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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 88**

**FAMILY PROCEEDINGS  
SUPREME COURT  
COUNTY COURTS**

**The Family Proceedings (Amendment)  
Rules (Northern Ireland) 1999**

*Made - - - - 1st March 1999*

*To be laid before Parliament*

*Coming into operation 29th March 1999*

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(1) and Articles 34(11) and 39(6) of paragraph 13 of Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998(2), hereby with the concurrence of the Lord Chancellor, make the following Rules:—

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 1999 and shall come into operation on 29th March 1999.

(2) In these Rules, a rule referred to by number means the rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996(3) and a reference to Appendix 1 is a reference to Appendix 1 to those Rules.

2. In rule 1.3(1), after the definition of “the Order of 1995” there shall be inserted the following—

““the Order of 1998” means the Family Homes and Domestic Violence (Northern Ireland) Order 1998(4); and

“the Allocation Order of 1999” means the Family Homes and Domestic Violence (Allocation of Proceedings) Order (Northern Ireland) 1999(5);”.

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(1) S.I.1993/1576 (N.I. 6)  
(2) S.I. 1998/1071 (N.I. 6)  
(3) S.R. 1996 No. 322  
(4) S.I. 1998/1071 (N.I. 6)  
(5) S.R. 1999 No. 61

### **Revocation and saving**

3.—(1) Subject to paragraph (2), Order 115 of the Rules of the Supreme Court (Northern Ireland) 1980<sup>(6)</sup> and Part II of Order 29 of the County Court Rules (Northern Ireland) 1981<sup>(7)</sup> are hereby revoked.

(2) Nothing in these Rules shall affect any proceedings which are pending immediately before these rules come into operation and the rules in operation immediately before that day shall continue to apply to those proceedings.

### **Supplemental petition, pleadings and amendment of petition**

4. Rule 2.13(3) shall be amended as follows—

- (a) the words “and unless the court otherwise directs” shall be inserted after the words “Subject to paragraph 4”; and
- (b) in paragraph (b), the words “, unless the court otherwise directs,” shall be revoked.

### **Pensions**

5. For rule 2.73 there shall be substituted the following new rule—

#### **“Pensions**

**2.73.**—(1) Where an applicant for ancillary relief or the respondent to the application is obliged by rule 2.60 to give full particulars of his property and income, he shall also give full particulars of any benefits under a pension scheme which he has or is likely to have including the most recent valuation furnished by the trustees or managers of the pension scheme pursuant to—

- (a) regulation 5 of and Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997<sup>(8)</sup> and regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996<sup>(9)</sup>;
- (b) paragraph 2(2) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987<sup>(10)</sup>; or
- (c) regulation 4 (provision of valuations after petition).

(2) Where by virtue of rule 2.64(5) the Master has power to order discovery of any document he shall also have power to require either party to request a valuation under regulation 4 from the trustees or managers of any pension scheme under which that party has or is likely to have any benefits.

(3) A petitioner or respondent who has applied for ancillary relief, not including provision made by Article 27B or 27C of the Order of 1978, may at any time amend the application so as to include such provision by way of a notice or amended notice in Form M13 and rule 2.57 shall apply to any such notice.

(4) A petitioner or respondent who has applied for an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme shall, within 4 days after filing the notice in Form M13 or M15 as the

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<sup>(6)</sup> S.R. 1980 No. 346 to which the most recent relevant amendments were made by S.R. 1989 No. 287 and S.R. 1991 No. 232  
<sup>(7)</sup> S.R. 1981 No. 225 to which the most relevant amendment was made by S.R. 1989 No. 211  
<sup>(8)</sup> S.R. 1997 No. 98  
<sup>(9)</sup> S.R. 1996 No. 619  
<sup>(10)</sup> S.R. 1987 No. 288

case may be, serve on those trustees or managers a copy of that notice, together with the following—

- (a) an address to which any notice which the trustees or managers may be required to serve is to be sent;
- (b) an address to which any payment which the trustees or managers are required to make to the applicant is to be sent; and
- (c) where the address in sub-paragraph (b) 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.

