

## 1995 No. 48

## COUNTY COURTS

County Court (Amendment) Rules  
(Northern Ireland) 1995

*Made* . . . . . 22nd February 1995

*Coming into operation* . . . . . 20th March 1995

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following rules:—

*Citation and interpretation*

1.—(1) These rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1995.

(2) In these rules a reference to an Order, Appendix or Form is a reference to that Order, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(b).

*Family proceedings*

2. Order 51 shall be amended as follows—

(a) in rule 1(b) in the definition of “the High Court” at the end there shall be added the words “and the High Court of Justice of the Isle of Man”;

(b) in rule 6—

(i) in the definition of “the appropriate court” at the end there shall be added the words “and in relation to a specified dependent territory, the corresponding court in that territory;”;

(ii) after the definition of “the appropriate court” there shall be inserted the following definition—

“ “the appropriate officer” means: in relation to the High Court in England and Wales, the Secretary of the Principal Registry of the Family Division; in relation to the Court of Session, the Deputy Principal Clerk of Session; and in relation to the appropriate court in a specified dependent territory, the corresponding officer of that court;

(a) S.I. 1980/397 (N.I. 3)

(b) S.R. 1981 No. 225; the relevant amending instruments are S.R. 1986 No. 218; S.R. 1988 No. 100; S.R. 1988 No. 112; S.R. 1989 No. 306; S.R. 1989 No. 480

- (iii) the definitions of “the Secretary of the Principal Registry” and “the Deputy Principal Clerk” shall be deleted;
- (iv) after the definition of “registration” there shall be added the following definition—
  - “ “specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991(a)”.
- (c) in rule 7—
  - (i) in sub-paragraph (1)(d) for the words “or in both jurisdictions” there shall be substituted the words “or a specified dependent territory or (stating which) in more than one of these”;
  - (ii) in sub-paragraph (2)(a) for the words “the Secretary to the Principal Registry or to the Deputy Principal Clerk as the case may be”, there shall be substituted the words “the appropriate officer”;
- (d) in sub-paragraph (1)(a) of rule 9 for the words “the Secretary of the Principal Registry or to the Deputy Principal Clerk or to both, as the case may be,” there shall be substituted the words “the appropriate officer”.

*Access to Health Records (Northern Ireland) Order 1993(b)*

3.—(1) Order 52 shall be amended by adding after Part IV the following new Part V:—

“PART V

ACCESS TO HEALTH RECORDS (NORTHERN IRELAND) ORDER 1993

*Interpretation*

14. In this Part:

- “the Order” means the Access to Health Records (Northern Ireland) Order 1993;
- “the Regulations” means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994(c);
- “the holder of the health record” has the same meaning as in the Order;
- “Health professional” has the same meaning as in the Order;
- “complaint” means a complaint made in accordance with the Regulations;

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(a) S.I. 1991/1723 as amended by S.I. 1994/2800

(b) S.I. 1993/1250 (N.I. 4)

(c) S.R. 1994 No. 158

“date of the complaint” has the same meaning as in the Regulations;  
 “the report” means a report made in accordance with the Regulations  
 in response to a complaint.”

*Application under Article 10 of the Order*

**15.—**(1) An application under Article 10 of the Order may be made by notice of application in Form 396 and may be brought:—

- (a) where the holder of the health record is a general practitioner or a health professional, in the county court division in which he practises; or
- (b) in any other case, in the county court division in which the principal office of the holder of the health record is situated.

(2) An application under the said Article 10 may be brought:

- (a) where the applicant has received a report in accordance with regulation 5 of the Regulations, within one year of the date of the report;
- (b) where the applicant has not received such a report, within 18 months of the date of the complaint.

(3) An affidavit shall be lodged in support of the notice of application setting out the steps taken in accordance with the Regulations to secure compliance with any requirement of the Order, and there shall be exhibited to the affidavit:

- (a) a copy of the application under Article 5 or Article 8 of the Order as appropriate;
  - (b) a copy of the complaint made in accordance with the Regulations;
  - (c) a copy of any report given by the holder of the health record if applicable.
- (4) A copy of the said affidavit shall be served on the defendant with the notice of application.”.

*Parental orders under section 30 of the Human Fertilisation and Embryology Act 1990(a)*

**4.** The new Order set out in Schedule 1 shall be inserted after Order 50.

*Forms*

**5.** Appendix 1 shall be amended by adding after Form 388 the new Forms set out in Schedule 2.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

*Robert W. Porter*  
*Raymond Kerr*  
*P. Kelly*  
*Brian J. Stewart*  
*Barry Valentine*

Dated 18th January 1995

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 20th March 1995.

Dated 22nd February 1995

*Mackay of Clashfern, C.*

**Rules to be inserted as Order 50A in the  
County Court Rules (Northern Ireland) 1981****ORDER 50A****Parental Orders under section 30 of the Human Fertilisation and Embryology  
Act 1990***Interpretation*

1.—(1) In this Order, unless the context otherwise requires—

“the 1990 Act” means the Human Fertilisation and Embryology Act 1990(a) and expressions which are defined in the 1990 Act have the same meaning as in that Act;

“the 1987 Order” means the Adoption (Northern Ireland) Order 1987(b) as applied with modifications by the Parental Orders Regulations and expressions which are defined in the 1987 Order have the same meaning as in that Order;

“the Parental Orders Regulations” means the Parental Orders (Human Fertilisation and Embryology) Regulations 1994(c);

“chief clerk” means the chief clerk for the county court division in which the application is being made;

“the birth father” means the father of the child, including a person who is treated as being the father of the child by section 28 of the 1990 Act, where he is not the husband within the meaning of section 30 of the 1990 Act;

“the birth mother” means the woman who carried the child;

“the birth parents” means the birth mother and the birth father;

“the husband and wife” means the persons who may apply for a parental order where the conditions set out in section 30(1) of the 1990 Act are met;

(2) The notes appended to Forms 389 to 395 do not form any part thereof and are so appended only for the purpose of assisting in their proper completion.

*Commencement of proceedings*

2.—(1) An application for a parental order shall be commenced by petition in Form 389.

(2) The petitioners shall be the husband and wife and the respondents shall be the birth parents (except where the petitioners seek to dispense with their consent) and any other persons or body in whom the parental rights and duties relating to the child are vested at the time of the application.

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) On filing the petition the petitioners shall pay the appropriate fee and supply three copies of the petition together with any other documents required to be supplied.

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(a) 1990 c. 37

(b) S.I. 1987/2203 (N.I. 22)

(b) S.I. 1994/2767