to apply as a relative of the respondent if you are:

(A) *the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of the respondent or of the respondent's spouse or former spouse, civil partner or former civil partner.*

(B) *the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood, or by affinity or by civil partnership) of the respondent or of the respondent's spouse, former spouse, civil partner or former civil partner.*

This includes, in relation to a person who is cohabiting or has cohabited with another person, any person who would fall within paragraph (A) or (B) if the parties were married to, or civil partners of, each other (for example, your cohabitee's father or brother).

Agreements to marry: *You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:*

evidence in writing

or the gift of an engagement ring in contemplation of marriage

or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Agreements to form a civil partnership: *You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:*

evidence in writing

or a gift from one party to the agreement to the other as a token of the agreement

or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Parents and parental responsibility:

You will fall within this category if

both you and the respondent are either the parents of a child or have parental responsibility for that child

or if one of you is the parent and the other has parental responsibility.

Under the Children (Northern Ireland) Order 1995, parental responsibility is held automatically by a child's mother, and by the child's father if he and the mother were married to each other at the time of the child's birth or have married subsequently. Where this is not the case, parental responsibility can be acquired by the father in accordance with the provisions of the Children (Northern Ireland) Order 1995.

Section 5

A non-molestation order can forbid the respondent to molest you or a relevant child. Molestation can include, for example, violence, threats, pestering and other forms of harassment. The court can forbid particular acts of the respondent, molestation in general, or both.

Section 6

If you wish to apply for an occupation order but you are uncertain about your answer to any of the questions in this part of the application form, you should seek legal advice.

(A) *A dwelling house includes any building or part of a building which is occupied as a dwelling; any caravan, houseboat or structure which is occupied as a dwelling; and any yard, garden, garage or outhouse belonging to it and occupied with it.*

(C) & (D) *The following questions give examples to help you to decide if you or the respondent, or both of you, are entitled to occupy the dwelling house:*

(a) Are you the sole legal owner of the dwelling house?

(b) Are you and the respondent joint legal owners of the dwelling house?

(c) Is the respondent the sole legal owner of the dwelling house?

(d) Do you rent the dwelling house as sole tenant?

(e) Do you and the respondent rent the dwelling house as joint tenants?

(f) Does the respondent rent the dwelling house as sole tenant?

If you answer:

- ***Yes*** *to (a), (b), (d) or (e) you are likely to be entitled to occupy the dwelling house.*

- ***Yes*** *to (c) or (f) you may not be entitled (unless, for example you are a spouse or civil partner and have home rights — see the notes under 'Home Rights' below).*
- ***Yes*** *to (b), (c), (e) or (f) the respondent is likely to be entitled to occupy the dwelling house.*
- ***Yes*** *to (a) or (d) the respondent may not be entitled (unless for example he is a spouse or civil partner and has home rights).*

Box 1 *For example, if you are sole owner, joint owner or if you rent the property. If you are not a spouse, former spouse, civil partner or former civil partner, cohabitee or former cohabitee of the respondent you will only be able to apply for an occupation order if you fall within this category.*

If you answer ***Yes*** *to this question, it will not be possible for a magistrates' court to deal with the application, unless the court decides that it is unnecessary for it to decide this question or make an order. If the court decides that it cannot deal with the application it will transfer the application to a county court.*

Box 2 *For example, if the respondent was married to you or if you and the respondent are or were civil partners and he or she is sole owner or rents the property.*

Box 3 *For example, if the respondent is or was cohabiting with you and is sole owner or rents the property.*

Home Rights

Where one spouse or civil partner "A" is entitled to occupy the dwelling house by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation and the other spouse or civil partner "B" is not so entitled, then B (who is not so entitled) has home rights. These are a right, if B is in occupation, not to be evicted or excluded from the dwelling house except with the leave of the court and, if B is not in occupation, the right with the leave of the court to enter into and occupy the dwelling house.

Home rights do not exist if the dwelling house has never been and was never intended to be, the matrimonial or civil partnership home of two spouses or civil partners. If the marriage or civil partnership has come to an end, home rights will also have ceased unless a court order has been made during the marriage or civil partnership for the rights to continue after the end of that relationship.

Occupation Orders *The possible orders are:*

If you have ticked box 1 above*, an order under Article 11 of the Order of 1998 may:*

- *enforce the applicant's entitlement to remain in occupation as against the respondent*
- *require the respondent to permit the applicant to enter and remain in the dwelling house or part of it*
- *require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling house or part of it*
- *regulate the occupation of the dwelling house by either or both parties*
- *if the respondent is also entitled to occupy, prohibit, suspend or restrict the exercise by him of that right*
- *restrict or terminate any home rights of the respondent*
- *require the respondent to leave the dwelling house or part of it*
- *provide for the respondent to remove from the dwelling house or part of it personal effects or furniture or other contents which are specified in the order*
- *exclude the respondent from a defined area around the dwelling house or any other defined area or premises*
- *declare that the applicant is entitled to occupy the dwelling house or has matrimonial rights in it*

- *provide that the home rights of the applicant are not brought to an end by the death of the other spouse or civil partner or termination of the marriage or civil partnership*
- *restrain the respondent from disposing of any estate he has in the dwelling house.*

If you have ticked box 2 or box 3 above:

(a) an order under Article 13 or 14 of the Order of 1998 must:

(i) if the applicant is in occupation—

- *give the applicant the right not to be evicted or excluded from the dwelling house or any part of it by the respondent for a specified period; and*
- *prohibit the respondent from evicting or excluding the applicant during that period*

(ii) if the applicant is not in occupation—

- *give the applicant the right to enter and occupy the dwelling house for a specified period; and*
- *require the respondent to permit the exercise of that right*

(b) an order under Article 13 or 14 of the Order of 1998 may—

- *require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling house or part of it*
- *regulate the occupation of the dwelling house by either or both of the parties*
- *prohibit, suspend or restrict the exercise by the respondent of his right to occupy the dwelling house*
- *require the respondent to leave the dwelling house or part of it*
- *provide for the respondent to remove from the dwelling house or part of it personal effects or any furniture or other contents which are specified in the order*
- *exclude the respondent from a defined area around the dwelling house or any other defined area or premises specified in the order*
- *restrain the respondent from disposing of any estate he has in the dwelling house.*

If you have ticked box 4 or box 5 above, an order under Article 15 or 16 of the Order of 1998 may:

- *require the respondent to permit the applicant to enter and remain in the dwelling house or part of it*
- *require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling house or part of it*
- *regulate the occupation of the dwelling house by either or both of the parties*
- *require the respondent to leave the dwelling house or part of it*
- *provide for the respondent to remove from the dwelling house or part of it personal effects or any furniture or other contents which are specified in the order.*
- *exclude the respondent from a defined area around the dwelling house, or any other defined area or premises.*

You should provide any evidence which you have on the following matters in your evidence in support of this application. If necessary, further statements may be submitted after the application has been issued.

***If you have ticked box 1, 4 or 5 above,** the court will need any available evidence of the following:*

- *the housing needs and resources of you, the respondent and any relevant child*
- *the financial resources of you and the respondent*
- *the likely effect of any order, or of any decision not to make an order, on the health, safety and well being of you, the respondent and any relevant child*
- *the conduct of you and the respondent in relation to each other and otherwise.*

***If you have ticked box 2 above**, the court will need any available evidence of:*

- *the housing needs and resources of you, the respondent and any relevant child*
- *the financial resources of you and the respondent*
- *the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child*
- *the conduct of you and the respondent in relation to each other and otherwise*
- *the length of time that has elapsed since you and the respondent ceased to live together*
- *where you and the respondent were married, the length of time that has elapsed since the marriage was dissolved or annulled*
- *where you and the respondent were civil partners, the length of time that has elapsed since the dissolution or annulment of the civil partnership*
- *the existence of any pending proceedings between you and the respondent:*

  under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with divorce proceedings etc.)

or under Part 2 of Schedule 15 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)

or under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents)

or relating to the legal or beneficial ownership of the dwelling house.

***If you have ticked box 3 above**, the court will need any available evidence of:*

- *the housing needs and resources of you, the respondent and any relevant child*
- *the financial resources of you and the respondent*
- *the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child*
- *the conduct of you and the respondent in relation to each other and otherwise*
- *the nature of you and the respondent's relationship*
- *the length of time during which you have lived together as husband and wife or civil partners*
- *whether you and the respondent have had any children, or have parental responsibility for any children*
- *the length of time which has elapsed since you and the respondent ceased to live together*
- *the existence of any pending proceedings between you and the respondent under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 or relating to the legal or beneficial ownership of the dwelling house.*

Section 7

Under Article 18 of the Order of 1998, the court may make the following additional orders when making an occupation order:

- *impose on either party obligations as to the repair and maintenance of the dwelling house*
- *impose on either party obligations as to the payment of rent, mortgage or other outgoings affecting it*
- *order a party occupying the dwelling house or any part of it to make periodical payments to the other party in respect of the accommodation, if the other party would (but for the order) be entitled to occupy it*

- *grant either party possession or use of furniture or other contents*
- *order either party to take reasonable care of any furniture or other contents*
- *order either party to take reasonable steps to keep the dwelling house and any furniture or other contents secure.*
- *prohibit either party from damaging or interfering with services in the dwelling house or any premises specified in the order*
- *order either party to repair damage or restore services to the dwelling house*
- *order either party to pay the other party or another person a sum specified in the order where that party has damaged premises, specified in the order or contents of those premises or damaged or interfered with services in those premises.*

Section 8

If the dwelling house is rented or subject to a mortgage, the landlord or mortgagee must be served with notice of the proceedings in Form F3. He or she will then be able to make representations to the court regarding the rent or mortgage.

Section 10

A person living in the same household may, for example, be a member of the family or a tenant or employee of you or the respondent]

FORM F3

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

NOTICE OF PROCEEDINGS

has applied to the court for an order.

About the Hearing

You should attend when the court hears the application at

on

at [am] [pm]

What to do next

There is a copy of the application with this Notice. You have been named as a party in the application. Read the application now, and the notes overleaf.

When you go to court please take this Notice with you and show it to a court official.

About this Notice

Note 1	It is in your own interest to attend the court on the date shown on this form. You should be ready to give any evidence which you think will help you to put your side of the case.	
Note 2	**For legal advice**	go to a solicitor or an advice agency. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society. A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.
Note 3	**If you require an interpreter**	because you do not speak English, you must bring your own. Because of a disability, please contact the court to ask what help is available.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

Note 4 **To the respondent** the following information only applies if the applicant has applied for an occupation order

If the applicant has ticked box 1, 4 or 5 on page 4 of the application form, the court will need any available evidence of the following:

- the housing needs and resources of you, the applicant and any relevant child
- the financial resources of you and the applicant
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the applicant and any relevant child
- the conduct of you and the applicant in relation to each other and otherwise.

If the applicant has ticked box 2, the court will need any available evidence of:

- the housing needs and resources of you, the applicant and any relevant child
- the financial resources of you and the applicant
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the applicant and any relevant child
- the conduct of you and the applicant in relation to each other and otherwise
- the length of time that has elapsed since you and the applicant ceased to live together
- the length of time that has elapsed since the marriage [(a) or civil partnership] was dissolved or annulled
- the existence of any pending proceedings between you and the applicant:

  under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with divorce proceedings etc)

  [(b) or

  under Part 2 of Schedule 15 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)]

  or

  under para 2(2)(*d*) or (*e*) of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents)

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05

or

relating to the legal or beneficial ownership of the dwelling house.

If the applicant has ticked box 3, the court will need any available evidence of:

- the housing needs and resources of you, the applicant and any relevant child
- the financial resources of you and the applicant
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the applicant and any relevant child
- the conduct of you and the applicant in relation to each other and otherwise
- the nature of you and the applicant's relationship
- [the length of time during which you have lived together as husband and wife or civil partners (a)]
- whether you and the applicant have any children, or have both had parental responsibility for any children
- the length of time that has elapsed since you and the applicant ceased to live together
- the existence of any pending proceedings between you and the applicant under para 2(2)(*d*) or (*e*) of Schedule 1 to the Children (Northern Ireland) Order 1995, or relating to the legal or beneficial ownership of the dwelling house.