(5) Trustees or managers of a pension scheme on whom a copy of such a notice is served may, within 14 days after service, require the applicant to provide them with a copy of the affidavit supporting his application.

(6) Trustees or managers of a pension scheme who receive a copy of an affidavit pursuant to paragraph (5) may within 14 days after receipt file an affidavit in answer.

(7) Trustees or managers of a pension scheme who file an affidavit pursuant to paragraph (6) may file therewith 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 petitioner, the respondent and the trustees or managers of the pension scheme; and
- (b) the trustees or managers of the pension scheme shall be entitled to be represented at any such hearing.

(8) Where the petitioner and the respondent have agreed on the terms of an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme, then unless service has already been effected under paragraph (4), they shall serve on the trustees or managers a draft of the consent order together with the particulars set out in sub-paragraphs (a), (b) and (c) of paragraph (4), and no such order shall be made unless either—

- (a) the trustees or managers have not made any objection within 14 days after the service on them of the draft order; or
- (b) the court has considered the objection made by the trustees or managers

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

(9) In deciding whether to make an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme, the court shall take into account any representations of the trustees or managers as to whether, in all the circumstances of the case, the court ought to make the order, and in particular whether the particulars supplied under paragraph (4) are sufficient to enable the trustees or managers to comply with their obligations under any such order.

(10) In this rule—

- (a) every reference to a regulation by number alone means the regulation so numbered in the Divorce etc (Pensions) Regulations (Northern Ireland) 1996<sup>(11)</sup>;
- (b) all words and phrases have the same meaning as in Article 27D of the Order of 1978.”.

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(11) S.R. 1996 No. 296 to which the most recent amendments were made by S.R. 1997 No. 275

## Family Homes and Domestic Violence (Northern Ireland) Order 1998(12)

6. For rule 3.9 there shall be substituted the following—

### “Transfer of certain tenancies on divorce etc or on separation of cohabittees

**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 other cohabitant or spouse 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.

(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) Rules 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.”.

7. After rule 3.14 there shall be inserted the following—

### “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
- (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(**13**), 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.”

**8.—**(1) For rule 4.25 there shall be substituted the following—

#### **“Notification of consent**

**4.25.—**(1) Consent for the purposes of—

- (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). ”.

**9.** In rule 5.1, after the words “Order of 1998” there shall be inserted the words “or Article 39(6) of the Order of 1998”.

**10.** After rule 5.2 there shall be inserted the following new rule—

**“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(14), 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.”.

#### **Next friends and Guardians ad Litem**

11. After rule 6.3(6) there shall be inserted the following new paragraph—

“(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.”.

#### **Service**

12. After rule 7.4(2) there shall be added the following new paragraph—

“(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.”.

#### **Forms**

13. In Appendix 1—

- (a) for Forms C8, C20 and C28 there shall be substituted the forms set out in Schedule 1;
- (b) the forms set out in Schedule 2 shall be inserted at the end of the Appendix 1.

*R. D. Carswell  
J. J. Shiel  
M. J. Higgins  
Patrick Markey  
Hilary Keegan  
F. Brian Hall  
M. McReynolds  
K. Finlay  
C. McKay  
Mary Connolly*

Dated 18th February 1999

I concur

Dated 1st March 1999

*Irvine of Lairg, C.*

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SCHEDULE 1

Rule 13(a)

FORM C8SUPPLEMENT 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 Divorce 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.

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**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.

