

1995 No. 48

COUNTY COURTS

County Court (Amendment) Rules
(Northern Ireland) 1995

Made 22nd February 1995

Coming into operation 20th March 1995

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following rules:—

Citation and interpretation

1.—(1) These rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1995.

(2) In these rules a reference to an Order, Appendix or Form is a reference to that Order, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(b).

Family proceedings

2. Order 51 shall be amended as follows—

(a) in rule 1(b) in the definition of “the High Court” at the end there shall be added the words “and the High Court of Justice of the Isle of Man”;

(b) in rule 6—

(i) in the definition of “the appropriate court” at the end there shall be added the words “and in relation to a specified dependent territory, the corresponding court in that territory;”;

(ii) after the definition of “the appropriate court” there shall be inserted the following definition—

“ “the appropriate officer” means: in relation to the High Court in England and Wales, the Secretary of the Principal Registry of the Family Division; in relation to the Court of Session, the Deputy Principal Clerk of Session; and in relation to the appropriate court in a specified dependent territory, the corresponding officer of that court;

(a) S.I. 1980/397 (N.I. 3)

(b) S.R. 1981 No. 225; the relevant amending instruments are S.R. 1986 No. 218; S.R. 1988 No. 100; S.R. 1988 No. 112; S.R. 1989 No. 306; S.R. 1989 No. 480

- (iii) the definitions of “the Secretary of the Principal Registry” and “the Deputy Principal Clerk” shall be deleted;
- (iv) after the definition of “registration” there shall be added the following definition—
 - “ “specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991(a)”.
- (c) in rule 7—
 - (i) in sub-paragraph (1)(d) for the words “or in both jurisdictions” there shall be substituted the words “or a specified dependent territory or (stating which) in more than one of these”;
 - (ii) in sub-paragraph (2)(a) for the words “the Secretary to the Principal Registry or to the Deputy Principal Clerk as the case may be”, there shall be substituted the words “the appropriate officer”;
- (d) in sub-paragraph (1)(a) of rule 9 for the words “the Secretary of the Principal Registry or to the Deputy Principal Clerk or to both, as the case may be,” there shall be substituted the words “the appropriate officer”.

Access to Health Records (Northern Ireland) Order 1993(b)

3.—(1) Order 52 shall be amended by adding after Part IV the following new Part V:—

“PART V

ACCESS TO HEALTH RECORDS (NORTHERN IRELAND) ORDER 1993

Interpretation

14. In this Part:

“the Order” means the Access to Health Records (Northern Ireland) Order 1993;

“the Regulations” means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994(c);

“the holder of the health record” has the same meaning as in the Order;

“Health professional” has the same meaning as in the Order;

“complaint” means a complaint made in accordance with the Regulations;

(a) S.I. 1991/1723 as amended by S.I. 1994/2800

(b) S.I. 1993/1250 (N.I. 4)

(c) S.R. 1994 No. 158

“date of the complaint” has the same meaning as in the Regulations; “the report” means a report made in accordance with the Regulations in response to a complaint.”

Application under Article 10 of the Order

15.—(1) An application under Article 10 of the Order may be made by notice of application in Form 396 and may be brought:—

- (a) where the holder of the health record is a general practitioner or a health professional, in the county court division in which he practises; or
- (b) in any other case, in the county court division in which the principal office of the holder of the health record is situated.

(2) An application under the said Article 10 may be brought:

- (a) where the applicant has received a report in accordance with regulation 5 of the Regulations, within one year of the date of the report;
- (b) where the applicant has not received such a report, within 18 months of the date of the complaint.

(3) An affidavit shall be lodged in support of the notice of application setting out the steps taken in accordance with the Regulations to secure compliance with any requirement of the Order, and there shall be exhibited to the affidavit:

- (a) a copy of the application under Article 5 or Article 8 of the Order as appropriate;
- (b) a copy of the complaint made in accordance with the Regulations;
- (c) a copy of any report given by the holder of the health record if applicable.

(4) A copy of the said affidavit shall be served on the defendant with the notice of application.”

Parental orders under section 30 of the Human Fertilisation and Embryology Act 1990(a)

4. The new Order set out in Schedule 1 shall be inserted after Order 50.

Forms

5. Appendix 1 shall be amended by adding after Form 388 the new Forms set out in Schedule 2.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

Robert W. Porter
Raymond Kerr
P. Kelly
Brian J. Stewart
Barry Valentine

Dated 18th January 1995

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 20th March 1995.

