STATUTORY RULES OF NORTHERN IRELAND

2015 No. 235

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2015

Made - - - -	*27th April 2015*
Coming into operation	*19th May 2015*

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) 2015 and shall come into operation on 19th May 2015.

(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. The principal Rules shall be amended as follows–

(1) In Order 1, after rule 11(n), insert—

"(o) applications under section 96AA of the Sexual Offences Act 2003(**4**)

(2) In Order 11—

(a) in rule 1(2), insert "Subject to paragraph (2A)," before "Service of a writ";

(b) after rule 1(2)(a), insert—

(**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 (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. 2013 No. 202 and S.R. 2014 No.220

(**4**) 2003 c. 42

"(aa) a claim which by virtue of the Judgments Regulation, the Court has power to hear and determine, made in proceedings in which the following conditions apply—

(i) no proceedings between the parties concerning the same cause of action are pending in the courts of any other part of the United Kingdom or of any other Member State; and

(ii) either—

the defendant is domiciled in any part of the United Kingdom or in any Member State;

the defendant is not a consumer but is a party to a consumer contract within article 17 of the Judgments Regulation;

the defendant is an employer and a party to a contract of employment within article 20 of the Judgments Regulation;

the proceedings are within article 24 of the Judgments Regulation; or

the defendant is a party to an agreement conferring jurisdiction, within article 25 of the Judgments Regulation;

or";

(c) after rule 1(2) insert—

"(2A) Paragraph 2(aa)(i) does not apply if the jurisdiction conferred by the agreement conferring jurisdiction within article 25 of the Judgments Regulation referred to in paragraph (2)(aa) is exclusive.";

(d) for rule 1, paragraphs (3) and (4), substitute—

"(3) Where a writ or notice of a writ is to be served out of the jurisdiction under paragraph (2) the time to be inserted therein within which the defendant must enter an appearance shall be—

(a) 21 days where the service is to be effected out of the jurisdiction—

(i) under paragraph (2)(a) in England and Wales, Scotland or in the European territory of another Contracting State; or

(ii) under paragraph (2)(aa) in the European territory of another Member State;

(b) 31 days where the service is to be effected—

(i) under paragraph (2)(a) in any other territory of a Contracting State; or

(ii) under paragraph 2(aa) in any other territory of a Member State; or

(c) limited in accordance with the practice adopted under rule 4(4) where the service is to be effected under paragraph (2)(a) or 2(aa) in a country not referred to in sub-paragraphs (a) or (b) or under paragraph (2)(b).

(4) For the purposes of this rule and rule 9 of this Order –

(a) "Convention territory" means the territory or territories of any Contracting State as defined by section 1(3) of the Civil Jurisdiction and Judgments Act 1982, to which the Brussels Conventions or the Lugano Convention as defined in section 1(1) of that Act apply;

(b) "the Judgments Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial

matters (recast)(**5**), as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(**6**); and

(c) domicile is to be determined—

(i) in relation to a Convention territory, in accordance with sections 41 to 46 of the Civil Jurisdiction and Judgments Act 1982; and

(ii) in relation to a Member State, in accordance with the Judgments Regulation and paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001(**7**).”

(3) In Order 22, rule 1(1)(b)—

(a) for “3” substitute “6”; and

(b) for “4” where it appears for the second time substitute “7”.

(4) In Order 23—

(a) in rule 1(1)(a), at the beginning insert “subject to paragraph (4),”;

(b) after rule 1(3), insert—

“(4) The Court shall not require a plaintiff to give security by reason only of paragraph (1)(a) in an application for enforcement to which Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)(**8**), as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the jurisdiction and the recognition and enforcement of judgments in civil and commercial matters applies(**9**).”

(5) In Order 55, after rule 20, insert—

“**Applications under section 96AA of the Sexual Offences Act 2003**

20A.—(1) This rule applies to an application under section 96AA of the Sexual Offences Act 2003(**10**) for an order that the applicant shall cease to be subject to the notification requirements imposed by Part 2 of that Act (“a section 96AA application”).

(2) The rules of this Part apply to a section 96AA application with the modifications set out in paragraphs (3) and (4) and any other necessary modifications.

(3) The time limit in rule 14(2) shall not apply to a section 96AA application.

(4) In the application of rule 15(1) to a section 96AA application—

(i) the notice of motion shall be served within 21 days of the date upon which the application is entered for hearing; and

(ii) the persons to be served with the application shall include the Police Service of Northern Ireland.”

(6) In Order 71, after rule 35, insert the rules set out in the Schedule to these Rules.

(**5**) OJ No. L 351, 20.12.2012, p.1

(**6**) OJ No. L 299,, 16.11.2005, p.62. For applications of the recast Judgments Regulation to Denmark, see also OJ No. L 79, 21.3.2013, p.4

(**7**) S.I. 2001/3929, amended by S.I. 2007/1655, S.I. 2011/1484, S.I. 2014/879 and S.I. 2014/2947

(**8**) OJ No. L 351, 20.12.2012, p.1

(**9**) OJ No. L 299, 16.11.2005, p.62. For application of the recast Judgments Regulation to Demark, see also OL No. L 79, 21.3.2013, p4

(**10**) 2003 c.42

(7) In Order 106—

(a) in rule 5(2), omit "(without naming him)"; and

(b) in rule 10(1), omit "(without naming him)".

Declan Morgan
John Gillen
Mark Horner
R Weatherup
W R B Stephens
Dermot Fee
Ian Wimpress

Dated this 17th day of April 2015.
In exercise of the powers conferred upon me by section 53A of the Judicature (Northern Ireland) Act 1978, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 27th April 2015.

L.S.

David Ford
Minister of Justice