(a) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM F4

STATEMENT OF SERVICE

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

Applicant
Respondent

You must	■	give details of service of the application on each of the other parties
	■	give details of service on the mortgagee or landlord of the dwelling house (if appropriate)
	■	file this form with the court on or before the date fixed for hearing of the proceedings
You should		if the person's solicitor was served, give his or her name and address
You must indicate		the manner, date, time and place of service
	or	where service was effected by post, the date, time and place of posting

Name and address of person served	Means of identification of person, and how, when and where served	Prescribed forms served

I have served the [application] [Notice of Proceedings] as stated above.

I am the [applicant] [solicitor for the applicant] [other] (*state*)

Signed Date

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

FORM F5

NOTICE TO MORTGAGEES AND LANDLORDS

FAMILY HOMES AND DOMESTIC VIOLENCE
(NORTHERN IRELAND) ORDER 1998

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

Applicant
Respondent

Notice to

concerning the dwelling house at

Take Notice — that an [application] [order] has been made in proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 which affects the occupation of the above dwelling house and the payment of the [mortgage] [rent] thereon.

[A copy of the order is attached].

[The next hearing is — at

on at [am] [pm]]

What you may do next

If either the applicant or respondent has matrimonial home rights:

you may apply to be made a party to these proceedings if you wish to do so.

If neither the applicant nor the respondent has matrimonial home rights, or you do not wish to be made a party:

you may make representations to the court about these proceedings. This should be done in writing to the court where the proceedings are taking place. If you write to a county court or the High Court, your letter should be addressed to The Court Manager.

Signed

Date

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM F6

IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

Record of the Hearing on:	Case Number
	Applicant
	Respondent
On notice ☐	Ex parte ☐

Attendees

Name	Represented by

Evidence

To be completed only when the court makes a finding of fact

The court read the report(s)/statement(s) of The court heard oral evidence [on oath] from	Dated

FORM F7

IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

|In the High Court of Justice in Northern Ireland|

|In the |(a) Designated County Court| for the Division of |

|In the Family Care Centre at |

|Order|

Ordered by

on

Important Notice to the Respondent |name|

This order gives you instructions which you must follow. You should read it all carefully. If you do not understand anything in this order you should go to a solicitor, or an Advice Centre. You have a right to ask the court to change or cancel the order but you must obey it unless the court does change or cancel it.

You must obey the instructions contained in this order. If you do not, you may be guilty of an offence, and you may be sent to prison and/or fined.

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

FORM F8

Application to vary, extend or discharge an order

IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

1. About you (the applicant)

State your title, full name, address, telephone number and date of birth (if under 18):

If you do not wish your address to be made known to the respondent, *leave this space blank and complete Confidential Address Form C5 (if you have not already done so). The court can give you this form*

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

If you are already a party to the case, give your description (for example, applicant, respondent or other).

2. The order(s) for which you are applying

Please attach a copy of the order if possible.

I am applying to vary ☐
extend ☐
discharge ☐

the order dated:

If you are applying for an order to be varied or extended please give details of the order which you would like the court to make:

(a) Words substituted by S R. 2005 No. 497 with effect from 05.12.05

3. Your reason(s) for applying

State briefly your reasons for applying.

4. Person(s) to be served with this application

For each respondent to this application state the title, full name and address.

Signed (Applicant)

Date

Form F9

IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

[In the High Court of Justice in Northern Ireland]

[In the [(a) Designated County Court] for the Division of]

[In the Family Care Centre at]

Order — Transfer of proceedings to [the High Court]
[the [(a) Designated County Court] for the Division of]
[the Family Care Centre at]
[the court summary jurisdiction at]

Applicant

Respondent

The court orders that these proceedings be transferred to the

[High Court] [County Court] [Court of summary jurisdiction]

because

The next hearing is at

on at [am] [pm]

Please address all future correspondence to

Ordered by

on

(a) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05

[(a) Form F10

APPLICATION FOR A FORCED MARRIAGE PROTECTION ORDER

Forced Marriage (Civil Protection) Act 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

Please read the accompanying notes as you complete this form.

1. About you (the applicant)

Are you (tick only one box)
☐ The person who is to be protected by this order (see Notes for Guidance)
☐ a relevant third party (see Notes for Guidance)
☐ any other person (see Notes for Guidance)
State your title (Mr, Mrs, etc), full name, address, telephone number and date of birth (if under 18):

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2. About the person to be protected (see Notes for Guidance)
State the name, address and date of birth (if known) of the person to be protected:

3. About the respondent
State the respondent's name, address and date of birth (if known):

4. The order(s) for which you are applying (see Notes for Guidance)
State briefly here the order you want. Give full details in support of your application in your supporting evidence.

☐ Tick this box if you wish the court to hear your application without notice being given to the respondent. The reasons relied on for an application being heard without notice must be given in a sworn statement filed along with this application.

5. At the court
Will you need an interpreter at court? ☐ Yes ☐ No

If 'Yes', specify the language:

Please contact the court to ask what help is available.

6. Other information
State the name and date of birth of any other person(s) who may become involved as a respondent.

7. Other Proceedings and Orders
If there are any other current family proceedings or orders in force involving you, the respondent(s) or the person to be protected, state the type of proceedings or orders, the court and the case number.

(a) New Forms F10-F17 inserted by S.R. 2008 No. 466 with effect from 22.12.08

This application is to be served upon the respondent or, if the application is being made without notice to the respondent, is to be supported by a sworn statement explaining why it is made without notice.

Signed

Date

Notes for Guidance

Section 1.

There are three types of applicant. The person to be protected, someone acting on their behalf and a relevant third party.

- If you are the person to be protected and are applying yourself for an order, with or without legal representation, you are also the applicant. Fill in section 1 only, and then go to section 3.
- A relevant third party applicant is a person or organisation that is allowed to make an application on behalf of another without the leave of the court.
- Only the Department of Finance and Personnel can make a person or organisation a relevant third party.
- If you are not a relevant third party and you are not the person who is to be protected by the order you can still make the application, but you will need to obtain the court's permission. The court can give you the form to apply for permission.

Address details
If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete Confidential Address Form C5. The court can give you this form.

Section 2 - Person to be protected

This section only needs to be completed if you are applying on behalf of someone. If you are the person to be protected by the order, leave this section blank.

Address details
If you do not wish the address of the person to be protected to be made known to the respondent, leave the space blank and complete Confidential Address Form C5. The court can give you this form.

Section 4 – The Order

A forced marriage protection order protects a person from being forced into marriage or from remaining in a forced marriage. The court could, for example, order that the respondent does not take you abroad to be forced into marriage,

- behaves in a different way,
- hands over your passport and travel documents to the court.
- in this section or in a separate statement say why you are applying and give full details.

Urgent Orders

An urgent order made by the court before notice of the application is served on the respondent is called an ex-parte order. In deciding whether to make an ex-parte order the court will consider all the circumstances of the case, including:

- any risk of significant harm to the person to be protected or another person if the order is not made immediately
- whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately
- whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that the person to be protected or the applicant will be seriously prejudiced by the delay involved.

If the application is made ex-parte it must be supported by a sworn statement explaining why it is not being served on the respondent.

If the court makes an ex-parte order, it must give the respondent an opportunity to make representations about the order as soon as just and convenient at a full hearing.

Form F11

NOTICE OF PROCEEDINGS

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

NOTICE OF PROCEEDINGS

has applied to the court for an order.

About the Hearing

You should attend when the court hears the application at

on

at [am][pm]

What to do next

There is a copy of the application with this Notice. You have been named as a party in the application. Read the application now, and the notes overleaf.

When you go to court please take this Notice with you and show it to a court official.

About this Notice

1. If you are named as a respondent in the application form

It is in your own interest to attend the court on the date shown on this form. You should be ready to give any evidence which you think will help you to put your side of the case.

For legal advice

- go to a solicitor or an advice agency. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society.
- a solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.

If you require an interpreter

- because you do not speak English, or because of a disability, please contact the court to ask what help is available.

2. If you are named as the person to be protected or anyone else

It may be in your interest to attend the court on the date shown on this form.

For legal advice

- go to a solicitor or an advice agency. You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society.
- a solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.

If you require an interpreter

- because you do not speak English, or because of a disability, please contact the court to ask what help is available.

[*Suppl. No. 6 (December 2008)*]

Form F12

IN THE MATTER OF THE FORCED MARRIAGES (CIVIL PROTECTION) ACT 2007

Record of the Hearing on: Case Number

Applicant

Respondent

On notice ☐ Ex parte ☐

Attendees

Name	Represented by
Evidence *To be completed only when the court makes a finding of fact*	
The court read the report(s)/statement(s) of The court heard oral evidence [on oath] from Dated	

Form F13

[Suppl. No. 6 (December 2008)

IN THE MATTER OF THE FORCED MARRIAGES (CIVIL PROTECTION) ACT 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

Forced Marriage Protection Order

Ordered by _____

on

Important Notice to the Respondent [name]

This order gives you instructions which you must follow. You should read it all carefully. If you do not understand anything in this order you should go to a solicitor, or an Advice Centre. You have a right to ask the court to change or cancel the order but you must obey it unless the court does change or cancel it.

You must obey the instructions contained in this order. If you do not, you may be guilty of an offence, and you may be sent to prison and/or fined.

Form F14

APPLICATION FOR LEAVE TO COMMENCE PROCEEDINGS

Forced Marriage (Civil Protection) Act 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

Important Note: Complete this form if you are seeking permission from the court to make an application on behalf of the person to be protected. **You must also complete application form F11**. The court can give you this form.

1. About you (the applicant)

State your title (Mr, Mrs, etc), full name, address, telephone number and date of birth (if under 18):

2. About the person to be protected

State the name, address and date of birth (if known) of the person to be protected:

3. Your reasons for applying on behalf of the person to be protected

State briefly your reasons, which should include:

- your connection with the person to be protected;
- what you know of the circumstances of the person to be protected;
- the wishes and feelings of the person to be protected so far as you know them.

Signed

Date

Form F15

[*Suppl. No. 6 (December 2008)*]

APPLICATION TO BE JOINED AS, OR CEASE TO, BE A PARTY TO PROCEEDINGS

Forced Marriage (Civil Protection) Act 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

---

1. About you (the applicant)

State your title (Mr, Mrs, etc), full name, address, telephone number and date of birth (if under 18):

If you do not wish your address to be made known to the respondent, leave this space blank and complete Confidential Address Form C5 (if you have not already done so). The court can give you this form.

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2. Your reasons for applying

State briefly your reasons:

3. The persons to be served with this application (The respondent(s))

State the name, address and date of birth (if known) of the respondent(s):

4. At the court

Will you need an interpreter at court? ☐ Yes ☐ No

If 'Yes', specify the language:

Please contact the court to ask what help is available.

Signed

Date

[*Suppl. No. 6 (December 2008)*]

Form F16

APPLICATION TO VARY EXTEND OR DISCHARGE A FORCED MARRIAGE

PROTECTION ORDER

Forced Marriage (Civil Protection) Act 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

---

1. About you (the applicant)

State your title (Mr, Mrs, etc), full name, address, telephone number and date of birth (if under 18):

If you do not wish your address to be made known to the respondent, leave this space blank and complete Confidential Address Form C5 (if you have not already done so). The court can give you this form.

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2. The order for which you are applying

I am applying to

Vary ☐
Extend ☐
Discharge ☐

The order dated :

If you are applying for the order to be varied or extended please give details of the order which you would like the court to make.

