STATUTORY RULES OF NORTHERN IRELAND

1999 No. 493

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1999

To be laid before Parliament

Made - - - -	*10th December 1999*
Coming into operation	*17th January 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 and commencement

1. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1999 and shall come into operation on 17th January 2000.

Devolution issues

2.—(1) The Rules of the Supreme Court (Northern Ireland) 1980(**2**) shall be amended in accordance with the following provisions of this rule.

(2) In the Arrangement of Orders after the entry relating to Order 119 there shall be added the following—

"**120.** Devolution issues under Schedule 10 to the Northern Ireland Act 1998(**3**).".

(3) After Order 119(**4**) there shall be added the following new Order—

(**1**) 1978 c. 23
(**2**) S.R. 1980 No. 346
(**3**) 1998 c. 47
(**4**) S.R. 1997 No. 265 added Order 118 and S.R. 1999 No. 19 added Order 119

"Order 120

DEVOLUTION ISSUES UNDER SCHEDULE 10 TO THE NORTHERN IRELAND ACT 1998

Part I

Introductory

Interpretation

1. In this Order—

"the appropriate Minister or department" means—

(a) the First Minister and the deputy First Minister acting jointly; or

(b) where they, acting jointly, determine under paragraph 36 of Schedule 10 that any power conferred on them by that Schedule in relation to any specified proceedings may be exercised by a specified Minister or Northern Ireland department, that Minister or department; and for this purpose "specified" means specified in a determination under that paragraph;

"the Court" means the High Court or the Court of Appeal;

"devolution issue" has the same meaning as in Schedule 10;

"the Judicial Committee" means the Judicial Committee of the Privy Council;

"originating process" means a writ, originating summons, originating motion, petition or any other method of beginning civil proceedings in the High Court;

"Schedule 10" means Schedule 10 to the Northern Ireland Act 1998(**5**).

Part II

Devolution Issues raised in the High Court and The Court of Appeal

Specification of devolution issue

2.—(1) A party raising a devolution issue shall specify—

(a) if he is a plaintiff or petitioner in the originating process or, in the case of an action begun by writ, the statement of claim;

(b) if he is a defendant or a respondent to a petition, in the defence, counterclaim or answer;

(c) if he is a appellant under Order 59 or an appellant from a county court, in the notice of appeal;

(d) in any other case, in a notice filed in the Central Office and served on each of the other parties to the proceedings,

the facts and circumstances and points of law on the basis of which it is alleged that the devolution issue arises in sufficient detail to enable the Court to determine whether a devolution issue arises in the proceedings.

(**5**) 1998 c. 47