STATUTORY RULES OF NORTHERN IRELAND

2000 No. 243

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 2000

To be laid before Parliament

Made - - - -	*24th July 2000*
Coming into operation	*2nd October 2000*

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) This Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 2000 and shall come into operation on 2nd October 2000.

(2) In these Rules, "the principal rules" means the Rules of the Supreme Court (Northern Ireland) 1980(**2**) and an Order referred to by number means the Order so numbered in the principal rules.

Arrangement of Orders

2. The Arrangement of Orders at the beginning of the principal rules shall be amended by adding after the entry relating to Order 120 the following—

"**121.** The Human Rights Act 1998".

Amendment of the principal rules

3. Order 15, rule 6 shall be amended by adding after paragraph (6), the following new paragraph —

"(7) This rule shall not apply to any joinder of parties to which Order 121 applies.".

(**1**) 1978 c. 28
(**2**) S.R. 1980 No. 346; to which the most recent relevant amendment was made by S.R. 1999 No. 493

4. Order 32, rule 11 shall be amended by adding after sub-paragraph (*n*) of paragraph (1), the following new sub-paragraphs—

"(o) proceedings under section 7(1)(*a*) of the Human Rights Act 1998 in respect of a judicial act, as defined in section 9(5) of that Act;

(p) proceedings in which there is an issue which may lead to the Court considering whether to make a declaration of incompatibility under section 4 of the Human Rights Act 1998.".

5. Order 42 shall be amended by inserting after rule 3 the following new rule—

"**3A.** Where on an application or appeal in respect of—

(a) an order of committal;

(b) a refusal to order release on an application for Writ of Habeas Corpus;

(c) a refusal to grant bail;

(d) a secure accommodation order made under Article 44 of the Children (Northern Ireland) Order 1995(**3**),

the Court determines that a Convention right, as defined in section 1 of the Human Rights Act 1998, of the applicant or appellant have been infringed by the making of the order to which the application or appeal relates, the Court shall so specify in its judgment.".

6. Order 78 shall be amended as follows—

(a) in rule 2,

(i) by deleting the word "and" at the end of sub-paragraph (*g*);

(ii) by adding the word "and" at the end of sub-paragraph (*h*); and

(iii) by adding after sub-paragraph (*h*), the following new sub-paragraph—

"(i) whether the making of a declaration of incompatibility under section 4 of the Human Rights Act 1998 has arisen or may arise in the proceedings.";

(b) in rule 3,

(i) by deleting the word "and" at the end of sub-paragraph (*c*);

(ii) by adding the word "and" at the end of sub-paragraph (*d*); and

(iii) by adding after sub-paragraph (*d*), the following new sub-paragraph—

"(e) whether the making of a declaration of incompatibility has arisen or may arise in the proceedings.".

7. After Order 120 there shall be added the Order set out in the Schedule to these Rules.

J. M. Nicholson
R. Weatherup
Tony Caher
Caroline McGonagle
R. D. Carswell

Dated 14th July 2000

(**3**) S.I.1995/755 (N.I. 2)

I concur

Dated 24th July 2000 *Irvine of Lairg, C.*