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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 497**

**The Family Proceedings (Amendment  
No. 2) Rules (Northern Ireland) 2005**

**Amendment to the 1996 Rules**

**43.** In rule 2.52 (Decree absolute on lodging notice)—

(a) in the heading, after “Decree absolute” insert “or final order”;

(b) for paragraph (1) substitute—

“(1) Subject to rule 2.53(1), an application by—

(a) a spouse to make absolute a decree nisi pronounced in his favour, or

(b) a civil partner to make final a conditional order made in his favour,

may be made by lodging with the proper officer or chief clerk, as the case may be, notice in Form M10.”;

(c) in paragraph (2)—

(i) in sub-paragraph (a), after “decree”, in each place it appears, insert “or the conditional order”;

(ii) in sub-paragraph (b), after “decree” insert “or the conditional order”;

(iii) in sub-paragraph (e), at the beginning of the sub-paragraph insert “if the cause is a matrimonial cause,”;

(iv) after sub-paragraph (e) insert—

“(ea) if the cause is a civil partnership cause, that the court has complied with section 186(1) of the Act of 2004 and has not given any direction under section 186(2) of that Act;”;

(v) in sub-paragraph (f)—

(aa) after “decree” insert “or the conditional order, as the case may be”; and

(bb) in head (iii) omit “and”;

(vi) in sub-paragraph (g)—

(aa) at the beginning insert “if the cause is a matrimonial cause,”; and

(bb) for “with,” substitute “with”;

(vii) after sub-paragraph (g) insert—

“(h) if the cause is a civil partnership cause, that the provisions of section 172(2) to (5) of the Act of 2004 do not apply or have been complied with;

(i) where the decree nisi was pronounced on the ground in Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978—

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**Status:** This is the original version (as it was originally made).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

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- (i) that there is not pending a reference under section 8(5) of the Gender Recognition Act 2004 in respect of the application on which the interim gender recognition certificate to which the petition relates was granted;
  - (ii) that that interim certificate has not been revoked under section 8(6)(b) of that Act; and
  - (iii) that no appeal is pending against an order under section 8(6)(a) of that Act.”.
- (viii) after “decree absolute”, the first time it appears, insert “or the conditional order final”; and
- (ix) in the part of paragraph (2) which begins “Provided that”—
- (aa) after “decree nisi” insert “or the conditional order”; and
  - (bb) after “decree absolute” insert “or the conditional order final”.