Dated 22nd February 1995

Mackay of Clashfern, C.

**Rules to be inserted as Order 50A in the
County Court Rules (Northern Ireland) 1981****ORDER 50A****Parental Orders under section 30 of the Human Fertilisation and Embryology
Act 1990***Interpretation*

1.—(1) In this Order, unless the context otherwise requires—

“the 1990 Act” means the Human Fertilisation and Embryology Act 1990(a) and expressions which are defined in the 1990 Act have the same meaning as in that Act;

“the 1987 Order” means the Adoption (Northern Ireland) Order 1987(b) as applied with modifications by the Parental Orders Regulations and expressions which are defined in the 1987 Order have the same meaning as in that Order;

“the Parental Orders Regulations” means the Parental Orders (Human Fertilisation and Embryology) Regulations 1994(c);

“chief clerk” means the chief clerk for the county court division in which the application is being made;

“the birth father” means the father of the child, including a person who is treated as being the father of the child by section 28 of the 1990 Act, where he is not the husband within the meaning of section 30 of the 1990 Act;

“the birth mother” means the woman who carried the child;

“the birth parents” means the birth mother and the birth father;

“the husband and wife” means the persons who may apply for a parental order where the conditions set out in section 30(1) of the 1990 Act are met;

(2) The notes appended to Forms 389 to 395 do not form any part thereof and are so appended only for the purpose of assisting in their proper completion.

Commencement of proceedings

2.—(1) An application for a parental order shall be commenced by petition in Form 389.

(2) The petitioners shall be the husband and wife and the respondents shall be the birth parents (except where the petitioners seek to dispense with their consent) and any other persons or body in whom the parental rights and duties relating to the child are vested at the time of the application.

(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 petition the petitioners shall pay the appropriate fee and supply three copies of the petition together with any other documents required to be supplied.

(a) 1990 c. 37

(b) S.I. 1987/2203 (N.I. 22)

(b) S.I. 1994/2767

Appointment of guardian ad litem

3.—(1) As soon as practicable after the petition has been filed the chief clerk shall appoint a guardian ad litem of the child and shall send to him a copy of the petition together with any documents attached thereto.

(2) The guardian ad litem shall be an officer of a Board or of an HSS trust or a person employed by such other organisation as the Department may approve.

Duties of guardian ad litem

4.—(1) With a view to safeguarding the interests of the child before the court the guardian ad litem shall—

(a) investigate so far as is reasonably practicable the matters set out in section 30(1) to (7) of the 1990 Act; and

(b) so far as he considers necessary, investigate any matter contained in the petition or other matter which appears relevant to the making of a parental order.

(2) On completing his investigations the guardian ad litem shall 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 petitioners that he has done so.

(3) The guardian ad litem shall also perform, at any time before the final determination of the application, such other duties as appear to him to be necessary or as the court may direct.

(4) 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 chief clerk shall notify the petitioners.

(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

5.—(1) Any document signifying the agreement of the birth parents to the making of a parental order shall be in Form 390 and shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

(2) If the document is executed before the commencement of proceedings, it shall be filed with the petition.

(3) If the document is executed outside Northern Ireland it shall be witnessed by one of the persons specified in rule 6(2), (3) or (4) of Order 50.

Notice of hearing

6.—(1) As soon as practicable after being notified by the guardian ad litem that he has made his report to the court, the petitioners shall apply to the chief clerk to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the chief clerk shall fix a date and time for the hearing and shall take account of any directions given under paragraph (5).

(3) The chief clerk shall inform the petitioners and the guardian ad litem of the date and time fixed for hearing and the petitioners shall serve notice of the hearing in Form 391 on all the parties and any Board, HSS trust or voluntary organisation which has at any time provided accommodation for the child.

(4) If the petitioners have no solicitor acting for them the notice in Form 391 shall be signed by the chief clerk.

(5) Anyone wishing to object to the making of a parental order, shall within 14 days of the date of service on him of the notice of hearing give the chief clerk written notice of his intention to object in Form 392.

(6) 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

7.—(1) Where the chief clerk receives notice of objection under rule 6(5) he shall notify the Judge, the petitioners (or their solicitor) and the guardian ad litem, and the Judge shall direct what steps are to be taken.

