

**Information
Booklet**



**Barrister Member of the Family Proceedings Rules
Committee**

**Expression of Interest Forms
must be returned to the
Department of Justice no later
than 5:00pm (UK time) on
18 June 2019**

INFORMATION ON THE FAMILY PROCEEDINGS RULES COMMITTEE

ROLE PROFILE

1. Under paragraph 2(1)(g) of Schedule 2 to the Family Law (Northern Ireland) Order 1993, the Department of Justice nominates **a practising member of the Bar of Northern Ireland** to be a member of the Family Proceedings Rules Committee (“the Committee”). A copy of the relevant extract of the legislation concerning the Committee can be found at the **Annex**.
2. The Committee makes rules of court prescribing procedures in the High Court and County Court for the purposes of family proceedings in Northern Ireland. The principal Rules are the Family Proceedings Rules (Northern Ireland) 1996, which are amended from time to time by the Committee and allowed by the Department of Justice (or the Lord Chancellor if the rules relate to excepted matters).
3. The Committee meets in Belfast as and when business dictates (generally no more than once or twice a year) but may also deal with business by way of correspondence if the Chairman considers appropriate. If a meeting is scheduled you will normally be given four weeks’ notice of the date and the Secretariat will usually circulate papers one week in advance. A summary of the minutes of Committee meetings may be published on the Northern Ireland Courts and Tribunals Service section of the Department of Justice website.
4. No remuneration will be payable for this position, although members may be reimbursed for travelling and out-of-pocket expenses incurred in connection with Committee business.
5. Work of the Committee members includes:
 - considering rules drafted to implement new legislation;
 - suggesting areas of the current rules that need amendment;
 - constructively challenging rules drafted;
 - endorsing the final agreed rules;
 - being available to sign instruments when required.
6. The appointment to the Committee will be for a period of three years. Subject to the Chairman’s assessment that there has been satisfactory attendance at meetings and participation in the work of the Committee, the appointee may be reappointed.
7. The current Committee consists of the following members:
 - The Lord Chief Justice – Chairman
 - Two judges of the High Court or Court of Appeal nominated by the Lord Chief Justice
 - Two judges of the county court nominated by the Lord Chief Justice
 - The Master (Probate and Matrimonial)

- The Master (Care and Protection)
 - A district judge nominated by the Lord Chief Justice
 - A practising member of the Bar nominated by the Department of Justice
 - A practising member of the Bar nominated by the Bar Council
 - The President of the Law Society or a member of the Council thereof nominated by him; and
 - A practising solicitor nominated by that Council.
8. Management of the Committee's agenda and its programme of work are undertaken by the Secretariat with the approval of the Chairman.
9. The Secretariat is provided jointly by the Department of Justice and the Principal Secretary to the Lord Chief Justice.

PERSON SPECIFICATION

10. In completing your form you should provide details of how your knowledge, skills and experience make you suitable for this position. The qualities and abilities to be brought to the Committee by an individual are to include:

Eligibility criterion:

11. To be eligible for this position an applicant must, by the closing date for applications:

- be a practising member of the Bar in Northern Ireland.

Essential criteria:

12. Applicants must, by the closing date for applications be able to demonstrate:

- Current knowledge and experience of family proceedings in the High Court and County Court;
- Understanding of the needs of users of the family courts and of the Family Proceedings Rules;
- Ability to work in a Committee (or similar) setting and take an active and influential part in debate.

Desirable criterion:

13. Applicants should ideally be able to demonstrate at least seven years' experience of applying practice and procedure in family proceedings the High Court and County Court.

SELECTION PROCESS

Making your application

14. The expression of interest form is designed to ensure the provision of the necessary information to identify the most suitable candidate.

Order of Merit

15. The selection panel will assess candidates' forms against the specified criteria. Candidates are not expected to be called to interview unless absolutely necessary. The selection panel will identify those suitable for appointment and list them in order of merit with the highest ranked applicant first.
16. The final decision for the appointment rests with the Permanent Secretary of the Department of Justice.

For further information on the process or the work of the Committee please contact:

Jane Maguire
Department of Justice
Civil Justice Policy Division
Massey House
Stormont Estate
Belfast BT4 3SX
Tel: 028 9016 9541
E-mail: Jane.Maguire@justice-ni.x.gsi.gov.uk

FAMILY LAW (NORTHERN IRELAND) ORDER 1993**12. - Family Proceedings Rules**

(1) There shall be a committee known as the Northern Ireland Family Proceedings Rules Committee ("the Committee") which may make rules of court in accordance with Article 12A for the purposes of family proceedings.

(2) Schedule 2 shall have effect with respect to the Committee.

