STATUTORY RULES OF NORTHERN IRELAND

# 2000 No. 393

# SUPREME COURT, NORTHERN IRELAND PROCEDURE

## The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 2000

*Made - - - - 13th December 2000*

*To be laid before Parliament*

*Coming into operation 8th January 2001*

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**1**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:—

### Citation, commencement and interpretation

**1.**—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 2000 and shall come into operation on 8th January 2001.

(2) In these Rules an Order referred to by number or an Appendix referred to by letter means the Order so numbered or the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(**2**).

### Arrangement of Orders

**2.** The arrangement of Orders at the beginning of the Rules of the Supreme Court (Northern Ireland) 1980 shall be amended by adding after the entry relating to Order 121 the following—

"**122.** The Competition Act 1998(**3**)

### Business of the Supreme Court

**3.** Order 1, rule 10 shall be amended by adding after paragraph (*g*) the following new paragraphs —

(**1**) 1978 c. 23
(**2**) S.R. 1980 No. 346; to which the most recent relevant amendments were made by S.R. 1999 No. 493 and S.R. 2000 No. 243
(**3**) 1998 c. 41

"(h) applications under sections 28, 62 or 63 of the Competition Act 1998;

(i) proceedings under Part III of the Fair Trading Act 1973(**4**).".

**Appeal on a point of law**

**4.** Order 61 shall be amended by adding after rule 16 the following new rules—

"**Application for leave to appeal to the Court of Appeal under section 49(1)(a) of the Competition Act 1998**

**17.**—(1) In this rule and rule 18—

"the Act" means the Competition Act 1998(**5**); and

"the appeal tribunal" means the appeal tribunal established under section 48(1) of the Act and constituted in accordance with the provisions of Part III of Schedule 7 to the Act.

(2) An application for leave to appeal to the Court of Appeal under section 49(1)(*a*) of the Act shall be made within 28 days of the appeal tribunal's decision to refuse leave to appeal.

(3) Such an application shall be made ex-parte by lodging the following documents in the Central Office, namely—

(a) a certified copy of the appeal tribunal's decision to refuse to grant leave to appeal and

(b) a statement of the grounds of the application.

(4) The proper officer shall notify the parties of the determination of the Court of Appeal.

(5) Where leave to appeal has been granted the applicant shall notify the Chairman of the appeal tribunal.

**Appeal from the appeal tribunal**

**18.**—(1) Where leave to appeal to the Court of Appeal under section 49(1)(*a*) of the Act has been granted by the appeal tribunal or by the Court of Appeal, the time limit specified in rule 1(2)(*a*) for lodging the requisition to state the case shall be calculated from the date leave was so granted.

(2) On entering an appeal for hearing a copy of the order granting leave to appeal by the appeal tribunal or by the Court of Appeal must be lodged in the Central Office together with the case stated and the requisition for hearing.".

**5.** Order 94, rule 2 shall be amended by adding after paragraph (xii) the following new paragraph —

"(xiii) section 92(1) of the Northern Ireland Act 1998(**6**);

(xiv) section 49(1)(*a*) of the Competition Act 1998.".

**Amendment of Order 121**

**6.** Order 121, rule 7 shall be amended by substituting for paragraph (2) the following new paragraph—

"(2) The notice referred to in paragraph (1) shall be in writing and—

(**4**) 1973 c. 41
(**5**) c. 41
(**6**) 1998 c. 47

(a) shall be filed in the Central Office, not later than 21 days, or such other period as the Court may specify, after the date of service of notice under rule 6;

(b) a copy shall be served on each of the parties to the proceedings as soon as practicable thereafter; and

(c) where a Minister has nominated a person or government department under section 9(5) of the Act, shall be accompanied by a copy of that nomination in writing.".

**Application for warrant**

**7.**—(1) After Order 121 there shall be added the Order set out in Schedule 1 to these Rules.

(2) After Form No. 68 in Appendix A there shall be added the Forms set out in Schedule 2 to these Rules.

*R. D. Carswell*
*Anthony Campbell*
*F. P. Girvan*
*Caroline McGonagle*
*Tony Caher*
*R. Weatherup*
*H. P. Kennedy*
*Brian Kerr*

Dated 29th November 2000

I concur

Dated 13th December 2000

*Irvine of Lairg,* C.

SCHEDULE 1 Rule 7(1)

# "Order 122

## THE COMPETITION ACT 1998

**Interpretation**

1. In this Order—

"the Act" means the Competition Act 1998(**7**);

"Director" means the Director General of Fair Trading or any regulator having concurrent functions as provided by sections 54(1) and (2) of the Act;

"Respondent" means the occupier of the premises to which the warrant relates; and

expressions used have the same meaning as in the Act.

**Exercise of jurisdiction**

2. The jurisdiction of the court under section 28, 62 or 63 of the Act may be exercised by a judge in chambers.

**Application for a warrant**

3.—(1) An application for a warrant under section 28, 62 or 63 of the Act may be made ex-parte by originating summons.

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

(3) An application under paragraph (1) shall be supported by an affidavit which shall state—

(a) that a warrant is sought and the section of the Act under which it is sought;

(b) the address or other identification of the premises to which the warrant relates and the connection between the Respondent 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, including the nature of the suspected infringement of the Chapter I or II prohibitions or of Articles 81 or 82 of the Treaty establishing the European Community;

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

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

(g) whether the named officer(s) of the Director will be accompanied by authorised officers of the European Commission;

(h) the position held by the named officer(s) of the Director; and

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

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

(7) c. 41

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

(7) A warrant issued under section 28 of the Act shall be in Form No. 69.

(8) A warrant issued under section 62 of the Act shall be in Form No. 70.

(9) A warrant issued under section 63 of the Act shall be in Form No. 71."

## SCHEDULE 2

Rule 7(2)

No. 69 **Warrant for entry of premises issued under section 28 of the Competition Act 1998**