3. Your reasons for applying

State briefly your reasons:

4. The persons to be served with this application (The respondent(s))

State the name, address and date of birth (if known) of the respondent(s):

5. At the court

Will you need an interpreter at court? ☐ Yes ☐ No

If 'Yes', specify the language:

Please contact the court to ask what help is available.

Signed

Date

Form F17

STATEMENT OF SERVICE

Forced Marriage (Civil Protection) Act 2007

[In the High Court of Justice in Northern Ireland]

[In the County Court for the Division of]

Applicant

Respondent

You must give details of service of the application on each of the other parties file this form with the court on or before the date fixed for hearing of the proceedings

You should if the person's solicitor was served, give his or her name and address

You must indicate the manner, date, time and place of service or where service was effected by post, the date, time and place of posting

Name and address of person served	Means of identification of person, and how, when and where served	Prescribed forms served

I have served the [application] [Notice of Proceedings] as stated above.

I am the [applicant] [solicitor for the applicant] [other] (state)

Signed]

[(a)FORM A1 Rule 4A.3

Application for an Order Freeing a Child for Adoption (with Parental Consent)

[In the High Court of Justice in Northern Ireland

Family Division]*

[In the County Court/Recorder's Court for the Division of]*

No. of 20 .

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987 and

IN THE MATTER OF a child. (*Enter the first name(s) and surname as shown in the certificate referred to in paragraph 1; otherwise enter the first name(s) and surname by which the child is known*).

Let of attend at on a date to be fixed for the hearing of the application of

of for an order: –

1. That the said child be freed for adoption;

2. That the costs of this application be provided for;

And take notice that the grounds of the application are as follows:

I, an authorised officer of the of being an adoption agency wishing to free for adoption a child, and I/We the parent(s)/guardian(s) of the child hereby give the following further particulars in support of the application.

Particulars of the child

1. Identity etc. The child is of the sex and is not and has not been married. He/she was born on the day of 20 , and is the person to whom the attached birth/adoption certificate relates (or, was born on or about the day of 20 , in). He/she is a national.

2. Parentage etc. The child is the child of whose last known address was (or deceased) and whose last known address was (or deceased).

(3. The guardian(s) of the child (other than the mother or father of the child) is/are of (and of).)

(a) New Forms inserted by S.R. 2003 No. 75 with effect from 1.6 03

(4. Home, etc. The child is currently living with of and has been living there since the day of 20 . The child has been placed with them for adoption (and they wish their identity to remain confidential).)

(5. The child is being looked after by (who has parental responsibility for the child).)

(6. Maintenance, of is liable by virtue of an order made by the court at on the day of 20 , (or by an agreement dated the day of 20) to contribute to the maintenance of the child.)

(7. I attach hereto signed by the mother/father/guardian of the child a declaration that he/she prefers not to be involved in future questions concerning the adoption of the child.)

(8. The child's parents were not married to each other at the time of his birth and of who is/claims to be the father does/does not intend to apply for an order under Article 7(1)(a) of the Children (Northern Ireland) Order 1995 or for a residence order in respect of the child).

(9. No proceedings relating in whole or in part to the child have been completed or commenced in any court in Northern Ireland or elsewhere (except).)

We accordingly apply for an order freeing the child for adoption.

Signatures: on behalf of the Adoption Agency

Parent(s)/guardian(s) of the child

Dated this day of 20 .

Notes

*Delete as appropriate

Paragraph 1: If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place, including the country, of birth if known.

Paragraph 2: If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 9 of the court order or the agreement which provides for parental responsibility.

Paragraph 3: Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Delete this paragraph if the child has no guardian.

Paragraph 4: Enter the name and address of the person with whom the child has his home.

Paragraph 5: This paragraph should be completed where the child is in the care of a Board or a voluntary organisation.

Paragraph 6: This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

Paragraph 9: State the nature of the proceedings and the date and effect of any orders made.

Each parent/guardian of the child **MUST** sign the application in addition to the authorised officer.

FORM A2 Rule 4A.4

Application for an Order Freeing a Child for Adoption (without Parental Consent)

[In the High Court of Justice in Northern Ireland

Family Division]*

[In the County Court/Recorder's Court for the Division of]*

No. of 20 .

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987 and

IN THE MATTER OF a child. (*Enter the first name(s) and surname as shown in the certificate referred to in paragraph 2; otherwise enter the first name(s) and surname by which the child is known*).

Let of attend at on a date to be fixed for the hearing of the application of for an order: –

1. That the said child be freed for adoption;

2. That the costs of this application be provided for;

And take notice that the grounds of the application are as follows:

I, an authorised officer of the of being an adoption agency wishing to free for adoption a child, hereby give the following further particulars in support of the application.

1. This application is not made with the consent of (and), the parent(s)/guardian(s) of the child.

Particulars of the child

2. Identity etc. The child is of the sex and is not and has not been married [(a) or a civil partner]. He/she was born on the day of 20 , and is the person to whom the attached birth/adoption certificate relates (or, was born on or about the day of 20 , in). He is a national.

3. Parentage etc. The child is the child of whose last known address was (or deceased) and whose last known address was (or deceased).

(a) Words inserted by S.R. 2005 No 497 with effect from 05.12.05

(4. The guardian(s) of the child (other than the mother or father of the child) is/are of (and of).)

5. I request the judge to dispense with the agreement of (and) on the grounds that and attach hereto three copies of the statement of facts on which I intend to rely.

(6. Home, etc. The child is currently living with of and has been living there since the day of 20 . (The child has been placed with them for adoption (and they wish their identity to remain confidential)).

(7. The child is being cared for by (who have parental responsibility for the child).)

(8. Maintenance of is liable by virtue of an order made by the court at on the day of 20 , (or by an agreement dated the day of 20) to contribute to the maintenance of the child.)

(9. The child's parents were not married to each other at the time of his birth and of who is/claims to be the father does/does not intend to apply for an order under Article 7(1)(a) of the Children (Northern Ireland) Order 1995 or for a residence order in respect of the child.)

(10. No proceedings relating in whole or in part to the child have been completed or commenced in any court in Northern Ireland or elsewhere (except).)

Signature:

Dated this day of 20 .

Notes

*Delete as appropriate

Paragraph 2: If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place, including the country, of birth if known.

Paragraph 3: If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 9 of the court order or the agreement which provides for parental responsibility.

Paragraph 4: Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Do not include any person who has the care of the child only. Delete this paragraph if the child has no guardian.

Paragraph 5: Enter the name of the person(s) mentioned in paragraph 3 or 4 and enter one or more of the grounds set out in Article 16(2).

Paragraph 6: Enter the name and address of the person with whom the child has his home.

Paragraph 7: This paragraph should be completed where the child is in the care of a Board or a voluntary organisation.

Paragraph 8: This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

Paragraph 10: State the nature of the proceedings and the date and effect of any orders made.

FORM A3 Rule 4A.7

Agreement to an Adoption Order (Freeing Cases)

(Heading as in Form A1)

IF YOU ARE IN ANY DOUBT ABOUT YOUR LEGAL RIGHTS YOU SHOULD OBTAIN LEGAL ADVICE BEFORE SIGNING THIS FORM.

WHEREAS an application is to be/has been made by *(Insert the name of the adoption agency applying for the order)* for an order freeing , *(insert the first name(s) and surname of the child as known to the person giving agreement)* a child, for adoption:

AND WHEREAS the child is the person to whom the birth certificate attached marked 'A' relates:

(AND WHEREAS the child is at least six weeks old:)

I, the undersigned of being a parent/guardian of the child hereby state as follows: –

(1) I consent to the application of an adoption agency, for an order freeing the child for adoption.

(2) I understand that the effect of an adoption order would be to deprive me permanently of parental responsibility for the child and to vest it in the adopters; and in particular I understand that, if and when an adoption order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.

(3) I further understand that the court cannot make an order freeing a child for adoption without the agreement of each parent or guardian of the child to the making of an adoption order, unless the court dispenses with that agreement on the ground that the person concerned –

(a) cannot be found or is incapable of giving agreement, or

(b) is withholding his agreement unreasonably, or

(c) has persistently failed without reasonable cause to discharge his parental responsibility for the child, or

(d) has abandoned or neglected the child, or

(e) has persistently ill-treated the child, or

(f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

(4) I further understand that, when the application for an order freeing the child for adoption is heard, this document may be used as evidence of my agreement to the making of an adoption order unless I inform the court that I no longer agree.

(5) I hereby freely, and with full understanding of what is involved, agree [unconditionally] [on condition that the religious persuasion in which the child is proposed to be brought up is] to the making of an adoption order.

(6) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child. I understand that, if I make such a declaration, I will not be told when the child has been adopted

or whether he has been placed for adoption. I further understand that I will not be able to apply for a revocation of the order freeing the child for adoption if I make such a declaration. I hereby freely declare, with full understanding of what is involved, that I do not wish to be involved in future questions concerning the adoption of the child.)

(7) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child, and the effect of making such a declaration has been explained to me. I do not wish to make such a declaration.)

(8) (I have not received or given any payment or reward for, or in consideration of, the adoption order or consent to the making of an application for an order freeing the child for adoption, for placing the child for adoption with any person or making any arrangements for the adoption of the child (other than a payment to an adoption agency for their expenses incurred in connection with the adoption.)

Signature:

This form, duly completed, was signed by the said before me at
on the day of 20 .

Signature:

Address

Description

Notes

(a) If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.

(b) Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement.

Paragraphs 6 and 7: If the parent or guardian does not make the declaration the adoption agency must, after twelve months have passed from the making of the order freeing the child for adoption, inform the parent or guardian whether an adoption order has been made in respect of the child, and, if not, whether the child has his home with a person with whom he has been placed for adoption. Further, if no adoption order has been made in respect of the child or the child does not have his home with a person with whom he has been placed for adoption, then the parent or guardian may apply to the court for revocation of the order freeing the child for adoption.

Witness Statement: In Northern Ireland and England and Wales, the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.

FORM A4 Rule 4A.8(3)

Notice of Hearing of an Application for an Order Freeing a Child for Adoption

(Heading as in Form A1)

To

of

WHEREAS an application for an order freeing for adoption, a child of the sex born on the day of 20 , was made by of .

AND WHEREAS was appointed guardian ad litem of the child;

TAKE NOTICE: -

1. That the said application will be heard before the judge at on the day of 20 , at o'clock and that you may then appear and be heard on the question whether an order freeing the child for adoption should be made.

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the said application is pending, if the child is being looked after by the applicant, then a parent or guardian of the child who has not consented to the making of the application must not, except with the leave of the court, remove the child from the home of the person with whom the child has his home against the will of that person.

4. That the court has been requested to dispense with your agreement to the making of an adoption order on the ground(s) that and the statement of the facts on which the applicant intends to rely is attached.

If you wish to object you must within 14 days complete the attached Form and return to [the Master (Care and Protection), High Court][the Chief Clerk of County Court/Recorder's Court].*

Dated this day of 20

Signed

Solicitor for the Applicant

*Delete as appropriate

FORM A5 Rule 4A.8(4)

Notice of Objection to the Making of an Order Freeing a Child for Adoption

[To the Master (Care and Protection), High Court]*

[To the Chief Clerk, County Court/Recorder's Court]*

I have received notice of the hearing of an application for an order freeing a child of the sex born on the day of 20 , for adoption.

I intend to object to the making of such an order and wish to be heard on the hearing of the application. My objections may be summarised as follows:

(Date) Signature

Address

*Delete as appropriate

FORM A6 Rule 4A.12(1)

Application for Revocation of an Order Freeing a Child for Adoption

(Heading as in Form A1)

On the day of 20 , this court made an order freeing a child, for adoption.

I/We (and) of (address), the former parent(s) of the child, apply for revocation of that order on the grounds that –

1. No adoption order has been made in respect of the child, and

2. The child does not have his home with a person with whom he has been placed for adoption, and

3. I/We wish to resume parental responsibility for the child because

Signed

Dated

Notes

(1) The application must be made to the court which made the original order, and not earlier than 12 months from the date of that order

(2) A parent or guardian of the child who has made a declaration (referred to in Article 17(5)) that he prefers not to be involved in future questions concerning the adoption of the child may not make application for revocation of the order.

