STATUTORY RULES OF NORTHERN IRELAND

2008 No. 401

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No.2) 2008

Made - - - -	*26th September 2008*
To be laid before Parliament	
Coming into operation	*3rd November 2008*

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

Citation and commencement

1. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No.2) 2008 and shall come into operation on 3rd November 2008.

Amendments to the Rules of the Supreme Court (Northern Ireland) 1980

2. The Rules of the Supreme Court (Northern Ireland) 1980(**2**) are amended as follows:—

(1) In Order 1, rule 12(b), after sub-paragraph (xv) insert—

"(xvi) Schedule 1 to the Forced Marriage (Civil Protection) Act 2007;".

(2) In Order 76, rule 1(3) for "Probate and Matrimonial Office" substitute "Chancery Office".

(3) In Order 83—

(a) in the title to rule 14, for "Re-opening of extortionate agreements" substitute "Unfair relationships";

(b) in rule 14(1) for "to have a credit agreement reopened in accordance with section 139(1)(b) or (c)" substitute "to apply in accordance with section 140B(2)(b) or (c) for an order under section 140B"; and

(c) in rule 14(5) for "137 to 140" substitute "140A to 140D".

(4) In Order 93—

(**1**) 1978 (c.23) to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4)
(**2**) S.R. 1980 No.346 to which the most recent amendments were made by S.R. 2008 No.22

(a) after rule 1(2)(s) insert—

"(t) Regulations 6, 9, 11, 16, 53(6) and 54(5) of the Companies (Cross-Border Mergers) Regulations 2007(**3**).";

(b) in rule 10(4), for "Probate and Matrimonial Office" substitute "Chancery Office"; and

(c) after rule 16, insert the following new rules—

"**Applications under the Companies (Cross-Border Mergers) Regulations 2007**

17.—(1) In this rule and in rules 18 to 20 "the 2007 Regulations" means the Companies (Cross-Border Mergers) Regulations 2007.

(2) An application to the Court under regulation 6(1) of the 2007 Regulations (Court approval of pre-merger requirements) shall be made by originating summons in Form 7.

(3) Such an application must be supported by evidence that the requirements of regulations 7 to 10 and 12 to 15 of the 2007 Regulations have been complied with.

(4) Where an application under regulation 11 of the 2007 Regulations to summon a meeting of creditors has been made, the Court will not determine the application under regulation 6 until the result of the meeting is known.

18.—(1) An application to the Court under—

(a) regulation 9(3) (Independent expert's report); or

(b) regulation 11(1) (Power of court to summon meeting of members or creditors)

of the 2007 Regulations shall be made by originating summons in Form 7 and be accompanied by evidence in support of the application.

19.—(1) An application to the Court under regulation 16(1) of the 2007 Regulations (Court approval of cross-border merger), shall be made by originating summons in Form 7 and must be accompanied by the documents referred to in regulation 16(1)(b), (c) and (e).

(2) Where appropriate the application should also be accompanied by evidence that regulation 16(f) of the 2007 Regulations has been complied with and such other evidence as may be required to enable the Court to decide the application.

(3) Where the Court makes an order under regulation 16 of the 2007 Regulations approving the merger it will fix a date on which the consequences of the merger are to take effect.

20.—(1) An application to the Court under—

(a) regulation 53(6) (Disputes about operation of an employee participation agreement or the standard rules of employee participation); or

(b) regulation 54(5)(Misuse of procedures)

of the 2007 Regulations for a penalty notice shall be made by originating summons in Form 7 and must be supported by a copy of the declaration made by the Industrial Court under regulation 53(4) or 54(4) of the 2007 Regulations or an explanation as to why none is included.

(**3**) S.I. 2007/2974