

SCHEDULES

SCHEDULE 1

PROTECTION AGAINST FORCED MARRIAGE: NORTHERN IRELAND

PART 3

JURISDICTION AND PROCEDURE

Jurisdiction of courts

- 8 (1) For the purposes of this Schedule “the court” means the High Court or a county court.
- (2) Sub-paragraph (1) is subject to any provision made by virtue of sub-paragraphs (3) and (4).
- (3) Article 34(3) to (10) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ([S.I. 1998/1071 \(N.I.6\)](#)) (allocation of proceedings to courts etc.) apply for the purposes of this Schedule as they apply for the purposes of that Order but as if the following modification were made.
- (4) The modification is that Article 34(8) is to be read as if there were substituted for it—
- “ (8) For the purposes of paragraphs (3), (4) and (5), there are two levels of court—
- (a) the High Court; and
- (b) a county court.”

Power to extend jurisdiction to courts of summary jurisdiction

- 9 (1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order provide for courts of summary jurisdiction to be included among the courts who may hear proceedings under this Schedule.
- (2) An order under sub-paragraph (1) may, in particular, make any provision in relation to courts of summary jurisdiction which corresponds to provision made in relation to such courts by or under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ([S.I. 1998/1071 \(N.I.6\)](#)).
- (3) Any power to make an order under this paragraph (including that power as extended by paragraph 14(3)) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under this Schedule or any other enactment.
- (4) In sub-paragraph (3) “enactment” includes Northern Ireland legislation.
- (5) The Lord Chief Justice may nominate any of the following to exercise the Lord Chief Justice’s functions under this paragraph—

Status: This is the original version (as it was originally enacted).

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).

Contempt proceedings

- 10 The powers of the court in relation to contempt of court arising out of a person's failure to comply with a forced marriage protection order or otherwise in connection with such an order may be exercised by the relevant judge.

Appeals from county courts

- 11 (1) An appeal lies to the High Court against—
- (a) the making by a county court of any order under this Schedule; or
 - (b) any refusal by a county court to make such an order;
- as if the decision had been made in the exercise of the jurisdiction conferred by Part 3 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I.3)) (original civil jurisdiction) and the appeal were brought under Article 60 of that Order (ordinary appeals in civil cases).
- (2) But an appeal does not lie to the High Court under sub-paragraph (1) where the county court is a divorce county court exercising jurisdiction under the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.15)) in the same proceedings.
- (3) Provision must be made by rules of court for an appeal to lie (upon a point of law, a question of fact or the admission or rejection of any evidence) to the Court of Appeal against—
- (a) the making of any order under this Schedule; or
 - (b) any refusal to make such an order;
- by a county court of the type referred to in sub-paragraph (2).
- (4) Sub-paragraph (3) is without prejudice to Article 61 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I.3)) (cases stated).
- (5) On an appeal under sub-paragraph (1), the High Court may make such orders as may be necessary to give effect to its determination of the appeal.
- (6) Where an order is made under sub-paragraph (5), the High Court may also make such incidental or consequential orders as appear to it to be just.
- (7) Any order of the High Court made on an appeal under sub-paragraph (1) (other than one directing that an application be re-heard by the county court) is to be treated, for the purposes of—
- (a) the enforcement of the order; and
 - (b) any power to vary, revive or discharge orders;
- as if it were an order of the county court from which the appeal was brought and not an order of the High Court.
- (8) This paragraph is subject to paragraph 12.

Appeals: transfers and proposed transfers

- 12 (1) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of an order made under Article 34(5) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ([S.I. 1998/1071 \(N.I.6\)](#)) as applied by paragraph 8(3) and (4) above.
- (2) Except so far as provided for in any order made under sub-paragraph (1), no appeal may be made against any decision of a kind mentioned in that sub-paragraph.
- (3) The Lord Chief Justice may nominate any of the following to exercise the Lord Chief Justice's functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 ([c. 26](#));
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).