STATUTORY RULES OF NORTHERN IRELAND

2008 No. 199

COUNTY COURTS

The County Court (Amendment) Rules (Northern Ireland) 2008

Made - - - -	*3rd May 2008*
Coming into operation	*30th May 2008*

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 and Commencement

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on 30th May 2008.

Amendments

2. In Order 30 of the County Court Rules (Northern Ireland) 1981(**2**) ('the principal Rules')—

(a) in rule 3(3), for "139(1)(a) (reopening of extortionate agreements)", substitute "140B(2)(a) (unfair relationships)"; and

(b) for rule 11 substitute—

"**Unfair relationships**

11.—(1) An application under section 140B(2)(a) for an order under section 140B in connection with a credit agreement shall be made by notice in Form 283.

(2) Paragraph 5 of rule 9 shall apply to a notice of application under paragraph (1) of this rule.

(3) Where in county court proceedings of a type specified in section 140B(2)(b) or (c) a debtor or surety desires an order under section 140B in connection with a credit agreement he shall, not less than 28 days before the date fixed for the hearing, serve notice of motion in Form 281 that he so desires on the chief clerk and on the other party or parties to the proceedings or their solicitors.

(**1**) S.I. 1980/397 (N.I. 3) to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c. 4).
(**2**) S.R. 1981 No. 225 to which the most relevant amendments were made by S.R. 2007 No. 192 and S.R. 2007 No. 500.

(4) Paragraph (3) shall not apply where notice has been served under paragraph (5).

(5) Where a defendant in accordance with section 140B(2)(b) or (c) desires an order under section 140B in connection with a credit agreement he shall serve notice that he so desires on the chief clerk and on the plaintiff's solicitor or, where the plaintiff is suing in person, on the plaintiff within 21 days from the date of service upon him of the civil bill.".

3. In Appendix 1 to the principal Rules—

(a) in Form 71, for the words "Probate and Matrimonial Office of the Family Division" substitute "Chancery Office of the Chancery Division";

(b) in Form 183, for the words "Probate and Matrimonial Office", wherever they appear, substitute "Chancery Office";

(c) in Form 184, for the words "Probate and Matrimonial Office", wherever they appear, substitute "Chancery Office";

(d) in Form 185, for the words "Probate and Matrimonial Office", wherever they appear, substitute "Chancery Office";

(e) in Form 186, for the words "Probate and Matrimonial Office" substitute "Chancery Office";

(f) in Form 187, for the words "Probate and Matrimonial Office" substitute "Chancery Office";

(g) in Form 188, for the words "Family Division" substitute "Chancery Division";

(h) in Form 191, for the words "Probate and Matrimonial Office" substitute "Chancery Office"; and

(i) for Form 283 substitute the Form set out in the Schedule to these Rules.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Lord Chancellor.
Signed

T.A. Burgess
C.E.Philpott
DorcasCrawford
BrianJ.Stewart
BarryValentine

Dated 30th April 2008