STATUTORY RULES OF NORTHERN IRELAND

2011 No. 58

COUNTY COURTS

The County Court (Amendment) Rules (Northern Ireland) 2011

Made - - - - 24th February 2011

Coming into operation 25th March 2011

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(**1**).

Citation, commencement and interpretation

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2011 and shall come into operation on 25th March 2011.

2. In these Rules, a reference to an Order, rule, Appendix or Form is a reference to that Order, rule, Appendix or Form so numbered in the County Court Rules (Northern Ireland) 1981(**2**).

Amendments to the County Court Rules (Northern Ireland) 1981

3. The County Court Rules (Northern Ireland) 1981 are amended as follows:—

(1) In Order 14—

(a) after the heading, insert—

"PART 1

GENERAL";

(b) after rule 11, insert the new rules set out in Schedule 1.

(2) In Order 40, after rule 17, insert the new rules set out in Schedule 2.

(**1**) S.I. 1980/397 (N.I.3) to which the most recent relevant amendment was made by the Constitutional Reform Act 2005 (c.4)
(**2**) S.R 1981 No. 225 to which the most recent amendments were made by S.R. 2010 No. 115

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Department of Justice.

T.A Burgess
A E Wells
Barry Valentine
Dorcas Crawford
B.J Stewart

Dated 22nd February 2011
In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980 and after consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 25th March 2011.
Sealed with the Official Seal of the Department of Justice on 24th February 2011

L.S.

David Ford
Minister of Justice

SCHEDULE 1 Rule 3(1)(b)

"PART II

MEDIATION

Interpretation

12. In this Part of this Order—

(a) "an ADR process" means mediation, conciliation or another dispute resolution process approved by the Judge, but does not include arbitration;

(b) "Judge" includes District Judge; and

(c) "party" includes the personal representative of a deceased party.

Adjournment of proceedings for the purposes of ADR

13.—(1) Without prejudice to rule 4, the Judge, on the application of any of the parties or of his own motion, may, when the Judge considers it appropriate and having regard to all the circumstances of the case, order that proceedings or any issue therein be adjourned for such time as the Judge considers just and convenient and—

(a) invite the parties to use an ADR process to settle or determine the proceedings or issue; or

(b) where the parties consent, refer the proceedings or issue to such process,

and may, for the purposes of such invitation or reference, invite the parties to attend such information session on the use of mediation, if any, as the Judge may specify.

(2) Where the parties decide to use an ADR process, the Judge may make an order extending the time for compliance by any party with any provision of these Rules or any order of the Judge in the proceedings, and may make such further or other orders or give such directions as the Judge considers will facilitate the effective use of that process.

Application for an order under rule 13

14. An application by a party for an order under rule 13 shall be made by notice of motion and shall, unless the Judge otherwise orders, be supported by an affidavit.

Time limit for an application under rule 13

15. Save where the Judge for special reason to be stated in the Judge's order allows, an application for an order under rule 13 shall not be made later than 56 days before the date on which the proceedings are first listed for hearing."