STATUTORY RULES OF NORTHERN IRELAND

2011 No. 208

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Rules of the Court of Judicature (Northern Ireland) (Amendment No.2) 2011

Made - - - -	*4th April 2011*
Coming into operation	*23rd May 2011*

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 may be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment No.2) 2011 and shall come into operation on 23rd May 2011.

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

Amendments to the principal Rules

2. Order 116 of the principal Rules shall be amended as follows—

(1) In rule 1, after the definition of "prosecutor" insert—

""domestic freezing order certificate" means a certificate made by the High Court under paragraph 41B of Schedule 4 in relation to property in a country other than the United Kingdom;

"overseas freezing order" means an order received by the High Court in accordance with paragraph 41D of Schedule 4 in relation to property in the United Kingdom.";

(**1**) The Northern Ireland Supreme Court Rules Committee was re-named 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 Article 15 of and Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.R. 2010 No. 976) and paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).

(**3**) S.R. 1980 No.346. The Rules of the Supreme Court (Northern Ireland) 1980 were re-named 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. 2002 No.15 and S.R. 2009 No.207.

(2) In the cross heading to rule 3, after "restraint order" insert "*and domestic freezing order certificate*";

(3) In rule 3—

(a) in paragraph (1), after "paragraph 33 and 34" insert, "and, where relevant, a domestic freezing order certificate under paragraph 41B";

(b) for paragraph (2)(d), substitute—

"(d) to the best of the deponent's ability, give full particulars of the property in respect of which the restraint order and, where relevant, the domestic freezing order certificate is sought, and specify the person or persons holding such property and any other person having an interest in it.";

(c) after paragraph (2), insert—

"(2A) Where an application for a domestic freezing order certificate is made, the applicant shall—

(a) prepare a draft of the certificate in accordance with paragraph 41B of Schedule 4; and

(b) attach it to the application made under paragraph (1).";

(4) After rule 4(3),

"(4) Where a domestic freezing order certificate is made it shall be served with copies of the restraint order in accordance with paragraph (3).";

(5) In the cross heading to rule 5, after "restraint order", insert "*and a domestic freezing order certificate*";

(6) In rule 5—

(a) in paragraph (1) after "restraint order", insert, "and, where relevant a domestic freezing order certificate";

(b) for paragraph (2), substitute—

2.—"(2) The summons and any affidavit in support shall be lodged with the court and, where not the applicant, shall be served on—

(a) the prosecution;

(b) the defendant; and

(c) any other person affected by the restraint order, and where relevant, the domestic freezing order certificate,

not less than two clear days before the date fixed for hearing of the summons.";

(c) after paragraph (3), insert—

"(4) An order made under this rule which discharges or varies a domestic freezing order certificate, shall be sent to the Secretary of State in accordance with paragraph 41C of Schedule 4."

(7) In rule 6—

(a) in paragraph (1), after "restraint order" insert "and where relevant a domestic freezing order certificate,";

(b) in paragraph (3), after "defendant" insert "and any other person affected by the restraint order and, where relevant, the domestic freezing order,";

(c) in paragraph (4), after "restraint order", insert "and, where relevant, a domestic freezing order";

(d) after paragraph (4), insert—