(2) The Judge may direct that the person who served notice of objection shall appear before him in his chambers on a date fixed by him and upon hearing the nature of or grounds for objection made by him or his legal representative on his behalf make such direction or order as appears just.

The hearing

8.—(1) On the hearing of the petition, any person upon whom notice is required to be served under rule 6 may attend and be heard on the question whether a parental order should be made.

(2) Any member or employee of a party which is an organisation or authority may address the court if he is duly authorised in that behalf.

(3) The court shall not make a parental order except after the personal attendance before it of the petitioners.

(4) 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 any other person necessary or desirable, the court may direct that that person shall attend.

Proof of identity of child, etc.

9. Where the child who is the subject of the application is identified in the petition 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.

Notices and copies of orders etc.

10.—(1) A parental order shall be made in Form 393.

(2) Within 14 days of the making of the parental order the chief clerk shall forward to the Registrar General a sealed copy thereof by registered post or by the recorded delivery service in an envelope marked "Confidential".

(3) Where a parental order is made or refused the chief clerk shall serve notice to that effect on every respondent.

(4) A copy of a parental order may be supplied to the petitioners.

(5) A copy of a parental order may be supplied to any other person with the leave of the court.

Application, in respect of removal of, or for return of, child

11.—(1) An application under Article 28(1) or 30(1) or (2) of the 1987 Order shall be made by sending notice of application in Form 394 to the chief clerk.

(2) Subject to paragraph (4), the chief clerk shall serve a copy of the notice of application, together with a notice of the date of hearing on all the parties to the proceedings in respect of the relevant parental order, on any guardian ad litem appointed at the date of the application and on any other person or body, not being the child, as the court thinks fit.

(3) 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 chief clerk.

(4) The chief clerk shall serve a copy of the written notice of objection on each person served with a copy of the application.

(5) The court may at any time give directions, as to the appointment of a guardian ad litem of the child or, as to the conduct of the application under this rule.

(6) Where an application under this rule is determined the chief clerk shall serve notice in Form 395 of the effect of the determination on all the parties.

Application for amendment of orders and revocations of directions

12.—(1) An application:

- (a) under Article 52 of the 1987 Order for the amendment of a parental order or for the revocation of a direction for the marking of an entry in the Register of Births or the Parental Order Register, to the Registrar General; or
- (b) under Rule 10(5) for the supply of a copy of, or information relating to, a parental order; or
- (c) under Article 50(3) of the 1987 Order for an order for the furnishing of information contained in the books kept by the Registrar General under Article 50(1)(c);

may be made *ex parte* in the first instance, but the judge may require notice of the application to be served on such persons as he may direct.

(2) Where an application referred to in paragraph (1)(a) is granted, the chief clerk shall send to the Registrar General a notice specifying the date of the parental order and the names of the petitioners and of the child as given in the parental order and either stating the amendments to the parental order made by the court or informing him of the revocation of the direction, as the case may be.

(3) Where an application referred to in paragraph (1)(c) is granted, the chief clerk shall send a copy of the order of the court to the Registrar General.

(4) Such notice or order shall be contained in an envelope marked “Confidential” and sent by registered post or the recorded delivery service.

Service and filing of documents

13.—(1) Any document or copy thereof required to be served or sent under the 1987 Order or under this Order may be served personally on the person to be served or sent by registered post or by the recorded delivery service in an envelope addressed to the person to be served at his place of residence or, in the case of service on a Board, HSS Trust or other body, addressed to it at its official address or by delivering it personally to the secretary, clerk or other responsible officer of the authority or body at its office.

(2) Proof of service of documents under the 1987 Order as applied with modifications by the Parental Orders Regulations or under this Order shall be by affidavit.

(3) Where a document is served by post in accordance with this rule—

- (a) the envelope in which it is enclosed shall be marked “Confidential”; and

(b) the receipt for its posting shall be attached to the copy thereof referred to in the affidavit of posting.

(4) A petition submitted to the chief clerk, and any notice, affidavit, or other document or copy thereof required to be filed with the chief clerk under this Order shall be so submitted, or, as the case may be, filed either by delivery thereof to him personally or to some responsible person at this office or by sending the document by registered post or by the recorded delivery service in an envelope addressed to him at that office.

(5) Notwithstanding anything in Order 6, any notice, petition or other document referred to in this rule may be served by a process server, a solicitor or member of the staff of that solicitor's office over sixteen years of age.