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Signed	Date
(Applicant)	

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FORM C20IN THE MATTER OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995Article 63 Children (Northern Ireland) Order 1995



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*Notes about the Emergency Protection Order*

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<i>About this order</i>	<p>This is an Emergency Protection Order.</p> <p>This order states what has been authorised in respect of the child[ren] and when the order will end.</p> <p>The court can extend this order for up to 7 days but it can only do this once.</p>
<i>Warning</i>	<p><b>If you are shown this order, you must comply with it. If you do not, you may commit an offence. Read the order now.</b></p>
<i>What you may do</i>	<p>You may apply to the court</p> <p style="padding-left: 40px;"><b>to change the directions</b></p> <p>or</p> <p style="padding-left: 40px;"><b>to end the order.</b></p> <p>You may apply at any time, but the court will only hear an application to end an order <b>when 72 hours</b> have passed since the order was made.</p> <p>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.</p> <p>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.</p>
<i>What you should do</i>	<p>Go to a solicitor as soon as you can.</p> <p>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.</p> <p>A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.</p>

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[In the High Court of Justice in Northern Ireland]

[In the Divorce 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

SCHEDULE 2

Rule 13(b)

FORM F1 APPLICATION FOR TRANSFER OF TENANCY Family Homes and Domestic Violence (Northern Ireland) Order 1998

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[In the High Court of Justice in Northern Ireland]

[In the Divorce County Court for the Division of ]

[In the Family Care Centre at ]

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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.

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**About the Hearing**

You should attend when the court hears the application at:

on

at [a.m.] [p.m.]

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When you go to court please take this Notice of application with you and show it to a court official.

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FORM F2APPLICATION FOR A NON-MOLESTATION ORDER/AN OCCUPATION  
ORDERFamily Homes and Domestic Violence (Northern Ireland) Order 1998

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[In the High Court of Justice in Northern Ireland]

[In the Divorce County Court for the Division of \_\_\_\_\_ ]

[In the Family Care Centre at \_\_\_\_\_ ]

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*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.  Were married
  - 3.  Cohabiting
  - 4.  Were cohabiting
-

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5.  Both of you live or have lived in the same household
6.  Relative  
State how related:
7.  Agreed to marry.  
Give the date the agreement was made.  
If the agreement has ended, state when.
8.  Both of you are parents of or have parental responsibility for a child
9.  One of you is a parent of a child and the other has parental responsibility for that child
10.  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):
11.  Both of you are parties to the same family proceedings (see also Section 11 below).
-

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**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 who has matrimonial 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 with no existing right to occupy, where the respondent spouse 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 cohabitee or former cohabitee who is not entitled to occupy, where the respondent cohabitee or former cohabitee is also not entitled.

#### **Matrimonial Home Rights**

If you do have matrimonial 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:

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**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 other 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 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 all 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 give the respondent an opportunity to make representations about the order as soon as just and convenient at 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.*

*Cohabiters are a man and a woman who, although not married to each other, are living or have lived together as husband and wife. People who have cohabited, but have then married will not fall within this category, but will fall within the category of married people.*

*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.*

*(B) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by affinity) of the respondent or of the respondent's spouse or former spouse.*

*This includes, in relation to a person who is living or has lived with another person as husband and wife, any person who would fall within (A) or (B) if the parties were married to each other (for*

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#### Section 4 (continued)

*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.*

**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 and have matrimonial home rights - see the notes under 'Matrimonial 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 and has matrimonial 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, cohabitee or former cohabitee of the respondent, you will only be able to apply for an occupation order if you fall within this category.*

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## Section 6 (continued)

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 in order to deal with the application 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 and 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.

### Matrimonial Home Rights

Where one spouse 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 is not so entitled, the spouse who is not entitled has matrimonial home rights. These are a right, if the spouse is in occupation, not to be evicted or excluded from the dwelling house except with the leave of the court and, if the spouse is not in occupation, the right with the leave of the court to enter into and occupy the dwelling house.

Matrimonial home rights do not exist if the dwelling house has never been, and was never intended to be, the matrimonial home of the two spouses. If the marriage has come to an end, matrimonial home rights will also have ceased, unless a court order has been made during the marriage for the rights to continue after the end of the marriage.