(3) State the reasons relied upon for the revocation of the order.

(4) Where the court has previously dismissed an application for revocation of a freeing order under Article 20(4), no further application may be made without the leave of the court.

FORM A7 Rule 4A.12(2)

Notice of Hearing of an Application for Revocation of an Order Freeing a Child for Adoption

To

of

WHEREAS an order was made by on the day of freeing *(enter the first name(s) and the surname of the child)*, a child of the sex born on the day of for adoption.

AND WHEREAS an application has been made for the revocation of that order;

TAKE NOTICE: –

1. That the said application will be heard before the judge at on the day of 20 , at o'clock and that you may then appear and be heard on the question whether the order freeing the child for adoption should be revoked.

2. That you are not obliged to attend the hearing unless you wish to do so or the court notified you that your attendance is necessary.

3. It would assist the court if you would complete the attached form and return it to [the Master (Care and Protection)] [the Chief Clerk, County Court/Recorder's Court]*.

Dated this day of 20

Solicitor for the Applicant

*Delete as appropriate

FORM A7(2)

[To the Master (Care and Protection), High Court].

[To the Chief Clerk, County Court/Recorder's Court]*

Number of 20 .

I received notice of the hearing of the application on the day of 20 .

I wish/do not wish to oppose the application.

I wish/do not wish to appear and be heard on the question whether an order should be made.

(Signature)

(Address)

(Date)

*Delete as appropriate

FORM A8 Rule 4A.13(1)

Application for Substitution of One Adoption Agency for Another

(Heading as in Form A1)

I, an authorised officer of the of ,
and I, an authorised officer of the of
both being adoption agencies, wishing to transfer parental responsibility for , (*enter the name of the child shown in the order referred to in paragraph 1*) a child, from to hereby give the following further particulars in support of our application.

1. On the day of 20 , the court made an order freeing the child for adoption under Article (17), (18) (Section 18 of the Adoption Act 1976) (Section 18 of the Adoption (Scotland) Act 1978).

2. On the day of 20 , the court made an order under Article 21 (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) transferring parental responsibility to .

3. A copy of that order is attached.

4. The transfer would be in the best interests of the child because

5. The administrative reasons why the transfer is desirable are

(6. The former parent(s) of (and of) has/have been informed of the making of this application.)

Dated

(Signatures)

(Addresses)

Notes

Paragraph 1: Delete the appropriate reference to either Article 17 or 18 or section 18 of the Adoption Act 1976 or section 18 of the Adoption (Scotland) Act 1978.

Paragraph 2: To be completed **ONLY** if there has been a previous order transferring parental responsibility. Delete the inappropriate legislative references and enter the name of the agency to which parental responsibility was transferred by the court order.

Paragraph 3: Attach a copy of the appropriate order referred to in paragraph 1 and 2.

Paragraph 4 and 5: State concisely the reason it is desired to transfer the child between the agencies.

Paragraph 6: A former parent is a person as defined in Article 19(1). This paragraph should be deleted only if there are no former parents.

FORM A9

Rule 4A.15(1)
Rule 4B.2(2)
Rule 4C.3(1)

Application for an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/Convention Adoption Order

(Heading as in Form A1)

I/We, the undersigned, (and ,)
wishing to adopt , (*enter the first name(s) and surname of the child as shown in any certificate referred to in paragraph 6 below*) a child, hereby give the following further particulars in support of my/our application.

PART I

PARTICULARS OF THE APPLICANT(S)

1. Name and address etc.
   Name of (first) applicant in full
   Address
   Occupation
   Date of Birth
   Relationship (if any) to the child
   Name of (second) applicant in full
   Address
   Occupation
   Date of Birth
   Relationship (if any) to the child

2. **Domicile**

I am/we are/one of us (namely) is domiciled in Northern Ireland/England and Wales/Scotland/ the Channel Islands/the Isle of Man

3. **Status**

We are married to each other and our marriage certificate (or other evidence of marriage) is attached (or I am unmarried/a widow/a widower/a divorcee) (or I am applying alone as a married person and can satisfy the court that).

(4. I am applying alone for an adoption order in respect of my own child and can satisfy the court that the other natural parent).

(5. **Health**

A report on my/our health by a medical practitioner on the day of 20 , is attached.)

Notes – **Part I**

Paragraph 1: Insert the address where the applicant has his home and the place (if different) where documents may be served upon him.

Paragraph 2: May be deleted if the application is for an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order.

Paragraph 3: Documentary evidence of marital status should be supplied. A married applicant can apply alone if he or she can satisfy the court that his or her spouse cannot be found, or that they have separated and are living apart and that the separation is likely to be permanent, or that by reason of physical or mental ill health the spouse is incapable of making an application for an adoption order. Any documentary evidence on which the applicant proposes to rely should be attached to the application. The name and address (if known) of the spouse should be supplied, and the marriage certificate (or other evidence of marriage) should be attached.

Paragraph 4: State the reason to be relied upon, e.g. that the other natural parent is dead, or cannot be found, or that there is some other reason, which should be specified, justifying his or her exclusion. Documentary evidence, e.g. a death certificate, should be supplied where appropriate.

Paragraph 5: A separate health report is required in respect of each applicant, and the report must have been made during the period of three months before the date of the application. No report is required, however, if the child was placed for adoption with the applicant by an adoption agency, or if he is the child of the applicant or either of them, or if the application is for a Convention adoption order.

PART II

PARTICULARS OF THE CHILD

6. **Identity etc.**

The child is of the sex and is not and has not been married. He/she was born on the day of 20 , and is the person to whom the attached birth/adoption certificate relates (or was born on or about the day of 20 , in). He/she is a national.

(7. **Health**

A report on the health of the child, made by a medical practitioner on the day of 20 , is attached.)

(8. The child is free for adoption pursuant to Article (17) (18), (section 18 of the Adoption Act 1976) (section 18 of the Adoption (Scotland) Act 1978) and I/we attach hereto the order of the court, dated , to that effect. Parental responsibility for the child was thereby vested in (and was transferred to by order of the court under Article 21, (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) on 20).)

(9. **Parentage, etc.**

The child is the child of whose last known address was (or deceased) and whose last known address was (or deceased).)

(10. The guardian(s) of the child (other than the mother or the father of the child) is/are of (and of).)

(11. **Parental agreement**

I/We understand that the said (and) is/are willing to agree to the making of an adoption order in pursuance of my/our application.)

(12. I/We request the judge to dispense with the agreement of (and) on the ground(s) that (and) and there are attached hereto three copies of a statement of the facts upon which I/we intend to rely.)

13. **Home etc.**

The child is being looked after by (who have parental responsibility for the child).

14. **Maintenance**

of is liable by virtue of an order made by the court at on the day of 20 , (or by an agreement dated the day of 20) to contribute to the maintenance of the child.)

15. **Proposed names**

If an adoption order is made in pursuance of this application, the child is to be known by the following names:

Surname

Other names

Notes – Part II

Paragraph 6: If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place (including the country) of birth if known.

Paragraph 7: The report must have been made during the period of three months before the date of the application. No report is required, however, if the child was placed for adoption with the applicant by an adoption agency, or if he is the child of the applicant or either of them or if the application is for a Convention adoption order.

Paragraph 8: The order made by the court freeing the child for adoption and any order made under Article 21 (or under section 21 of either Act) should be attached.

Paragraph 9: This paragraph and paragraphs 10 to 14 only apply if the child is not free for adoption. If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 19 of the court order or agreement which provides for that parental responsibility.

Paragraph 10: Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Delete this paragraph if the child has no guardian.

Paragraphs 11 and 12: Enter either in paragraph 11 or 12 the names of the persons mentioned in paragraphs 9 and 10, except that in the case of a child whose parents were not married to each other at the time of his birth the father of the child should be entered only if he has parental responsibility for the child by virtue of a court order or by agreement or he has a residence order in respect of the child. Where it is sought to dispense with parental agreement, enter in paragraph 12 one or more of the grounds set out in Article 16(2).

Paragraph 13: This paragraph should be completed where the child is being looked after by a Board or a voluntary organisation.

Paragraph 14: This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

PART III

GENERAL

16. The child has lived with me/us continuously since the day of 20 , (and has accordingly had his home with me/us for the five years preceding the date of this application).

17. The child was (placed with me/us for adoption on the day of 20 , by , an adoption agency) (or received into my/our home in the following circumstances:

18. I/we notified the Board on the day of 20 , of my/our intention to apply for an adoption order in respect of the child.

19. No proceedings relating in whole or in part to the child other than as stated in paragraph 8 have been completed or commenced in any court in Northern Ireland or elsewhere (except)

20. I/we have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order, the transfer of the home of the child with a view to adoption or the making of any arrangements for adoption (except as follows: –

)

21. As far as I/we know, the only person(s) or bod(y)(ies) who have taken part in the arrangements for the child's adoption are

22. For the purpose of this application reference may be made to of

23. I/we desire that my/our identity should be kept confidential, and the serial number assigned to me/us is

24. I/we intend to adopt the child under the law of or within , which is the country of my/our domicile, and evidence as to the law of adoption in that country is filed with this process.

25. I/we desire to remove the child from the British Isles for the purpose of adoption.

I/we accordingly apply for an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of the child.

Dated this day of 20 .

Signature(s)

Notes – PART III

Paragraphs 16 and 17: Under Article 13 an adoption order cannot be made unless the child has had his home with the applicants or one of them: –

(a) for at least 13 weeks if the applicant or one of them is a parent, step-parent or relative of the child or if the child was placed with the applicant by an adoption agency or in pursuance of an order of the High Court; or

(b) for at least 6 months if the proposed adoption is to be effected as a Convention adoption order; or

(c) for at least 12 months in any other case.

Paragraph 18: Notice does not have to be given if the child was placed with the applicant by an adoption agency. Where notice does have to be given, no order can be made until the expiration of three months from the date of the notice.

Paragraph 19: The nature of the proceedings and the date and effect of any orders made should be stated. The court cannot proceed with the application if a previous application made by the same applicant in relation to the child was refused, unless one of the conditions in Article 25(1) is satisfied.

Paragraph 21: Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child for adoption in the home of the applicant. In Convention proceedings it is only necessary to specify those who took part in the arrangements in the country where the order is to be made.

Paragraph 22: Where the applicant or one of the applicants is a parent of the child, or a relative as defined by Article 2(2), or the child was placed with the applicant by an adoption agency or if the application is for a Convention adoption order, no referee need be named.

Paragraph 23: If the applicant wishes his identity to be kept confidential, the serial number obtained under rule 4A.14 should be given.

FORM A10 Rule 4A.15(4)

Notice to Board under Article 22(1) of the Adoption (Northern Ireland) Order 1987

IN THE MATTER of the Adoption (Northern Ireland) Order 1987

AND

IN THE MATTER OF , an infant

I/we of hereby give notice* as required by Article 22(1) of the Adoption (Northern Ireland) Order 1987 of my/our intention to apply for an adoption order in respect of an infant aged of the sex who is in my/our home at (full address)

Dated this day of 20 .

(Signed)

NOTE: IMPORTANT

* This notice is only required to be issued where the child has not been placed for adoption by an adoption agency. It must be addressed to the Board in whose area the applicant has his home.

Where the applicant is made *jointly* by husband and wife the notice must be signed by them both, unless neither of them or only one of them has his home in Northern Ireland, when one signature is sufficient.

This notice must *not* be given before the infant attains the age of six weeks and must be received by the Board three months before the order to be applied for is made.

