STATUTORY RULES OF NORTHERN IRELAND

2015 No. 415

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 3) 2015

Made - - - - 16th December 2015

Coming into operation 6th January 2016

The Northern Ireland Court of Judicature Rules Committee(**1**) makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**2**).

Citation, commencement and interpretation

1.—(1) These Rules shall be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment No. 3) 2015 and shall come into operation on 6th January 2016.

(2) In these Rules, "the principal Rules" means the Rules of the Court of Judicature (Northern Ireland) 1980(**3**) and an Order or rule referred to by number means the Order or rule so numbered in the principal Rules.

Amendments to the principal Rules

2. Order 29 shall be amended as follows—

(1) For Rule 13(1), substitute—

2.—"(1) If, on the hearing of an application under rule 12 in an action for damages, the Court is satisfied—

(a) that the defendant against whom the order is sought (in this paragraph referred to as "the respondent") has admitted liability for the plaintiff's damages; or

(**1**) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4)

(**2**) 1978 c.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4) and paragraph 6 of Schedule 17, and paragraph 15 of Schedule 18, to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976)

(**3**) S.R. 1980 No. 346; The Rules of the Supreme Court (Northern Ireland) 1980 were renamed in accordance with paragraph 3 of Schedule 11 to the Constitutional Reform Act 2005 (c.4). The most recent relevant amendments were made by S.R. 2015 No. 235 and S.R. 2015 No. 368

(b) that the plaintiff has obtained judgment against the respondent for damages to be assessed; or

(c) that, if the action proceeded to trial, the plaintiff would obtain judgment for substantial damages against the respondent; or

(d) that, in an action in which there are two or more defendants and the order is sought against any one or more of them, if the action proceeded to trial, the plaintiff would obtain judgment for substantial damages against at least one of the defendants (but the Court cannot determine which),

the Court may if it thinks fit, subject to paragraphs (2) and (3), order the respondent, or any one or more of the respondents as the case may be, to make an interim payment of such amount as it thinks just, not exceeding a reasonable proportion of the damages which in the opinion of the Court are likely to be recovered by the plaintiff after taking into account any relevant contributory negligence and any set-off, cross-claim or counterclaim on which the respondent may be entitled to rely."

(2) In Rule 13(2), before the words "No order", insert "Where an application falls within paragraphs (1)(a)-(c)".

(3) After Rule 13(2), insert—

"(3) Where an application falls within paragraph 1(d), no order shall be made under paragraph (1) unless the Court is satisfied that each of the defendants is a person falling within one of the following categories, namely—

(a) a person who is insured in respect of the plaintiff's claim or whose liability will be met by an insurer under Article 98 of the Road Traffic (Northern Ireland) Order 1981(**4**);

(b) a person whose liability will be met by the Motor Insurers' Bureau, a company limited by guarantee and incorporated under the Companies Act 1929(**5**), or an insurer acting on its behalf; or

(c) a public authority."

Declan Morgan
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R Weatherup
W R B Stephens
Gerald McAlinden
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Dated this 3rd day of December 2015

(**4**) 1981 No. 154(N.I. 1)
(**5**) 19 & 20 Geo.5 c.23