**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 matrimonial 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 home rights in it
- provide that matrimonial home rights of the applicant are not brought to an end by the death of the other spouse or termination of the marriage
- 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

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Section 6 (continued)

- 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 13 or 14 of the Order of 1998 may:***
- *require the respondent to permit the applicant to enter 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*

### Section 6 (continued)

- *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*
  - *the length of time that has elapsed since the marriage was dissolved or annulled*
  - *the existence of any pending proceedings between you and the respondent:*
    - under Article 26 of the Marrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with divorce proceedings etc.)*
- *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*
  - *whether you and the respondent have had any children, or have both had 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.*

*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*
- *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*

### Section 7

Under Article 18 of the Order of 1998 the court may make the following additional orders when making an occupation order:

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- *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 to 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 F2. 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

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[In the High Court of Justice in Northern Ireland]

[In the Divorce County Court for the  
Division of ]

[In the Family Care Centre at ]

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### 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.
-

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Note 4	<b>To the respondent</b>	<p>the following information only applies if the applicant has applied for an occupation order</p> <p><b>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:</b></p> <ul style="list-style-type: none"><li>● the housing needs and resources of you, the applicant and any relevant child</li><li>● the financial resources of you and the applicant</li><li>● 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</li><li>● the conduct of you and the applicant in relation to each other and otherwise.</li></ul> <p><b>If the applicant has ticked box 2, the court will need any available evidence of:</b></p> <ul style="list-style-type: none"><li>● the housing needs and resources of you, the applicant and any relevant child</li><li>● the financial resources of you and the applicant</li><li>● 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</li><li>● the conduct of you and the applicant in relation to each other and otherwise</li><li>● the length of time that has elapsed since you and the applicant ceased to live together</li><li>● the length of time that has elapsed since the marriage was dissolved or annulled</li><li>● the existence of any pending proceedings between you and the applicant:<ul style="list-style-type: none"><li>under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with divorce proceedings etc)</li><li>or</li><li>under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents)</li><li>or</li><li>relating to the legal or beneficial ownership of the dwelling house.</li></ul></li></ul> <p><b>If the applicant has ticked box 3, the court will need any available evidence of:</b></p>
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- 
- 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
  - 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.

FORM F4STATEMENT OF SERVICE

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

[In the High Court of Justice in Northern Ireland]  
 [In the Divorce 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

FORM F5NOTICE TO MORTGAGEES AND LANDLORDSFAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

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\_\_\_\_\_  
[In the High Court of Justice in Northern Ireland]  
[In the Divorce 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 \_\_\_\_\_

FORM F6IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE  
(NORTHERN IRELAND) ORDER 1998



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[In the High Court of Justice in Northern Ireland]

[In the Divorce 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.**

FORM F8 **Application to vary, extend or discharge an order** IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

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-----  
[In the High Court of Justice in Northern Ireland]

[In the Divorce 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:

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**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 F9IN THE MATTER OF THE FAMILY HOMES AND DOMESTIC VIOLENCE  
(NORTHERN IRELAND) ORDER 1998

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\_\_\_\_\_  
[In the High Court of Justice in Northern Ireland]

[In the Divorce County Court for the Division of \_\_\_\_\_ ]

[In the Family Care Centre at \_\_\_\_\_ ]

Order                      Transfer of proceedings to [the High Court]  
                                 [the Divorce County Court for the Division of \_\_\_\_\_ ]  
                                 [the Family Care Centre at \_\_\_\_\_ ]  
                                 [the court of 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 \_\_\_\_\_

---

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 so as to—

- (a) relax the rules governing the amendment of petitions (rule 4);
- (b) update statutory references relating to pensions in rule 2.73 (rule 5);
- (c) provide for the making of applications under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 and for bringing appeals against orders made on such applications (rules 6, 7, 9, 10 and 13(b));
- (d) make provision in respect of the inclusion of an exclusion requirement in an interim care order or an emergency protection order under the Children (Northern Ireland) Order 1995 (rules 8 and 13(a));
- (e) enable the court to direct a next friend or guardian ad litem to take part in proceedings where the court is considering whether to allow a minor to proceed without such a person (rule 11);
- (f) enable the court to direct an alternative form of service where personal service is impracticable (rule 12).