
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 497

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

Amendment to the 1996 Rules

76. After rule 4.27 insert—

“Stay under the Council Regulation

4.28.—(1) An application for an order under Article 19 of the Council Regulation shall be made to the Master who may determine the application or refer the application, or any question arising thereon, to the judge for his decision.

(2) Where at any time after an application under rule 4.5 is made, it appears to the court that, under Articles 16 to 19 of the Council Regulation, the court is required or may be required to stay the proceedings, the court shall stay the proceedings and fix a date for a hearing to determine the questions of jurisdiction or admissibility and whether there should be a stay or other order and shall serve notice of the hearing on the parties to the proceedings.

(3) The court shall give reasons for its decision under Articles 16 to 19 of the Council Regulation and, where it makes a finding of fact, state such finding of fact.

(4) A declaration under Article 17 of the Council Regulation that the court has no jurisdiction over the proceedings or an order under Article 19 of the Council Regulation declining jurisdiction shall be recorded in writing.

(5) The court may, if all parties agree, deal with any question about the jurisdiction of the court without a hearing.”