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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 323**

**Magistrates' Courts (Children (Northern Ireland)  
Order 1995) Rules (Northern Ireland) 1996**

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) Nothing in these rules shall affect any proceedings pending (within the meaning of paragraph 1 of Schedule 8 to the Children (Northern Ireland) Order 1995) immediately before these rules come into operation.

(3) In these rules unless the context otherwise requires—

“the Allocation Order” means the Children (Allocation of Proceedings) Order (Northern Ireland) 1996<sup>(1)</sup>;

“application” means an application under or by virtue of the Order or under these Rules and “applicant” shall be construed accordingly;

“an Article 8 order” has the same meaning as in Article 8(2);

“Board” means a Health and Social Services Board;

“business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971<sup>(2)</sup>;

“child” means—

(a) subject to paragraph (b), a person under the age of 18 with respect to whom the proceedings are brought; and

(b) where the proceedings are under Schedule 1 also includes a person who has reached the age of 18;

“court” includes a family proceedings court to which proceedings are brought in accordance with the Allocation Order and a resident magistrate or member of a juvenile court panel in respect of the proceedings prescribed in rule 2(5)(a) and a resident magistrate in respect of the proceedings prescribed in rule 2(5)(b);

“directions appointment” means a hearing for directions under rule 15;

“document exchange” means any document exchange for the time being approved by the Lord Chancellor;

“file” means deposit with the clerk of petty sessions;

“guardian ad litem” means a guardian ad litem appointed under Article 60, of the child with respect to whom the proceedings are brought;

“leave” includes permission and approval;

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(1) S.R. 1996 No. 300

(2) 1971 c. 80

“parental responsibility” has the same meaning as in Article 6;

“parties” in relation to any relevant proceedings means the respondents specified in column (iii) of Schedule 2 and the applicant;

“relevant proceedings” has the same meaning as in Article 165(3);

“specified proceedings” has the same meaning as in Article 60(6) and rule 2(2);

“the Order” means the Children (Northern Ireland) Order 1995 and an Article or Schedule referred to by number means the Article or Schedule so numbered in the Order;

“Trust” means a Health and Social Services Trust by whom functions are exercisable by virtue of an authorisation for the time being in operation under the Health and Personal Social Services (Northern Ireland) Order 1994(3);

“welfare officer” means a person who has been asked to prepare a welfare report under Article 4.

(4) Any reference to a form is a reference to a form in Schedule 1 to these rules and includes a reference to a form to the same effect with such variations as the circumstances might require.

(5) The Magistrates' Courts Rules (Northern Ireland) 1984(4) shall have effect subject to the provisions of these Rules.

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(3) S.I.1994/429 (N.I. 2)

(4) S.R. 1984 No. 225