Costs

14. On the determination of proceedings to which this Order applies the Judge may make such an order as to the costs as he thinks just and, in particular, may order the petitioners to pay—

(a) the expenses incurred by the guardian ad litem;

(b) the expenses incurred by any respondent attending the hearing or such part of those expenses as the judge thinks proper.

Custody, inspection and disclosure of documents and information

15.—(1) All documents relating to proceedings for a parental order 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 a guardian ad litem may inspect, for the purpose of the hearing, that part of any such report which refers to him, subject to any directions given by the court that—

(a) no part of the report shall be revealed to that party; or

(b) the part of the report referring to that party shall be revealed only to that party's legal advisers; or

(c) the whole or any other part of the report shall be revealed to that party.

(3) Any person who obtains any information in the course of, or relating to, proceedings for a parental order 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 (whether in Northern Ireland or not) having power to determine proceedings for a parental order and related matters, for the purpose of the discharge of its duties in that behalf; or

(ii) 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 this Order or with the leave of the court, no document or order held by or lodged with the court in relation to proceedings for a parental order 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.

Both Petitioners

Your address is
.....

Part 3 — Particulars of birth parents

The birth mother

- (a) Her full name is
- (b) Her full address is

The birth father (if applicable)

- (c) His full name is
- (d) His full address is

Part 4 — Parental agreement

- (a) Does the **birth mother** agree to a Parental Order being made? Yes No. *(please tick)*
- (b) Does the **birth father** (if applicable) agree to a Parental Order being made? Yes No. *(please tick)*

*** The agreement of the birth mother and birth father (where appropriate) is required, or must be dispensed with on one of the grounds in paragraph (d) below, before an order can be made.**

*** The child must be at least 6 weeks old when the agreement is given.**

- (c) Will you be asking the court to dispense with the agreement of (the) (a) birth parent(s)? Yes No. *(please tick)*
If yes give name(s) of birth parent(s) whose agreement you wish to dispense with
- (d) The grounds for dispensing with agreement are:
 - (i) the person(s) cannot be found
 - (ii) the person(s) are incapable of giving agreement *(please tick as appropriate)*

Part 5 — General Information

- (a) Has the child ever been looked after by any Board, HSS trust or voluntary organisation? Yes No. *(please tick)*
If yes
 - (i) Give the period during which this organisation has looked after the child
.....
 - (ii) Give details of the organisation
Name
 - Address

(b) Have there been, or are there, any other court proceedings pending or in progress which concern this child?

Yes No. (please tick)

If yes, give details of the proceedings

Name of court

Case number of proceedings (if known)

(c) Have there been, or are there, any court proceedings pending or in progress which concern any other children of the applicants' family? Yes No. (please tick)

If yes, give details of proceedings

Name of court

Case number of proceedings (if known)

(d) Did you attend a licensed treatment centre? Yes No. (please tick)

If yes, give details

.....
.....

Part 6 — Particulars of respondents

The respondent(s) will be:—

- (a) the birth parents (except where the petitioners seek to dispense with their consent)
- (b) and if relevant give details of other persons or body in whom the parental rights and duties relating to the child are vested at the time of the application

.....
.....

Part 7 — Declaration

We the petitioners declare that:—

- (a) we are married to each other and a copy of our marriage certificate is attached
- (b) the child's home is with us
- (c) we are/one of us is/domiciled in a part of the United Kingdom or in the Channel Islands or the Isle of Man
- (d) no money or benefit (other than for expenses reasonably incurred) has been received or given by us for or in consideration of the matters set out in section 30(7) of the Human Fertilisation and Embryology Act 1990
- (e) a copy of the child's birth certificate is attached, and

(f) the information which we have given in this form is correct and complete to the best of our knowledge.

