STATUTORY RULES OF NORTHERN IRELAND

2000 No. 282

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 2000

Made - - - -	*27th September 2000*
Coming into operation	*2nd October 2000*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**1**), in exercise of the powers conferred on us by Article 47 of that Order, sections 7(2) and (9) of the Human Rights Act 1998(**2**), and all other powers enabling us in that behalf, hereby make the following Rules:—

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2000.

(2) In these Rules, a reference to an Order, Appendix or Form by number is a reference to that Order, Appendix of Form so numbered in the County Court Rules (Northern Ireland) 1981(**3**).

Amendments

2.—(1) After Part VI of Order 52, there shall be added the new Part VII set out in Schedule 1.

(2) After Form 396 in Appendix 1, there shall be added the new Forms set out in Schedule 2.

(**1**) S.I.1980/397 (N.I. 3)
(**2**) 1998 c. 42
(**3**) S.R. 1981 No. 225 to which the most recent relevant amendments were made by S.R. 1999 No. 129

We, the undersigned members of the County Court Rules Committee, having by the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

A. R. Hart
T. A. Burgess
Brian Kennedy
Barry Valentine
P. Kelly
Dated 14th September 2000. *Brian F. Walker*

After consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 2nd October 2000.

Dated 27th September 2000. *Irvine of Lairg,* C.

SCHEDULE 1 Rule 2(1);

"Part VII

The Human Rights Act 1998

Interpretation

22. In this Part—

"the Act" means the Human Rights Act 1998(**4**);

"appropriate person" has the same meaning as in Section 9(5) of the Act;

"Convention rights" has the same meaning as in section 1 of the Act"

"judicial act" has the same meaning as in section 9(5) of the Act;

"originating process" means a civil bill, petition, notice of application or any other method of commencing proceedings in a county court;

"public authority" has the same meaning as in section 6(3) of the Act.

Commencement of proceedings

23.—(1) Subject to paragraph (2), proceedings under section 7(1)(*a*) of the Act may be brought in a county court in accordance with such provisions as relate to the action or other type of proceeding which it is sought to bring.

(2) Proceedings under section 7(1)(*a*) of the Act in respect of a judicial act may be brought in a county court only by exercising a right of appeal.

Proceedings

24.—(1) A party who intends to rely on a Convention right or rights in proceedings before a county court shall state that fact and shall specify such details as are referred to in paragraph (3)—

(a) if he is a plaintiff, petitioner or applicant, in the originating process;

(b) if he is an appellant, in the notice of appeal;

(c) if he is a defendant or a respondent to a petition, application or appeal, or in any other case, on a notice in Form 397.

(2) A notice in Form 397 shall be delivered to the Chief Clerk and served on each of the other parties to the proceedings—

(a) at the same time as any notice of intention to defend is so delivered and served; or

(b) in a case where there is no notice of intention to defend, as soon as practicable after notice of the proceedings has been received.

(3) The following shall be specified in accordance with paragraph (1)—

(a) details of the Convention right or rights which it is alleged have been (or would be) infringed and details of the alleged infringement;

(b) the relief sought;

(c) whether the relief sought includes a claim for damages in respect of a judicial act to which section 9(3) of the Act applies;

(**4**) 1998 c. 42