

2004 No. 311

FAMILY PROCEEDINGS

**The Declarations of Parentage (Allocation of Proceedings)
(Amendment) Order (Northern Ireland) 2004**

Made - - - - - *10th July 2004*

Coming into operation *6th September 2004*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Article 164(5) of, and Schedule 7 to, the Children (Northern Ireland) Order 1995(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Declarations of Parentage (Allocation of Proceedings) (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 6th September 2004.

Amendment to the Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002

2. The Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002(b), is hereby amended:

(1) by inserting after Article 5 the following new Article 5A –

“Transfer from one family proceedings court to another

5A.—(1) A family proceedings court (the “transferring court”) shall transfer proceedings under Article 31B of the Order of 1989 to another family proceedings court (the “receiving court”) where –

- (a) one of the persons named in the application is a child, and the court considers that the transfer would be in the interests of the child –
 - (i) because it is likely to significantly accelerate the determination of the proceedings,
 - (ii) because it would be appropriate for those proceedings to be heard together with other family proceedings which are pending in the receiving court, or,
 - (iii) for some other reason, and
- (b) the receiving court consents to the transfer.”;

(2) by substituting in Schedule 1, for the word “Omagh” the words “East Tyrone”; and

(a) S.I. 1995/755 (N.I. 2); Schedule 7 was amended by section 66(7) of, and paragraph 7 of Schedule 8 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(b) S.R. 2002 No. 119

(3) by inserting in Schedule 2, after the words “Craigavon county court” the words “Dungannon county court”.

Signed by the authority of the Lord Chancellor

Lord Filkin

Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 10th July 2004

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Declarations of Parentage (Allocation of Proceedings) Order (Northern Ireland) 2002:

- to provide in certain circumstances for the transfer of proceedings under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (Declarations of Parentage) from one family proceedings court to another family proceedings court;
- to specify Dungannon county court as a family care centre; and
- to designate the juvenile court for the petty sessions district of East Tyrone as a family proceedings court, in place of the juvenile court for the petty sessions district of Omagh.

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