

SCHEDULES

SCHEDULE 7

Article 164(5).

JURISDICTION

Commencement of proceedings

1.—(1) The Lord Chancellor may by order specify proceedings under this Order which may only be commenced in—

- (a) a specified level of court;
- (b) a court which falls within a specified class of court; or
- (c) a particular court determined in accordance with, or specified in, the order.

(2) The Lord Chancellor may by order specify circumstances in which specified proceedings under this Order (which might otherwise be commenced elsewhere) may only be commenced in—

- (a) a specified level of court;
- (b) a court which falls within a specified class of court; or
- (c) a particular court determined in accordance with, or specified in, the order.

(3) Sub-paragraphs (1) and (2) shall also apply in relation to proceedings—

- (a) under Article 28 of the Child Support (Northern Ireland) Order 1991⁽¹⁾ (reference to court for declaration of parentage); or
- (b) which are to be dealt with in accordance with an order made under Article 42 of that Order (jurisdiction of courts in certain proceedings under that Order).

(4) The Lord Chancellor may by order make provision by virtue of which, where specified proceedings with respect to a child under—

- (a) this Order;
- (b) Article 22 (appeals) or 28 (reference to court for declaration of parentage) of the Child Support (Northern Ireland) Order 1991; or
- (c) the High Court's inherent jurisdiction with respect to children,

have been commenced in or transferred to any court (whether or not by virtue of an order under this Schedule), any other specified family proceedings which may affect, or are otherwise connected with, the child may, in specified circumstances, only be commenced in that court.

(5) A class of court specified in an order under this Schedule may be described by reference to a description of proceedings and may include different levels of court.

Transfer of proceedings

2.—(1) The Lord Chancellor may by order provide that in specified circumstances the whole, or any specified part of, specified proceedings to which this paragraph applies shall be transferred to—

(1) 1991 NI 23

Status: This is the original version (as it was originally made).

- (a) a specified level of court;
 - (b) a court which falls within a specified class of court; or
 - (c) a particular court determined in accordance with, or specified in, the order.
- (2) Any order under this paragraph may provide for the transfer to be made at any stage, or specified stage, of the proceedings and whether or not the proceedings, or any part of them, have already been transferred.
- (3) The proceedings to which this paragraph applies are—
- (a) any proceedings under this Order;
 - (b) any proceedings under Article 22 (appeals) or 28 (reference to court for declaration of parentage) of the Child Support (Northern Ireland) Order 1991;
 - (c) any other proceedings which—
 - (i) are family proceedings for the purposes of this Order, other than proceedings under the inherent jurisdiction of the High Court; and
 - (ii) may affect, or are otherwise connected with, the child concerned.
- (4) Proceedings to which this paragraph applies by virtue of sub-paragraph (3)(c) may only be transferred in accordance with the provisions of an order made under this paragraph for the purpose of consolidating them with proceedings under—
- (a) this Order; or
 - (b) the High Court’s inherent jurisdiction with respect to children.
- (5) An order under this paragraph may make such provision as the Lord Chancellor thinks appropriate for excluding proceedings to which this paragraph applies from the operation of any statutory provision which would otherwise govern the transfer of those proceedings, or any part of them.

Emergency protection orders

3. In such circumstances as the Lord Chancellor may by order specify, the jurisdiction of a court of summary jurisdiction to make an emergency protection order may be exercised by a resident magistrate or a member of a juvenile court panel.

General

- 4.—**(1) For the purposes of this Schedule—
- (a) the commencement of proceedings under this Order includes the making of any application under this Order in the course of proceedings (whether or not those proceedings are proceedings under this Order); and
 - (b) there are three levels of court, that is to say the High Court, a county court and a court of summary jurisdiction.
- (2) In this Schedule “specified” means specified by an order made under this Schedule.
- (3) Any order under paragraph 1 may make provision as to the effect of commencing proceedings in contravention of any of the provisions of the order.
- (4) The Lord Chancellor may by order specify county courts for the purposes of Article 166(4).
- (5) An order under paragraph 2 may make provision as to the effect of a failure to comply with any of the provisions of the order.
- (6) An order under this Schedule may—

- (a) make such consequential, incidental or transitional provision as the Lord Chancellor considers expedient, including provision amending any other statutory provision so far as it concerns the jurisdiction of any court or person exercising the powers of a court under any statutory provision;
 - (b) make provision for treating proceedings which are—
 - (i) in part proceedings of a kind mentioned in head (a) of paragraph 2(3); and
 - (ii) in part proceedings of a kind mentioned in head (b) of paragraph 2(3),as consisting entirely of proceedings of one or other of those kinds, for the purposes of the application of any order made under paragraph 2.
- (7) Except to the extent that the Lord Chancellor by order otherwise provides, the jurisdiction of any specified county court under this Order shall be exercisable throughout Northern Ireland (and accordingly Article 3(3)(b) of the County Courts (Northern Ireland) Order 1980⁽²⁾ (jurisdiction exercisable throughout county court division) shall not apply).

(2) 1980 NI 3