STATUTORY RULES OF NORTHERN IRELAND

2013 No. 202

COURT OF JUDICATURE NORTHERN IRELAND

PROCEDURE

The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013

Made - - - -	*29th July 2013*
Coming into operation	*5th September 2013*

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 and Commencement

1.—(1) These Rules may be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013 and shall come into operation on 5th September 2013.

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

Amendments

2. The principal Rules shall be amended as follows—

(1) In the Arrangement of Orders, in the entry for Order 60B, for "FROM INDUSTRIAL TRIBUNALS AND THE FAIR EMPLOYMENT TRIBUNAL", substitute "ON A POINT OF LAW".

(2) In Order 1, rule 3, in the appropriate place insert—

""European lawyer" has the meaning set out in Article 2 of the European Communities (Services of Lawyers) Order 1978;".(**4**)

(**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.

(**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 SR 2009 No. 345, SR 2010 No. 49 and SR 2011 No.208.

(**4**) S.I. 1978 No. 1910 to which the most recent relevant amendments were made by S.I. 2008 No. 81.

(3) In Order 6—

(a) in rule 4(1)(a), after "within the jurisdiction", insert "or another part of the United Kingdom";

(b) after rule 4(1)(a), insert "(aa) where the plaintiff has nominated a European lawyer to accept service of documents, with the plaintiff's address and the European lawyer's name or firm and a business address within any EEA state;";

(c) in rule 4(1)(b), after "within the jurisdiction", where first occurring, insert "or another part of the United Kingdom or any other EEA state";

(d) in rule 4(2)(a), after "solicitor", insert "or European lawyer nominated to accept service";

(e) in rule 4(2)(b), after "within the jurisdiction", insert "or another part of the United Kingdom or any other EEA state".

(4) In Order 12—

(a) in rule 3(3)(a), after "within the jurisdiction", where first occurring, insert "or another part of the United Kingdom or any other EEA state";

(b) in rule 3(3)(b)—

(i) after "within the jurisdiction", where first occurring, insert "or another part of the United Kingdom or any other EEA state";

(ii) after "no" insert "such";

(iii) omit "within the jurisdiction", where second occurring;

(c) in rule 3(3)(c)—

(i) after "within the jurisdiction", insert "or another part of the United Kingdom";

(ii) after "EEA state", insert "or where the defendant has nominated a European lawyer to accept service of documents, the European lawyer's business address in any EEA state";

(d) in the words after rule 3(3)(c)—

(i) omit "within the jurisdiction";

(ii) after "solicitor", insert "or nominated European lawyer".

(5) In Order 60B—

(a) in the heading for "FROM INDUSTRIAL TRIBUNALS AND THE FAIR EMPLOYMENT TRIBUNAL", substitute "ON A POINT OF LAW";

(b) for the heading to rule 1, substitute "Appeals from the Industrial Tribunals and Fair Employment Tribunal";

(c) after rule 2, add the following new rule—

"**Appeals from the Upper Tribunal**

3.—(1) An application for leave to appeal from the Upper Tribunal under section 13 of the Tribunals Courts and Enforcement Act 2007(**5**) must be made within 21 days of the Tribunal refusing leave to appeal.

(2) The application for leave to appeal under paragraph (1) should be lodged in the Central Office and must state the point of law on which the appeal is based and, in accordance with the Appeals from the Upper Tribunal to the Court of Appeal

(**5**) 2007 c.15.