FORM A11 Rule 4A.19(1)

Agreement to an Adoption Order/a Proposed Foreign Adoption/a Convention Adoption Order

(Heading as in Form A1)

IF YOU ARE IN ANY DOUBT ABOUT YOUR LEGAL RIGHTS YOU SHOULD OBTAIN LEGAL ADVICE BEFORE SIGNING THIS FORM.

WHEREAS an application is to be/has been made by and (or under serial No.) (*insert either the name(s) of the applicants or the serial number assigned to the applicant(s) for the purposes of the application*) for an adoption order or order authorising a proposed foreign adoption or a Convention adoption order in respect of (*enter the first name(s) and surname of the child as known to the person giving agreement*) a child;

AND WHEREAS the child is the person to whom the birth certificate attached marked 'A' relates;

(AND WHEREAS the child is at least six weeks old:)

I, the undersigned of being a parent/guardian of the child hereby state as follows: –

(1) I understand that the effect of an adoption order/an order authorising a proposed foreign adoption/a Convention adoption order will be to deprive me permanently of parental responsibility for the child and to vest it in the applicant(s); and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.

(2) I further understand that the court cannot make an adoption order/an order authorising the proposed foreign adoption of the child/a Convention adoption order without the agreement of each parent or guardian of the child unless the court dispenses with an agreement on the ground that the person concerned –

(a) cannot be found or is incapable of giving agreement, or

(b) is withholding his agreement unreasonably, or

(c) has persistently failed without reasonable cause to discharge his parental responsibility for the child, or

(d) has abandoned or neglected the child, or

(e) has persistently ill-treated the child, or

(f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely

3. I further understand that when the application for an adoption order/order authorising the proposed foreign adoption of the child/a Convention adoption order is heard, this document may be used as evidence of my agreement to the making of the order, unless I inform the court that I no longer agree.

4. I hereby freely, and with full understanding of what is involved, agree (unconditionally) (on condition that the religious persuasion in which the child is proposed to be brought up is) to the making of an adoption order/an order

authorising the proposed foreign adoption of the child/a Convention adoption order in pursuance of the application.

5. As far as I know, the only person(s) or bod(y)(ies) who has/have taken part in the arrangements for the child's adoption is/are (and).

6. I have not received or given any payment or reward for, or in consideration of, the adoption of the child, or any agreement to the making of an adoption order or placing the child for adoption with any person or making arrangements for the adoption of the child (other than payment to an adoption agency for their expenses incurred in connection with the adoption).

Signature:

This form, duly completed, was signed by the said before me at on the day of 20 .

Signature:

Address:

Description:

Notes

If the child has previously been adopted a certified copy of the entry in the adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.

Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement. The father of a child who was not married to the child's mother when he was born is not a parent for this purpose unless he has parental responsibility by virtue of a court order or an agreement or he has a residence order in respect of the child, "guardian" also means a person appointed by court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be the guardian of the child.

Paragraph 3: Notice will be given of the hearing of the application and of the court by which it is to be heard. After the making of the application a parent or guardian who has agreed cannot remove the child from the home of the applicant(s) except with the leave of the court.

Paragraph 5: Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child in the home of the applicant(s).

Witness statement: In Northern Ireland and England and Wales the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.

FORM A12 Rule 4A.20(3)

Notice of Hearing of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order

(Heading as in Form A1)

To of

WHEREAS an application for an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of , (*enter the name(s) and surname of the child as shown in the application*) a child of the sex born on the day of 20 , has been made (by (and) of) (*enter the name(s) of the applicants*).

TAKE NOTICE: –

1. That the said application will be heard before the judge at on the day of 20 , at o'clock and that you may then appear and be heard on the question whether an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order should be made.)

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the application is pending, a parent or guardian of the child who has agreed to the making of an order must not, except with the leave of the court, remove the child from the home of the applicant.

4. That the application states that the child has had his home with the applicant for the five years preceding the application and accordingly, if that is correct, no person is entitled, against the will of the applicant, to remove the child from the applicant's home except with the leave of the court or under authority conferred by an enactment or on the arrest of the child.

5. That the court has been requested to dispense with your agreement to the making of an order on the ground(s) that and a statement of the facts on which the applicant intends to rely is attached.)

If you wish to object to the making of the order you should within 14 days complete the attached Form and return it to [the Master (Care and Protection), High Court] [the Chief Clerk of County Court/Recorder's Court].*

Dated the day of 20 .

Signed

Solicitor for the Applicant

*Delete as appropriate

When this form is used under rule 4A.25(2) to give notice of a further hearing of an application, it is to be amended so as to refer to a further hearing and so as to give particulars of the interim order.

Paragraph 4: This paragraph should be deleted except where it appears from the application that the child had had his home with the applicant for five years.

Paragraph 5: Unless deleted, this paragraph should contain the grounds specified in the application.

FORM A13 Rule 4A.20(4)

Notice of Presentation of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order

Serial No.

To

of

WHEREAS an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of the above named child of the sex born on the day of 20 is to be heard by the above court.

TAKE NOTICE that under Rule 4A.20(6) of the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322) if you wish to object to the grant of an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order you must, within 14 days of service on you of this notice, give to [the Master (Care and Protection)] [the Chief Clerk, County Court/ Recorder's Court]* written notice in Form A15 of your intention to object, quoting the above serial number.

If you give such written notice, you will be notified of the date on which you must attend court.

AND FURTHER TAKE NOTICE that if you do not give such written notice of your intention to object to the making of the said order at the said hearing the court may make such order as in the opinion of the court is just and expedient.

Dated this day of 20 .

Signed

Solicitor for the Applicant

Notes

* Delete as appropriate

When this form is used under rule 4A.25(2) to give notice of a further hearing of an application, it is to be amended so as to refer to a further hearing and so as to give particulars of the interim order.

FORM A14

Rule 4A.20(6)
Rule 4A.25(2)

Notice of Objection to the Making of an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order

[To the Master (Care and Protection), High Court,]*

[To the Chief Clerk , County Court/Recorder's Court]*

I received the notice of the hearing of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of child of the sex born on the day of 20

I intend to object to the making of such an order and wish to be heard on the hearing of the application. My objections may be summarised as follows:

(Date)

Signature

Address

*Delete as appropriate

FORM A15

Rule 4A.20(6)
Rule 4A.25(2)

Notice of Objection to the Making of an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order

Serial No :

[To the Master (Care and Protection), High Court]*

[The Chief Clerk , County Court/Recorder's Court]*

I have received notice of the presentation of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of a child of the sex born on the day of 20 .

I intend to object to the making of such an order and wish to be heard by the court. My objections may be summarised as follows:

(Date) Signature

Address

*Delete as appropriate

FORM A16 Rule 4B.6

Application for the Annulment of a Convention Adoption or Convention Adoption Order

IN THE HIGH COURT

No. of 20 .

IN THE MATTER OF

(*Enter the full name(s) by which the adopted person has been known since the adoption*)

and

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987

Let of attend at the Royal Courts of Justice, Belfast, BT1 3JF, on a date to be fixed for the hearing of the application of of for an order: –

1. That the adoption which was authorised on the day of 20 , at , by which (and) was (or were) authorised to adopt the said be annulled.

(2. That the leave of the court be granted for the purpose of making this application out of time.)

3. That the costs of this application be provided for.

Dated this day of 20 .

This summons was taken out by of , solicitor for the above named.

Notes

This form is for use when the adoption is to be annulled under Article 55A of the Adoption (Northern Ireland) Order 1987. An application may not be made unless either the adopter or both adopters, as the case may be, or the adopted person habitually resides in Northern Ireland immediately before the application is made.

Paragraph 1: Enter the description and address of the authority by which the adoption was authorised.

Paragraph 2: Except with the leave of the court, an application to annul an adoption may not be made later than two years after the date of the adoption to which it relates.

FORM A17 Rule 4B.7

Application for a Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987

IN THE HIGH COURT

No. of 20

IN THE MATTER OF

(Enter the full name(s) by which the adopted person has been known since the adoption)

and

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987

Let of

attend at the Royal Courts of Justice, Belfast, BT1 3JF, on a date to be fixed for the hearing of the application of

of

for –

1. A direction that the Convention adoption which was authorised on the day of [19][20], at , by which (and) was (or were) authorised to adopt the said was not, under the law of the country in which the adoption was effected, a full adoption; (that the consents referred to in Articles 4(c) and (d) of the Convention have not been given for a full adoption) (that the United Kingdom is not the receiving State within the meaning of Article 2 of the Convention); and that it would be more favourable for the said if a direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987 was given.
2. A direction that Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall not apply to the said to the extent that –).
3. An order that the costs of this application be provided for.

Dated this day of 20 .

This summons was taken out by of solicitor for the above named.

FORM A18 Rule 4B.8

Application for an Order that an Overseas Adoption or a Determination Cease to be Valid or that a Determination has been Affected by a Subsequent Determination

(Heading as in Form A16)

Let of

attend at the Royal Courts of Justice, Belfast, BT1 3JF on a date to be fixed for the hearing of the application of of for: -

(1. An order that an overseas adoption which was authorised on the day of 20 , at , by which (and) was (were) authorised to adopt the said do cease to be valid in Northern Ireland;)

(2. An order that a determination made by an authority of a specified country to authorise or review the authorisation of an adoption order made under any enactment in force in a specified country and corresponding to Articles 12(1) and 16A of the Adoption (Northern Ireland) Order 1987 do cease to be valid in Northern Ireland;)

(3. An order that a determination made by an authority of a specified country to give or review a decision revoking or annulling an order made under any enactment in force in a specified country and corresponding to Articles 12(1) and 16A of the Adoption (Northern Ireland) Order 1987 do cease to be valid in Northern Ireland;)

(4. A decision as to the extent, if any, to which a determination mentioned in paragraph 2 (or 3) above has been affected by a subsequent determination;)

(5. An order that the costs of this application be provided for.)

Dated this day of 20 .

This summons was taken out by of solicitor for the above named.

Notes

This form is principally for use if the applicant claims that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case. The applicant should delete the paragraphs which are not relevant.

Paragraph 1: An overseas adoption means an adoption which is an overseas adoption for the purposes of the Adoption Act 1976 or the Adoption (Scotland) Act 1978.

FORM A19 Rule 4B.9

Affidavit in Support of Application under Article 55A

(Heading as in Form A16)

I/we of

hereby make oath and say that the particulars set out in this affidavit are true.

1. Name of (first) adopter in full

   Address

(2. Name of second adopter in full

   Address

3. Name of adopted person in full

(4. The said (and the said habitually reside(s) in Northern Ireland.

5. The adopted person is of the sex, is a national of and was born at on the day of 20 .

6. On the day of 20 the said (and) was (or were) authorised to adopt the said by at

   and those persons are the persons to whom the certified copy of an entry in a public register (or other evidence of adoption) which is exhibited to this affidavit relates.

(7. At the time at which the adoption was authorised the said was a national of and resided in (the said was a national of and resided in) and the adopted person was a national of and resided in .)

or

(7. For other applications, details of the marriage or, as appropriate, of the determination or determinations should be given and any necessary documentary evidence relating thereto supplied.).

(8. A statement of the grounds upon which the applicant intends to rely is exhibited to this affidavit.)

Sworn etc

This affidavit is filed on behalf of the applicant(s).

Notes

Paragraph 3: Enter the name(s) by which the adopted person has been known since the adoption.

Paragraph 4: This paragraph is not required for applications made under Article 55A(2). Where this paragraph is required, no application may be made to the court unless the adopter or, as the case may be, both adopters or the adopted person habitually reside in Northern Ireland immediately before the application is made. Therefore, the name(s) of either the adopter(s) or the adopted person should be entered.

Paragraph 6: Enter the description and the full address of the authority which authorised the adoption. Evidence of the adoption may be given either by a certified copy of an entry in a public register relating to adoptions or by a certificate that the adoption has been effected signed by a person who is authorised by the law of the country concerned to do so.

Paragraph 7: This paragraph should be completed where the application is made under Article 55A(1). Enter the name of the first adopter and of the second adopter, if applicable.

