

**EXPLANATORY MEMORANDUM TO**  
**THE FAMILY PROCEEDINGS (AMENDMENT No.2) RULES (NORTHERN**  
**IRELAND) 2011**

**S.R.2011 No. 243**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice (Northern Ireland Courts and Tribunals Service) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 12 of the Family Law (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The Family Proceedings Rules (Northern Ireland) 1996 ("the principal Rules") govern the practice and procedure in the Family Proceedings Court in Northern Ireland.
- 2.2. These Rules amend the principal Rules so as to prescribe the procedure to be followed in applications for pension compensation attachment and pension compensation sharing orders.
- 2.3. The Statutory Rule is made by the Family Proceedings Rules Committee and allowed by the Department of Justice.

**3. Background**

- 3.1. The context for this instrument is the commencement of provisions in the Pensions (No.2) Act (Northern Ireland) 2008 which enable the making of orders for attachment or sharing of pension compensation as between spouses or civil partners on divorce, dissolution, etc. Those provisions were commenced on 6th April 2011. These rules amend the principal Rules to provide the procedure for applying for a pension compensation sharing and pension compensation attachment order.

**4. Consultation**

- 4.1. Due to the representative nature of the Family Proceedings Rules Committee and the procedural technical nature of the Rules, no formal consultation was deemed necessary in respect of these Rules. The Rules provide the procedure for applications for pension compensation sharing and pension compensation attachment orders.

**5. Equality Impact**

- 5.1. This Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

## **6. Regulatory Impact**

- 6.1. This Statutory Rule does not require a Regulatory Impact Assessment as it does not impose any additional costs or savings on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. No financial implications.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. It is the view of the Northern Ireland Courts and Tribunals Service that this Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. There are no EU implications associated with this Statutory Rule.

## **10. Parity or Replicatory Measure**

- 10.1. In England and Wales the corresponding rules are contained in the Statutory Instrument the Family Procedure Rules 2010 (No. 2955) which came into force on 6th April 2011.

## **11. Additional Information**

- 11.1. Not applicable.