Signed

Husband petitioner date

Wife petitioner date

Agreement to Parental Order

ORDER 50A: RULE 5

(Heading as in Form 389)

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
for a parental order in respect of _____ 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 6 weeks old:

We, the undersigned _____ of _____
being the birth parents of the child hereby state as follows:—

- (1) We understand that the effect of a parental order will be to deprive us permanently of the parental rights and duties relating to the child and to vest them in the petitioners; and in particular we understand that, if an order is made, we shall have no right to see or get in touch with the child or to have him/her returned to us.
- (2) We further understand that the court cannot make a parental order in respect of the child without the agreement of the birth mother and, where appropriate the birth father of the child unless the court dispenses with an agreement on the ground that the persons concerned or one of them cannot be found or is incapable of giving agreement.
- (3) We further understand that when the petition for a parental order is heard, this document may be used as evidence of our agreement to the making of the order unless we inform the court that we no longer agree.
- (4) We hereby freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in respect of the child in pursuance of the petition.
- (5) As far as we know, the only person(s) or body(ies) who has/have taken part in the arrangements in respect of the proposed parental order is/are _____
(*delete if inapplicable*)
- (6) We have not received or given any money or other benefit (other than for expenses reasonably incurred) for, or in consideration of—
 - (a) the making of the parental order,
 - (b) any agreement required,
 - (c) the handing over of the child to the petitioners, or
 - (d) the making of any arrangements with a view to the making of the parental order.

(*delete if inapplicable*)

as authorised by the court, we have received or given money or other benefit as follows (*delete if inapplicable*)

Signatures:

This form, duly completed, was signed by the said _____ and _____ before me at _____ on the _____ day of _____ 19 _____.

Signature:

Address:

Description:

Notes

Preamble Insert the name(s) of the petitioners

Insert the first name(s) and surnames of the child as known to the person giving agreement.

Paragraph 3 Notice will be given of the hearing of the petition and of the court by which it is to be heard. After the lodging of the petition a parent or guardian cannot remove the child from the actual custody of the person with whom the child has his home, except with the leave of the court.

Paragraph 5 Enter the name and address of any body or individual who took part in the arrangements in respect of the proposed parental order.

Witness of statement In Northern Ireland this 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, and in England and Wales by a Justice of the Peace. 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.

Notice of hearing of a petition for a Parental Order

ORDER 50A: RULE 6

(Heading as in Form 389)

To

of

WHEREAS a petition for a parental order in respect of _____ a child of the
sex born on the _____ day of _____ 19____, has been made by _____
and _____
(the petitioners' names)

AND WHEREAS _____ was appointed guardian ad litem of the child;

TAKE NOTICE:

1. That if you wish to appear and be heard on the question whether a parental order should be made, you should give notice to the Court on or before the _____ day of _____ 19____, in order that a time may be fixed for your appearance.
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 must not, except with the leave of the court, remove the child from the actual custody of the person with whom the child has his home.
4. That the Court has been requested to dispense with (your) (the birth parents') agreement to the making of an order on the ground(s) that _____ and a statement of the facts on which the petitioner intends to rely is attached.

If you wish to object to this application you must complete the attached form within 14 days and return it to the chief clerk.

Dated this _____ day of _____ 19____

Signed

Solicitor for the petitioners or chief clerk where
no Solicitor acting

Notes

Preamble Enter the name(s) and surname of the child as shown in the petition.

Paragraph 4 Unless deleted, this paragraph should contain the grounds specified in the petition.

A copy of Form 392 must be attached to each copy of this form which is sent to all the parties to the application.

A copy of this form must be sent to:—

- (a) the birth parents;
- (b) any persons or body in whom the parental rights and duties in relation to the child are vested at the time of the application;
- (c) any Board, HSS trust or voluntary organisation that has at any time provided accommodation for the child.

FORM 392

Response to Notice of Hearing

FORM 50A: RULE 6

(Heading as in Form 389)

To the Chief Clerk, County Court/Recorder's Court.

I received notice of the hearing of the application on the day of
19 .

I wish/do not wish to appear and be heard on the question whether an order should be made.

(Signature)

(Address)

(Date)

Parental Order

ORDER 50A: RULE 10

(Heading as in Form 389)

WHEREAS an application has been made by _____ and _____
for a parental order in respect of _____, a child of the
sex, the child of _____ (and _____);

AND THE COURT BEING SATISFIED THAT the conditions set out in section
30 of the Human Fertilisation and Embryology Act 1990 are met,

[IT IS ORDERED that the consent of _____ (and _____) be and the
same is hereby dispensed with;]

IT IS ORDERED that a parental order be made in respect of the child [and that the
parental rights and duties relating to the child (including the legal custody of the child)
be vested in the applicant(s)].