Paragraph 8: A statement of facts is required for an application to revoke a Convention adoption order under Article 55A. Expert evidence as to notified provisions may be necessary. In that or any other case where the applicant intends to rely on any provision of foreign law relating to adoption, any accompanying affidavit thereon must be sworn by a person who is suitably qualified on account of his knowledge or experience to give evidence as to the law concerned.

FORM A20 Rule 4C.1(2)(a)

Application for leave of Court where Application for Adoption Order/Freeing Order/Revocation of Freeing Order is pending

(Heading as in Form A1)

WHEREAS an application for (an adoption order) (an order under Article 17 – Freeing for adoption – consent cases) (an order under Article 18 – Freeing for adoption – dispensation with consent cases) (an order under Article 20 – revocation of a freeing order) in respect of , a child of the sex born on the day of 20 , has been made by (and) of ;

AND WHEREAS has been appointed guardian ad litem of the child;

TAKE NOTICE that I/We , (description) of , hereby made application for

(1. leave of the court under Article 20(2) to place the child for adoption);

(2. leave of the court under Article 28(1), to remove the child from the home of);

(3. leave of the court under Article 28(2), to remove the child from the home of);

(4. leave of the court under Article 29(1), to remove the child from the home of an applicant for an adoption order in respect of the child, with whom the child has had his home for the 5 years preceding the making of the application);

(5. leave of the court under Article 29(2), to remove the child from the home of , being a person who has given notice to the Board of his intention to apply for an adoption order and with whom the child has had his home for the preceding 5 years);

(6. an order of the court directing , of , who removed the child from my/our home in breach of Article 28/29 to return the child to me/us);

(7. an order of the court directing , of , not to remove the child from my/our home in breach of Article 28/29);

(8. leave of the court under Article 31(2), to give notice to (and) of , applicants for an adoption order in respect of the child, of our intention to remove the child from his/their home).

THE GROUNDS on which I/We rely in support of this application are

Signed

Dated

Notes

Paragraph 1: May only be completed by the adoption agency holding parental responsibility by virtue of a freeing order.

Paragraph 2: To be completed by the parent or guardian, or applicant where the child has been placed for adoption.

Paragraph 3: To be completed by the parent or guardian of the child, with whose consent it is proposed to dispense.

Paragraph 7: The order may only be made if the applicant for the order has reasonable grounds for believing that the person named intends to remove the child.

Paragraph 8: May only be completed by the adoption agency which placed the child with the prospective adopters.

FORM A21 Rule 4C.1(2)(b)

Application for Leave of Court where no Application under Article 17, 18 or 20 is pending

(Heading as in Form A1)

I/We, the undersigned, (and) of hereby make application for

(1. leave of the court under Article 20(2) to place the child for adoption)

(2. leave of the court under Article 28(1), to remove the child from the home of);

(3. leave of the court under Article 28(2), to remove the child from the home of);

(4. leave of the court under Article 29(1), to remove the child from the home of an applicant for an adoption order in respect of the child, with whom the child has had his home for the 5 years preceding the making of the application);

(5. leave of the court under Article 29(2), to remove the child from the home of , being a person who has given notice to the Board of his intention to apply for an adoption order and with whom the child has had his home for the preceding 5 years);

(6. an order of the court directing , of , who removed the child from my/our home in breach of Article 28/29 to return the child to me/us);

(7. an order of the court directing , of , not to remove the child from my/our home in breach of Article 28/29),

(8. leave of the court under Article 31(2), to give notice to (and) of , applicants for an adoption order in respect of the child, of our intention to remove the child from his/their home)

THE GROUNDS on which I/We rely in support of this application are

Signed

Dated

Notes

Paragraph 1: May only be completed by the adoption agency holding parental responsibility by virtue of a freeing order.

Paragraph 2: To be completed by the parent or guardian, or applicant where the child has been placed for adoption.

Paragraph 3: To be completed by the parent or guardian of the child, with whose consent it is proposed to dispense.

Paragraph 7: The order may only be made if the applicant for the order has reasonable grounds for believing that the person named intends to remove the child.

Paragraph 8: May only be completed by the adoption agency which placed the child with the prospective adopters.

FORM A22 Rule 4C.6

Order Freeing a Child for Adoption (Consent Cases)

(Heading as in Form A1)

WHEREAS an application has been made (jointly) by of , being an adoption agency, (and parent(s) or guardian(s) of the child) for an order freeing for adoption , a child of the sex, the child of (and);

IT IS ORDERED that the child be freed for adoption and that parental responsibility for the child be vested in:

(AND AS REGARDS COSTS it is ordered that ;)

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the day of 20 ;)

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born in (country);)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of in the county of);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child is identical with to whom the entry numbered made on the day of 20 , in the Register of Births for the registration district of in the county of relates (*or* with to whom the entry numbered and dated the day of 20 , in the Adopted Children Register relates);)

IT IS DIRECTED that this order is sufficient proof of the above particulars for the purposes of any future adoption application in respect of the child.

AND IT IS FURTHER RECORDED that and being a parent or guardian of the child made a declaration under Article 17(5) that he/she prefers not to be involved in future questions concerning the adoption of the child.

Dated this day of 20 .

FORM A23 Rule 4C.6

Order Freeing a Child for Adoption (Dispensation with Parental Consent)

(Heading as in Form A1)

WHEREAS an application has been made under Article 18(1) by of , being an adoption agency, for an order freeing for adoption , a child of the sex, the child of (and);

IT IS ORDERED that parental agreement to the making of an adoption be dispensed with on the grounds that (*enter one or more of the grounds set out in Article 16(2)*).

AND IT IS ORDERED that the child be freed for adoption and that parental responsibility for the child be vested in

(AND AS REGARDS COSTS it is ordered that ;)

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the day of 20 ;)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of in the county of);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child is identical with to whom the entry numbered made on the day of 20 in the Register of Births for the registration district of in the county of relates (or with to whom the entry numbered and dated the day of 20 , in the Adopted Children Register relates);)

IT IS DIRECTED that this order is sufficient proof of the above particulars for the purposes of any future adoption application in respect of the child.

Dated this day of 20 .

FORM A24 Rule 4C.6

Order revoking an Order Freeing a Child for Adoption/ dismissing an Application to revoke an Order Freeing a Child for Adoption

(Heading as in Form A1)

WHEREAS an application has been made by of (and of) for an order revoking an order freeing for adoption , a child of the sex, the child of (and), such order having been made by the court on the day of 20 ;

IT IS ORDERED that the said order be revoked and that parental responsibility for the child be vested in (and);

(AND IT IS ORDERED that the application be dismissed (and that the applicant(s) shall not make further application under Article 20);

(AND IT IS ORDERED that of do make periodical payments to the child in the sum of £ payable :)

(IT IS ORDERED that , the adoption agency which obtained the order under Article (17)(18), is released from the duty of complying further with Article 19(3) as respects the applicant(s).)

(AND AS REGARDS COSTS it is ordered that ;)

Dated this day of 20

FORM A25 Rule 4C.6

Interim Order

(Heading as in Form A1)

WHEREAS an application has been made by of (and) for an adoption order in respect of a child of the sex, the child/adopted child of (and);

IT IS ORDERED that the determination of the application be postponed and that the applicant(s) do have parental responsibility for the child until the day of 20 , by way of a probationary period (or that the determination of the application be postponed to the day of 20 , and that the applicant(s) do have parental responsibility for the child until that day by way of a probationary period) (upon the following terms, namely);

(AND AS REGARDS COSTS it is ordered that);

(AND IT IS ORDERED that the application be further heard before the judge at on the day of 20 .

Dated this day of 20 .

FORM A26 Rule 4C.6

Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987

(Heading as in Form A17)

WHEREAS an application has been made (jointly) by

of

(and) for a direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987 in respect of the adoption which was authorised on the day of 20 , at , by which

(and) was (or were) authorised to adopt the said

AND WHEREAS the Court is satisfied that: –

1. The adoption of the said was effected as a Convention adoption on the day of [19][20] in ; and

2. Under the law of that country the adoption was not effected as a full adoption, and

3. (The consents referred to in Articles 4(c) and (d) of the Convention have not been given for a full adoption) (the United Kingdom is not the Receiving State (within the meaning of Article 2 of the Convention)*; and

4. In all the circumstances, it would be more favourable for the said for a direction to be given under Article 40(3A) of the Adoption (Northern Ireland) Order 1987.

IT IS DIRECTED that –

1. (Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall not apply to the said).

2. (Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall apply to the said with the following modifications):

(AND AS REGARDS COSTS it is ordered that).

Dated this day of 20 .

*Delete as appropriate

FORM A27 Rule 4C.6

(Convention) Adoption Order/Order Authorising a Proposed Foreign Adoption

(*Heading as in Form A1*)

WHEREAS an application has been made by of whose occupation is (and whose occupation is) for an adoption order/an order authorising a proposed foreign adoption/a Convention adoption order in respect of , a child of the sex, the child/adopted child of (and);

IT IS ORDERED that (the applicant(s) do adopt the child) (or the applicant(s) be authorised to remove the child from Northern Ireland for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled, and that parental responsibility for the child be vested in the applicant(s).

(AND AS REGARDS COSTS, it is ordered that ;)

(AND IT IS RECORDED that the , being an adoption agency, placed the child for adoption with the applicant(s)/the Board was notified of the applicant(s) intention to adopt the child;)

(AND WHEREAS the child was freed for adoption by the court on the day of 20 ;)

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the day of 20 ;)

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born in (country);)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of in the county of);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born on the day of 20 , (and is identical with to whom the entry numbered made on the day of 20 , in the Register of Births for the registration district of in the county of relates) (*or* with to whom the entry numbered and dated the day of 20 , in the Adopted Children Register relates);)

(AND WHEREAS the name or names and surname stated in the application as those by which the child is to be known are ;)

IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry in accordance with Article 51 of the 1987 Order recording the particulars set out in this order);

(AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of Births/Adopted Children Register be marked with the words "adopted"/"re-adopted"/"proposed foreign adoption"/"proposed foreign re-adoption"/"proposed Convention adoption".)

Dated this day of 20 .

[(a) FORM CS1 Rule 3.48

ORIGINATING SUMMONS UNDER ARTICLE 32L OF THE CHILD SUPPORT (NORTHERN IRELAND) ORDER 1991

In the High Court of Justice in Northern Ireland

Family Division

IN THE MATTER of an application under Article 32L of the Child Support (Northern Ireland) Order 1991

Between Applicant

And Respondent

LET of attend before the Judge in Chambers at the Royal Courts of Justice, Chichester Street, Belfast on 20 , at o'clock, on the hearing of an application for an order preventing avoidance.

Dated the day of 20

This summons was taken out by
of solicitor for the above named
whose address is

(a) Forms CS1 and CS2 inserted by S.R. 2010 No. 379 with effect from 20.12.10

FORM CS2 Rule 3.50 [*Suppl No. 7 (December 2010)*]

ACKNOWLEDGEMENT OF SERVICE

If you intend to instruct a solicitor to act for you, give him this form immediately

In the High Court of Justice in Northern Ireland.

Family Division

IN THE MATTER of an application under Article 32L of the Child Support (Northern Ireland) Order 1991

Between Applicant

And Respondent

1. Have you received an originating summons and a copy of the supporting affidavit in respect of the proceedings mentioned above?
2. On what date and at what address did you receive them? Date.....
   Address.....
   .....
   .....
3. Are you the person named as the respondent in the originating summons?
4. Do you intend to defend the case?
5. Even if you do not intend to defend the case do you object to paying the costs of the proceedings and, if so, on what grounds?

Dated this day of 20 .

Signed.....
Respondent

I am [we are] acting for the Respondent in this matter.

Signed.....
Address for service of documents:

Dated this day of 20 .]

