1993 No. 364

MAGISTRATES' COURTS

Magistrates' Courts (Domestic Proceedings) (Amendment No. 2) Rules (Northern Ireland) 1993

Made	*17th August 1993*
Coming into operation . .	*24th August 1993*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Domestic Proceedings) (Amendment No. 2) Rules (Northern Ireland) 1993 and shall come into operation on 24th August 1993.

Interim personal protection orders and interim exclusion orders

2. For Rule 13 of the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1980(**b**) there shall be substituted the following new rule—

"*Interim personal protection orders and interim exclusion orders*

13.—(1) Where the applicant makes a statement to a clerk of petty sessions, either orally or in writing, to the effect that there is imminent danger of physical injury to the applicant or a child of the family, the clerk of petty sessions shall take such steps as may be necessary to ensure that the court or resident magistrate considers as soon as is practicable whether or not to exercise the powers conferred by Article 21(2) to make an interim personal protection order or an interim exclusion order.

(2) For the purposes of this rule "applicant" means a person who has made an application by way of complaint under Rule 12 or a person who intends to make such an application.".

Dated 17th August 1993 *Mackay of Clashfern,* C.

(a) S.I. 1981/1675 (N.I. 26)
(b) S.R. 1980 No. 371 as amended by S.R. 1989 No. 303 and S.R. 1993 No. 138

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1980 to substitute a new Rule 13 to take account of the coming into operation of the amendment made to Article 21(2) of the Domestic Proceedings (Northern Ireland) Order 1980 [S.I. 1980/563 (N.I. 5)] by Article 14(2) of the Family Law (Northern Ireland) Order 1993 [S.I. 1993/1576 (N.I. 6)].

The new Rule 13 provides that where an applicant makes a statement to a clerk of petty sessions that the applicant or a child of the family is in imminent danger of physical injury, the clerk of petty sessions shall take steps to ensure that the court or resident magistrate considers as soon as is practicable whether or not to make an interim personal protection order or interim exclusion order.