AND AS REGARDS COSTS, it is ordered that _____;

AND WHEREAS it has been proved to the satisfaction of the court that the child
was born on the _____ day of _____ 19____, (and is identical with _____ to
whom the entry numbered _____ made on the _____ day of _____ 19____, in the
Register of Births for the registration district of _____ in the county of _____
relates;

AND WHEREAS the name or names and surname stated in the petition as those
by which the child is to be known are _____;

IT IS DIRECTED that the Registrar General shall make in the Parental Order
Register an entry in accordance with Article 51 of, and Schedule 2 to, the Adoption
(Northern Ireland) Order 1987 recording the particulars set out in this Order;

AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of
Births be marked with the words 'Re-registered by the Registrar General pursuant to
Article 51(4) of the Adoption (Northern Ireland) Order 1987 as applied with
modifications by the Parental Orders (Human Fertilisation and Embryology)
Regulations 1994'.

Dated this _____ day of _____ 19____.

Application, in respect of removal of, or for return of, child

ORDER 50A: RULE 11

(Heading as in Form 389)

WHEREAS a petition for a parental order in respect of _____, a child of the
sex born on the _____ day of _____ 19____, has been made by
and _____ of _____

AND WHEREAS _____ has been appointed guardian ad litem of the
child;

TAKE NOTICE that we
(description) of _____, hereby make
application for _____

- (1) leave of the court under Article 28(1) of the Adoption (Northern Ireland) Order 1987, to remove the child from the actual custody of _____);
- (2) an order of the court directing _____, of _____, who removed the child from our actual custody in breach of Article 28 to return the child to us);
- (3) an order of the court directing _____, of _____, not to remove the child from our custody in breach of Article 28).

THE GROUNDS on which we rely in support of this application are

Signed

Dated

Notes

Paragraph 3 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.

Order in response to Notice/Application, in respect of removal of, or for return of, child

ORDER 50A: RULE 11

(Heading as in Form 389)

WHEREAS notice has been given by _____ of _____

AND WHEREAS a petition for a parental order in respect of _____, a child of the _____ sex, born on the _____ day of _____ 19 _____, has been made by _____ and _____ of _____;

AND WHEREAS _____ has been appointed guardian ad litem of the child;

AND THE COURT BEING SATISFIED that this order will be in the best interests of the child;

(IT IS ORDERED that _____ (and _____) of _____, the applicants, are hereby authorised under Article 28(1) of the Adoption (Northern Ireland) Order 1987 to remove _____, a child of the _____ sex, born on the _____ day of _____ 19 _____, from the actual custody of _____ of _____).

(IT IS ORDERED that _____ of _____ who removed _____, a child of the _____ sex, born on the _____ day of _____ 19 _____, from the actual custody of _____ (and _____) in breach of Article 28 of the 1987 Order, do return the said child immediately to the custody of the applicants).

(IT IS ORDERED that _____ of _____ who appears to intend to remove _____, a child of the _____ sex, born on the _____ day of _____ 19 _____, from the actual custody of _____ in breach of Article 28, must not remove the child from the custody of the applicants).

(IT IS ORDERED that the application be, and is hereby, dismissed.);

(AND AS REGARDS COSTS it is ordered that _____).

Dated this _____ day of _____ 19 _____.

Notice of application for an order under Article 10 of the Access to Health Records (Northern Ireland) Order 1993

ORDER 52. RULE 15

[Title as in Form 1]

YOU ARE REQUIRED to take notice that on the day of 19 , an application will be made to the above-mentioned County Court by the applicant that the respondent be ordered on or before the day of 19 [or days after the service of this notice on him] to [set out order required] and that the said may be ordered to pay the costs of this application. This application is grounded on the affidavit served herewith.

Dated this day of 19 .

Signed

To the Chief Clerk

EXPLANATORY NOTE

(This note is not part of the rules.)

These rules amend the County Court Rules (Northern Ireland) 1981

- to insert a new Order 50A and new Forms 389 to 396 to give effect to the arrangements by which a parental order may be obtained under section 30 of the Human Fertilisation and Embryology Act 1990;
- to amend Order 51 in consequence of the Family Law Act 1986 (Dependent Territories) Order 1991 [S.I. 1991/1723] and the Child Abduction and Custody Act 1985 (Isle of Man) Order 1994 [S.I. 1994/2799];
- to insert a new Part V into Order 52 to prescribe a procedure for applications under Article 10 of the Access to Health Records (Northern Ireland) Order 1993.