(3) Without prejudice to the generality of paragraph (1), family proceedings rules

(a) may, for the purposes mentioned in paragraph (1), make, in relation to both the High Court and county courts, any provision of a kind which could be made by rules of court as defined by section 21(4) of the Interpretation Act (Northern Ireland) 1954 and, in relation to county courts, any provision of a kind which could be made by county court rules (and accordingly in any statutory provision empowering the making of rules of court as so defined, any reference to the Court of Judicature or the High Court shall, for the purposes of this Article, include a reference to a county court);

(b) without prejudice to sub-paragraph (a), may provide that a decree pronounced by an officer of a class designated by the rules shall have the same effect as a decree pronounced by a county court judge;

(c) may apply, with or without modifications, any rules of court (as so defined) and any county court rules;

(d) may modify or exclude the application of any such rules or of any provision of the County Courts (Northern Ireland) Order 1980;

(e) without prejudice to sub-paragraph (a), may make with respect to proceedings in a county court any provision regarding the Official Solicitor or any solicitor of the Court of Judicature which could be made by rules of court with respect to proceedings in the High Court;

(f) may provide for the enforcement of orders made in a county court as if they were orders of the High Court, and for that purpose apply any statutory provision, with or without modification;

(g) may provide that the sums payable under Article 13(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a solicitor or counsel acting in a matrimonial cause within the meaning of Article 48 of the Matrimonial Causes (Northern Ireland) Order 1978 or a civil partnership cause within the meaning of section 190(3) of the Civil Partnership Act 2004 which is treated for the purposes of that Article 48 that section 190(3)] as undefended shall, at his election, be either—

(i) such fixed amount specified in the rules as may be applicable under the rules; or

(ii) an amount ascertained on taxation or assessment of costs as provided by Schedule 2 to the Order of 1981;

and may provide for modifying that Schedule in relation to any proceedings which for the purposes of that Article 48 that section 190(3) are at any stage

treated as pending in a divorce county court or civil partnership proceedings county court;

(h) which relate to the costs of proceedings, may—

(i) amend or repeal any statutory provision relating to the practice and procedure of the Court of Judicature or county courts so far as may be necessary in consequence of provision made by the rules; and

(ii) notwithstanding anything in the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, make different provision according to whether each or any of the parties is entitled to legal aid under Part II of that Order in connection with the proceedings.

(4) Family proceedings rules shall be subject to negative resolution.

(5) In this Article and Article 12A

“family business” means business of any description in the High Court assigned to the Family Division and to no other Division by rules of court except business—

(a) in connection with the grant and revocation of probate and letters of administration of estates of deceased persons;

(b) under Part VIII of the Mental Health (Northern Ireland) Order 1986 and the Enduring Powers of Attorney (Northern Ireland) Order 1987;

“family proceedings” means proceedings which are family business and any corresponding proceedings in a county court.

“family proceedings rules” means rules of court made under this Article.

The Northern Ireland Family Proceedings Rules Committee

Schedule 2

1. In this Schedule “the Committee” means the Northern Ireland Family Proceedings Rules Committee.

2. (1) The Committee shall consist of-

(a) the Lord Chief Justice, who shall be chairman;

(b) two judges of the High Court or the Court of Appeal nominated from time to time by the Lord Chief Justice;

(c) two county court judges nominated by the Lord Chief Justice;

(d) the Master (Probate and Matrimonial);

(e) the Master (Care and Protection);

(f) a district judge nominated by the Lord Chief Justice;

(g) a practising member of the Bar of Northern Ireland nominated by the Department of Justice;

(h) one other practising member of the Bar of Northern Ireland nominated by the Council thereof;

(i) the president of the Law Society of Northern Ireland or a member of the Council thereof nominated by him;

(j) a practising solicitor nominated by that Council.

(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph-

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).

3. Where any member of the Committee is unable to act, the Lord Chief Justice, or, in the case of a member nominated by any other authority or body, that authority or body, may nominate another qualified person to act temporarily in his place.

4. Rules of court may be made and other powers of the Committee exercised at a meeting of the Committee by a majority consisting of not less than four members, of whom the chairman of the meeting shall be one.

5. In the absence of the Lord Chief Justice, the senior judge present shall be chairman of the meeting.

6. The joint secretaries to the Committee shall be the Principal Secretary to the Lord Chief Justice and a person designated by the Department of Justice.

7. Such of the joint secretaries to the Committee as the Department of Justice may designate shall, in relation to rules of court, be the responsible officer within the meaning of Articles 5 and 7 of the Statutory Rules (Northern Ireland) Order 1979

8. The Committee shall not, except with the concurrence of the Treasury, make a rule which may involve an increase in expenditure out of public funds; but the validity of such a rule shall not, in any proceedings in any court, be called in question either by the court or by any party to the proceedings on the ground only that the Treasury did not concur or are not expressed to have concurred in the making of the rule.

9. Any expenses incurred by the Committee shall be paid by the Department of Justice.