STATUTORY RULES OF NORTHERN IRELAND

2008 No. 22

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 2008

Made - - - -	*21st January 2008*
To be laid before Parliament	
Coming into operation	*25th February 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) 2008 and shall come into operation on 25th February 2008.

Amendments to the Rules of the Supreme Court (Northern Ireland) 1980(2)

2. In Order 5—

(1) for rule 6(2) substitute—

"(2) Except as provided by paragraph (3), or under any other statutory provision, a body corporate may not begin or carry on any such proceedings otherwise than by a solicitor.";

(2) after rule 6(2) insert—

"(3) A body corporate may begin and carry on any such proceedings by an employee if—

(a) the employee has been authorised by the body corporate to begin and carry on proceedings on its behalf; and

(b) the Court grants leave for the employee to do so.".

3. In Order 12—

(1) for rule 1(2) substitute—

(**1**) 1978 c.23 to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4)
(**2**) **1980 No. 346 to which the most recent relevant amendments were made by S.R. 2006 No.305 and S.R. 2007 No. 189**

"(2) A defendant to such an action who is a body corporate may only enter an appearance in the action or defend it by—

(a) a solicitor; or

(b) an employee if—

(i) the employee has been authorised by the body corporate to enter an appearance in the action or defend it on its behalf; and

(ii) the Court grants leave for the employee to do so.";

(2) for rule 3(3) substitute—

3.—"(3) A memorandum of appearance must specify—

(a) in the case of a defendant appearing in person, the address of his place of residence and, if his place of residence is not within the jurisdiction or if he has no place of residence, the address of a place within the jurisdiction at or to which documents for him may be delivered or sent;

(b) in the case of a body corporate appearing by an employee, the registered or principal office of the body corporate within the jurisdiction or if it has no registered or principal office within the jurisdiction, the address of a place within the jurisdiction at or to which documents may be delivered or sent;

(c) in the case of a defendant appearing by a solicitor, a business address of his solicitor's within the jurisdiction,

and where the defendant enters an appearance in person or by an employee the address within the jurisdiction specified under sub-paragraph (a) or (b) shall be the address for service, but otherwise the business address of the defendant's solicitor shall be the address for service.".

4. In Order 64, rule 1(a) after the words "both days included", insert the words "or on such other five days as the Lord Chief Justice may direct".

5. In Order 93—

(1) after rule 1(2)(5) insert—

"(s) The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 and the Electricity Regulations (Northern Ireland) 2007.";

(2) after rule 12 insert —

"**The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 and the Electricity Regulations (Northern Ireland) 2007**

13. In rules 12 to 14—

"the 2007 Order" means the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007(**3**);

"the 2007 Regulations" means the Electricity Regulations (Northern Ireland) 2007(**4**);

"the Authority" means the Northern Ireland Authority for Utility Regulation; and

"the defendant" means the occupier of the premises to which the warrant relates.

(**3**) S.R. 2007 No. 913
(**4**) S.R. 2007 No. 321

Registration in the High Court of an order under paragraph 16 or 17 of Schedule 1 to the 2007 Order or regulation 33(1) of the 2007 Regulations

14. An order under paragraph 16 or 17 of Schedule 1 to the 2007 Order, or under regulation 33(1) of the 2007 Regulations shall be registered by lodging in the Chancery Office a certified copy of the order.

Application for a warrant under paragraph 2 of Schedule 3 to the 2007 Order

15. The jurisdiction of the Court under paragraph 2 of Schedule 3 to the 2007 Order may be exercised by a judge in chambers.

16.—(1) An application for a warrant under paragraph 2 of Schedule 3 to the 2007 Order shall be made by originating summons.

(2) An originating summons under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the 2007 Order.

(3) An application shall be supported by an affidavit which shall state—

(a) that a warrant is sought under paragraph 2 of Schedule 3 to the 2007 Order;

(b) the address or other identification of the premises to which the warrant relates and the connection between the defendant and those premises;

(c) the details of any other possible occupants of those premises;

(d) the subject matter and purpose of the investigation to which the warrant relates and the nature of the suspected offences under paragraph 4 of Schedule 3 to the 2007 Order;

(e) the anticipated date for the execution of the warrant;

(f) the name(s) of the officer(s) of the Authority who will execute the warrant and whose name(s) will appear on the warrant;

(g) the position held by the named officer(s) of the Authority; and

shall be accompanied by a draft of the warrant being sought.

(4) A copy of the authorisation containing the name(s) of the named officer(s) of the Authority shall be annexed to the affidavit.

(5) Unless the Court otherwise directs, an affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

(6) The summons, affidavit and draft warrant shall be lodged with the Court no less than two clear days before the date fixed for hearing of the summons.

(7) The warrant shall be in Form No. 75.".

6. In Appendix A after Form No.74, insert the Form set out in the Schedule to these Rules.

Brian Kerr
Patrick Coghlin
Paul Girvan
Anthony Campbell
Tony Caher

Dated 15th January 2008

Signed by the authority of the Lord Chancellor
In exercise of the powers conferred by section 55A(3) of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

David Hanson
Minister of State
Ministry of Justice

Dated 21st January 2008