APPENDIX 2

CONTENTS OF PETITION

(Unless otherwise directed under Rule 2.4)

1. Every petition shall state:—

(*a*) the names of the parties to the marriage [(**a**) or civil partnership, as the case may be] and the date and place of the marriage [(**a**) or the date on and place at which the civil partnership was formed, as the case may be];

[(**b**) (*b*) the last address at which—

(i) in a matrimonial cause, the parties to the marriage have lived together as husband and wife, and

(ii) in a civil partnership cause, the parties to the civil partnership have lived together as civil partners of one another;]

[(**c**)(*bb*) where it is alleged that the court has jurisdiction—

(i) under the Council Regulation, the grounds of jurisdiction under Article 3(1) of the Council Regulation;

(ii) under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, the grounds of jurisdiction under regulation 3 of those Regulations.]

(*c*) where it is alleged that the court has jurisdiction [(**d**), other than under the Council Regulation,] [(**e**) or the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, as the case may be] based on domicile—

(i) the country in which the petitioner is domiciled, and

(ii) if that country is not Northern Ireland, the country in which the respondent is domiciled;

(*d*) where it is alleged that the court has jurisdiction [(**d**), other than under the Council Regulation,] based on habitual residence—

(i) the country in which the petitioner has been habitually resident throughout the period of one year ending with the date of the presentation of the petition, or

(ii) if the petitioner has not been habitually resident in Northern Ireland, the country in which the respondent has been habitually resident during that period,

with details in either case, including the addresses of the places of residence and the length of residence at each place;

[(**f**) (*da*) where it is alleged that the court should assume jurisdiction under section 229(1)(*c*) or (2)(*c*) of the Act of 2004, the facts and matters relied on in support of that assertion;]

(*e*) the occupation and residence of the petitioner and the respondent;

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Sub-paragraph substituted by S.R. 2005 No. 558 with effect from 06.01.06
(d) Words inserted by S.R. 2002 No. 137 with effect from 6.5.02
(e) Words inserted by S.R. 2005 No. 558 with effect from 06.01.06
(f) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05

(*f*) whether there are any living children of the family and, if so—

(i) the number of such children and the full names (including surname) of each and his date of birth or (if it be the case) that he is over 18 years of age; and

(ii) in the case of each minor child over the age of 16, whether he is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation;

(*g*) [(a) in a matrimonial cause,] whether (to the knowledge of the petitioner in the case of a husband's petition) any other child now living has been born to the wife during the marriage, and if so, the full names (including surname) of the child and his date of birth, or, if it be the case, that he is over 18 years of age;

[(b) (ga) in a civil partnership cause, whether (to the knowledge of the petitioner) any other child now living has been born to either of the civil partners during the civil partnership and, if so, the full names (including surname) of the child and his date of birth or, if it be the case, that he is over 18;]

(*h*) if it be the case, that there is a question whether a living child is a child of the family;

(*i*) where an application is being made for periodical payments or secured periodical payments for a child of the family,

(i) whether the application is

— for a stepchild;

— in addition to child support maintenance; already payable under a Child Support Agency assessment;

— to meet expenses arising from a child's disability;

— to meet expenses incurred by a child being educated or trained for work;

— on some other specified ground; or

(ii) that the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom;

(*j*) whether or not there have been any applications under the Order of 1991 for a maintenance assessment in respect of any child of the family and if so

(i) the date of any such application, and

(ii) if available, details of the assessment made;

(*k*) whether or not there are or have been any other proceedings in any court in Northern Ireland or elsewhere with reference to the marriage [(c) or civil partnership] or to any children of the family or between the petitioner and the respondent with reference to any property of either or both of them, and, if so—

(i) the nature of the proceedings,

(ii) the date and effect of any [(d) decree, civil partnership order or other order], and

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(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05.
(b) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05.
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05.
(d) Words substituted by S.R. 2005 No. 497 with effect from 05.12.05.

(iii) in the case of proceedings with reference to the marriage [(a) or civil partnership], whether there has been any resumption of cohabitation since the making of the decree or order;

(*l*) whether there are any proceedings continuing in any country outside Northern Ireland which relate to the marriage [(b) or civil partnership] or are capable of affecting its validity of subsistence and, if so—

(i) particulars of the proceedings, including the court in or tribunal or authority before which they were begun,

(ii) the date when they were begun,

(iii) the names of the parties,

(iv) the date or expected date of any trial in the proceedings, and

(v) [(c) in a matrimonial cause,] such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under Schedule 1 to the Order of 1978;

[(d) (vi) in a civil partnership cause, such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules (Northern Ireland) 2005]

and such proceedings shall include any which are not instituted in a court of law in that country, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and shall be treated as continuing if they have been begun and have not been finally disposed of;

(*m*) where the fact on which the petition is based is 5 years' separation, whether any, and if so what, agreement or arrangement has been made or is proposed to be made between the parties for the support of the respondent or, as the case may be, the petitioner or any child of the family;

(*n*) in the case of a petition for divorce under Article 3(2)(*e*) of the Order of 1978 whether the petitioner proposes if a decree nisi is granted to make any financial provision for the respondent giving details of any proposal not mentioned under paragraph (*k*);

[(e)(*o*) In the case of—

(i) a petition for divorce, that the marriage has broken down irretrievably, or

(ii) a petition for dissolution, that the civil partnership has broken down irretrievably;]

(*p*) [(f) in a matrimonial cause,] the fact alleged by the petitioner for the purposes of Article 3(2) of the Order of 1978 or, where the petition is not for divorce or judicial separation, the ground on which relief is sought, together in any case with brief particulars of the individual facts relied on but not the evidence by which they are to be proved;

(a) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(e) Sub-paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(f) Words inserted by S.R. 2005 No. 497 with effect from 05.12.05

[(a) (*pa*) in a civil partnership cause, the fact alleged by the petitioner for the purposes of section 168(5) of the Act of 2004 or, where the petition is not for a dissolution or separation order, the ground on which relief is sought, together in any case with brief particulars of the individual facts relied on but not the evidence by which they are to be proved;]

(*q*) any further or other information required by such of the following paragraphs and by rule 88 as may be applicable.

[(b) 2.—(1) In a matrimonial cause, a petition for a decree of nullity under Article 14(*e*), (*f*) or (*h*) of the Order of 1978 shall state whether the petitioner was at the time of the marriage ignorant of the facts alleged.

(2) In a civil partnership cause, a petition for a nullity order under section 174(1)(*c*) or (*e*) of the Act of 2004 shall state whether the petitioner was at the time of the civil partnership ignorant of the facts alleged.]

[(c) 3. A petition for—

(*a*) a decree of presumption of death and dissolution of marriage, or

(*b*) an order for presumption of death and dissolution of civil partnership shall state—

(i) the last place at which the parties to the marriage or civil partnership, as the case may be, cohabited;

(ii) the circumstances in which the parties ceased to cohabit;

(iii) the date and place where the respondent was last seen or heard of; and

(iv) the steps which have been taken to trace the respondent.]

4. Every petition shall conclude with—

(*a*) a prayer setting out particulars of the relief claimed, including any claim for costs and any application for ancillary relief which it is intended to claim [(d) (including an application for a pension sharing or pension attachment order [(e) ; or a pension compensation sharing or pension compensation attachment order]];

(*b*) the names and addresses of the persons who are to be served with the petition, indicating if any of them is a person under disability;

(*c*) the petitioner's address for service, which, if the petitioner sues by a solicitor, shall be the solicitor's name or firm and address or, if the petitioner sues in person, shall be his place of residence as given under paragraph 1(*e*) above or, if no place of residence in Northern Ireland is given, the address to which documents for him may be delivered or sent.

(a) Sub-paragraph inserted by S.R. 2005 No. 497 with effect from 05.12.05
(b) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(c) Paragraph substituted by S.R. 2005 No. 497 with effect from 05.12.05
(d) Words inserted by S.R. 2002 No. 137 with effect from 6.05.02
(e) Words inserted by S.R. 2011 No. 243 with effect from 25.07.11

APPENDIX 3

NOTICES AND RESPONDENTS

(i) *Provision under which proceedings brought*	(ii) *Minimum number of days prior to hearing or directions appointment for service under rule 4.5(1)(b)*	(iii) *Respondents*	(iv) *Persons to whom notice is to be given*
All applications	See separate entries below	Subject to separate entries below: every person whom the applicant believes to have parental responsibility for the child; where the child is the subject of a care order, every person whom the applicant believes to have had parental responsibility immediately prior to the making of the care order; in the case of an application to extend, vary or discharge an order, the parties to the proceedings leading to the order which it is sought to have extended, varied or discharged; in the case of specified proceedings, the child.	Subject to separate entries below: any authority providing accommodation for the child; persons who are caring for the child at the time when proceedings are commenced; in the case of proceedings brought in respect of a child who is alleged to be staying in a refuge which is certificated under Article 70(1) or (2), the person who is providing the refuge
Article 7(1)(a), 7(4), 8, 13(1), 16(6), 33(1), 52(7), 159(1), 163(1) Schedule 1, Paragraphs 10(3) and 12(4) of Schedule 8	14 Days	As for "all applications" above, and: in the case of proceedings under Schedule 1, those persons whom the applicant believes to be interested in or affected by proceedings; in the case of an application under paragraph 10(3)(*b*) or 12(4) of Schedule 8, any person, other than the child, named in the order	As for "all applications" above, and: in the case of an application for an Article 8 order, every person whom applicant believes— (i) to be named in a court order with respect to the same child, which has not ceased to have effect, (ii) to be a party to pending proceedings

(i) *Provision under which proceedings brought*	(ii) *Minimum number of days prior to hearing or directions appointment for service under rule 4.5(1)(b)*	(iii) *Respondents*	(iv) *Persons to whom notice is to be given*
			(iv) every person who is allowed to have contact with the child by virtue of an order under Article 53.
Article 50, 53(2), 53(3) 53(4), 53(9) or 57(8)(*b*)	3 days	As for "all applications" above, and: in the case of an application under Article 53, the person whose contact with the child is the subject of the application.	As for "all applications" above, and: in the case of an application under Article 50— (i) every person whom the applicant believes to be a party to pending relevant proceedings in respect of the same child, and (ii) every person whom the applicant believes to be a parent without parental responsibility for the child.
Article 62(12)	2 days	As for "all applications" above.	Those of the persons referred to in Article 62(11)(*a*) to (*e*) who were not party to the application for the order which it is sought to have varied or discharged.
Article 44, 63(1), 63(9)(*b*), 64(3), 64(7), 67(9), 69(1), 178(1)	1 day	As for "all applications" above, and: in the case of an application under Article 63(9)(*b*)— (i) the parties to the application for the order in respect of which it is sought to vary the directions; (ii) any person who was caring for the child	Except for applications under Article 178(1), as for "all applications" above, and: in the case of an application under Article 63(1), every person whom the applicant believes to be a parent of the child; in the case of an application under Article 63(9)(*b*)—

(i) *Provision under which proceedings brought*	(ii) *Minimum number of days prior to hearing or directions appointment for service under rule 4.5(1)(b)*	(iii) *Respondents*	(iv) *Persons to whom notice is to be given*
		prior to the making of the order, and (iii) any person whose contact with the child is affected by the direction which it is sought to have varied;	(i) the authority in whose area the child is living, and (ii) any person whom the applicant believes to be affected by the direction which it is sought to have varied;
		in the case of an application under Article 69, the person whom the applicant alleges to have effected or to have been or to be responsible for the taking or keeping of the child	in the case of an application under Article 178(1), the person referred to in Article 178(1) and any person preventing or likely to prevent such a person from exercising powers under enactments mentioned in paragraph (6) of that Article.

[(a) APPENDIX 4

PART I

MATTERS TO BE COVERED IN REPORTS SUPPLIED UNDER RULES 4A.3(4), 4A.4(7), 4A.22(1) OR 4A.22(2)

So far as is practicable, the report supplied by the adoption agency or, in the case of a report supplied under rule 4A.20(2), the Board shall include all the following particulars: –

1. *The Child*

(*a*) Name, sex, date and place of birth and address;

(*b*) whether the child's parents were married to each other at the time of his birth and, if not, whether he was subsequently legitimated;

(*c*) nationality;

(*d*) physical description;

(*e*) personality and social development;

(*f*) religion, including details of baptism, confirmation or equivalent ceremonies;

(*g*) details of any wardship proceedings and of any court orders relating to parental responsibility for the child or to maintenance and residence.

(*h*) details of any brothers and sisters, including dates of birth, arrangements concerning with whom they are to live and whether any brother or sister is the subject of a parallel application.

(*i*) extent of contact with members of the child's natural family and, if the child's parents were not married to each other at the time of his birth, his father, and in each case the nature of the relationship enjoyed;

(*j*) if the child has been in the care of a Board or voluntary organisation, or is in such care, or is being or has been looked after by such an authority or organisation, details (including dates) of any placements with foster parents, or other arrangements in respect of the care of the child, including particulars of the persons with whom the child has had his home and observations on the care provided;

(*k*) date and circumstances of placement with prospective adopter and, where a Convention adoption is proposed, details of the arrangements which were made for the transfer of the child to the UK and that they are in accordance with regulation 10(8) of the Hague Convention Regulations;

(*l*) names, addresses and types of schools attended, with dates, and educational attainments;

(*m*)any special needs in relation to the child's health (whether physical or mental) and his emotional and behavioural development and whether he is subject to a statement under the Education and Libraries (Northern Ireland) Order 1986(b);

(*n*) what, if any, rights to or interest in property or any claim to damages, under the Fatal Accidents (Northern Ireland) Order 1977(c) or otherwise, the child stands to retain or lose if adopted;

(*o*) wishes and feelings in relation to adoption and the application, including any wishes in respect of religious and cultural upbringing; and

(*p*) any other relevant information which might assist the court.

(a) New Appendix 4 inserted by S.R. 2003 No. 75 with effect from 1.6.03
(b) S.I. 1986/594 (N.I. 3)
(c) S.I. 1977/1251

2. *Each Natural parent*

(*a*) Name, date and place of birth and address;

(*b*) marital status and date and place of marriage (if any);

(*c*) past and present relationship (if any) with the other natural parent, including comments on its stability;

(*d*) physical description;

(*e*) personality;

(*f*) religion;

(*g*) educational attainments;

(*h*) past and present occupations and interests;

(*i*) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages or ages at death;

(*j*) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing;

(*k*) reasons why any of the above information is unavailable; and

(*l*) any other relevant information which might assist the court.

3. *Guardian(s)*

Give the details required under paragraph 2(*a*), (*f*), (*j*) and (*l*).

4. *Prospective Adopter(s)*

(*a*) name, date and place of birth and address;

(*b*) domicile;

(*c*) relationship (if any) to the child;

(*d*) marital status, date and place of marriage (if any) and comments on stability of relationship;

(*e*) details of any previous marriage;

(*f*) if a parent and step-parent are applying, the reasons why they prefer adoption to a residence order;

(*g*) if a natural parent is applying alone, the reasons for the exclusion of the other parent;

(*h*) if a married person is applying alone, the reasons for this;

(*i*) physical description;

(*j*) personality;

(*k*) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;

(*l*) educational attainments;

(*m*) past and present occupations and interests;

(*n*) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);

(*o*) details of income and comments on the living standards of the household;

(*p*) details of other members of the household (including any children of the prospective adopter even if not resident in the household);

(*q*) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;

(*r*) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the Board considers appropriate;

(*s*) previous experience of caring for children as step-parent, foster parent, child-minder or prospective adopter and assessment of ability in this respect, together, where appropriate, with assessment of ability in bringing up the prospective adopter's own children;

(*t*) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;

(*u*) any hopes and expectations for the child's future;

(*v*) assessment of ability to bring up the child throughout his childhood;

(*w*) details of any adoption allowance payable;

(*x*) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and

(*y*) any other relevant information which might assist the court.

5. *Actions of the adoption agency or Board supplying the report*

(*a*) Reports under rules 4A.3(4), 4A.4(7), or 4A.22(1): –

(i) brief account of the agency's actions in the case, with particulars and dates of all written information and notices given to the child, his natural parents and the prospective adopter;

(ii) details of alternatives to adoption considered;

(iii) reasons for considering that adoption would be in the child's best interest (with date of relevant decision); and

(iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and that he would be suitable for this child (with dates of relevant decisions) or, if the child has not yet been placed for adoption, reasons for considering that he is likely to be so placed; or

(*b*) Reports under rule 4A.22(2): –

(i) confirmation that notice was given under Article 22 with the date of that notice;

(ii) brief account of the Board's actions in the case; and

(iii) account of investigations whether child was placed in contravention of Article 11.

6. *Generally*

(*a*) Whether any respondent appears to be under the age of majority or under a mental disability; and

(*b*) whether, in the opinion of the body supplying the report, any other person should be made a respondent (for example, a person claiming to be the father of a child whose parents were not married to each other at the time of his birth, a spouse or ex-spouse of a natural parent, a relative of a deceased parent, or a person with parental responsibility).

7. Further information to be provided in proceedings relating to a Convention adoption/foreign adoption–

(*a*) where the UK is the State of origin confirmation that an order has been made under section 18(1) of the Adoption Act 1976(**a**), section 18 of the Adoption (Scotland) Act 1978(**b**) or Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987(**c**);

(a) 1976 c. 36
(b) 1978 c. 28
(c) S.I. 1987/2203 (N.I. 22)

(*b*) where the UK is the State of origin confirmation that, after possibilities for placement of the child within the UK have been given due consideration, an intercountry adoption is in the child's best interests;

(*c*) confirmation that the requirements of regulations made under Article 10(1) or 58ZA of the Adoption (Northern Ireland) Order 1987 have been complied with and, in the case of a Convention adoption, that the requirements of the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(**a**) have been complied with;

(*d*) for a Convention adoption where the United Kingdom is either the State of origin or the receiving State confirmation that the Central Authorities of both States have agreed that the adoption may proceed. The documents supplied by the CA of the State of origin should be attached to the report together with a translation, if necessary.

8. *Conclusions*

(This part of the report should contain more than a simple synopsis of the information above. As far as possible, the court should be given a fuller picture of the child, his natural parents and, where appropriate, the prospective adopter) –

(*a*) except where the applicant or one of them is a parent of the child, a summary by the medical adviser to the body supplying the report, of the health, history and state of health of the child, his natural parents and, if appropriate, the prospective adopter, with comments on the implications for the order sought and on how any special health needs of the child might be met;

(*b*) opinion on whether making the order sought would be in the child's best long-term interests, and on how any special emotional, behavioural and educational needs of the child might be met;

(*c*) opinion on the effect of the child's natural parents of making the order sought;

(*d*) if the child has been placed for adoption, opinion on the likelihood of full integration of the child into the household, family and community of the prospective adopter, and on whether the proposed adoption would be in the best long-term interests of the prospective adopter;

(*e*) opinion, if appropriate, on the relative merits of adoption and custody; and

(*f*) final conclusions and recommendations whether the order sought should be made (and, if not, alternative proposals).

PART II

REPORTS ON THE HEALTH OF THE CHILD AND OF THE PROSPECTIVE ADOPTER(S)

Rule 4A.15(5)(b)

This information is required for reports on the health of a child and of his prospective adopter(s). Its purpose is to build up a full picture of their health history and current state of health, including strengths and weaknesses. This will enable the Board's medical adviser to base his advice to the court on the fullest possible information, when commenting on the health implications of the proposed adoption. The reports made by the examining doctor should cover, as far as practicable, the following matters.

(a) S.R. 2003 No. 16

1. *The Child*

Name, date of birth, sex, weight and height.

A A health history of each natural parent, so far as is possible, including: –

(i) name, date of birth, sex, weight and height;

(ii) a family health history, covering the parents, the brothers and sisters and the other children of the natural parent, with details of any serious physical or mental illness and inherited and congenital disease;

(iii) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and, in each case, any treatment given;

(iv) a full obstetric history of the mother, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after pregnancy;

(v) details of any present illness, including treatment and prognosis;

(vi) any other relevant information which might assist the medical adviser; and

(vii) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B A neo-natal report on the child, including –

(i) details of the birth, and any complications;

(ii) results of a physical examination and screening tests;

(iii) details of any treatment given;

(iv) details of any problem in management and feeding;

(v) any other relevant information which might assist the medical adviser; and

(vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

C A full health history and examination of the child, including: –

(i) details of any serious illness, disability, accident, hospital admission or attendance at an out-patient department, and, in each case, any treatment given;

(ii) details and dates of immunisations;

(iii) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;

(iv) for a child over five years of age, the school health history (if available);

(v) any other relevant information which might assist the medical adviser; and

(vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

D The signature, name, address and qualifications of the medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

2. *The Applicant*

(If there is more than one applicant, a report on each applicant should be supplied covering all the matters listed below.)

A (i) name, date of birth, sex, weight and height;

(ii) a family health history, covering the parents, the brothers and sisters and the children of the applicant, with details of any serious physical or mental illness and inherited and congenital disease;

(iii) marital history, including (if applicable) reasons for inability to have children;

(iv) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;

(v) obstetric history (if applicable);

(vi) details of any present illness, including treatment and prognosis;

(vii) a full medical examination;

(viii) details of any daily consumption of alcohol, tobacco and habit-forming drugs;

(ix) any other relevant information which might assist the medical adviser; and

(x) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B The signature, name, address and qualifications of the medical practitioner who prepared the report, and the date of the report and of the examination carried out.

PART III

MODIFICATION TO FORM A9 FOR THE PURPOSES OF CONVENTION PROCEEDINGS

Rule 4B.2(2)(b)

PART IV

ADDITIONAL INFORMATION REQUIRED FOR A CONVENTION ADOPTION APPLICATION

26. Where the United Kingdom is the receiving State –

The Child

(i) to be adopted has not attained the age of 18 years at the date of the application; and

(ii) was habitually resident in which is a Convention country outside the British Islands on the date on which the agreement under Article 17(c) of the Convention was made.

The Applicants

(iii) both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and have been habitually resident in the British Islands for a period of not less than one year ending with the date of the application;

(iv) [both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) are British citizens by virtue of the British Nationality Act 1981(a)].

(a) 1981 c 61

[Whereas, (insert name of applicant(s)) is/are not a British citizen by virtue of section 1 of the British Nationality Act 1981, the Home Office has confirmed that the child is authorised to enter and reside permanently in the United Kingdom].

27. Where the United Kingdom is the State of origin –

The Child

(i) to be adopted has not attained the age of 18 years at the date of the application;

(ii) is free for adoption by virtue of an order made under section 18 of the Adoption Act 1976, section 18 of the Adoption (Scotland) Act 1978, or Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987; and

(iii) is habitually resident in which is part of the British Islands on the date of the application.

The Applicants

Both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and are habitually resident in which is a Convention country outside the British Islands on the date of the application.

Notes

Paragraph 26: The report on the child prepared by the CA of the State of origin should be exhibited. In sub-paragraph (iv) delete the words in square brackets which do not apply. Where one of the applicants is not a British citizen by virtue of the British Nationality Act 1981, notice of confirmation from the Home Office that the child is authorised to enter and reside permanently in the United Kingdom should be exhibited.]

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules which apply to proceedings in the High Court and county courts provide for applications

- under the Matrimonial Causes (Northern Ireland) Order 1978 and under Article 31 (declaration as to marital status), 41 (transfer of tenancy upon divorce) and Part IV (financial relief after overseas divorce) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, revoking and replacing the Matrimonial Causes Rules (Northern Ireland) 1981 [S.R. 1981 No. 184 as amended by S.R. 1989 No. 246 and S.R. 1993 No. 134]; and
- under the Children (Northern Ireland) Order 1995.