STATUTORY RULES OF NORTHERN IRELAND

1999 No. 334

COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1999

Made - - - -	*21st July 1999*
Coming into operation	*6th September 1999*

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, Articles 4(1) and 11 of the Civil Evidence (Northern Ireland) Order 1997(**2**) and all other powers enabling us in that behalf, hereby make the following Rules:

Citation

1. These Rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1999.

Hearsay Evidence

2. Order 24 of the County Court Rules (Northern Ireland) 1980(**3**) shall be amended by substituting for Part II the following Part—

"Part II

Hearsay Evidence Admissible under the Civil Evidence (Northern Ireland) Order 1997

Interpretation and application of this Part

23.—(1) In this Part "hearsay evidence" means evidence consisting of hearsay within the meaning of Article 3(3) of the Civil Evidence (Northern Ireland) Order 1997 (in this rule referred to as "the 1997 Order").

(**1**) S.I. 1980/397 (N.I. 3)
(**2**) S.I. 1997/2923 (N.I. 21)
(**3**) S.R. 1981 No. 225

(2) Expressions used in this Part and in the 1997 Order have the same meaning in this Part as they have in that Order.

(3) This Part applies in relation to the trial or hearing of an issue or question arising in any civil proceedings, and to a reference, inquiry or assessment of damages, as it applies to the trial or hearing of any civil proceedings.

Power to call witness for cross-examination on hearsay evidence

24.—(1) Where a party to civil proceedings adduces hearsay evidence of a statement made by a person but does not call the person who made the statement to give evidence, the court may, on the application of another party, allow that other party to call and cross-examine the person on the statement as if he had been called by the first-mentioned party and as if the hearsay statement were his evidence in chief.

(2) Where the court allows another party to call and cross-examine the person who made the statement, it may give such directions as it thinks fit to secure the attendance of that person as a witness and as to the procedure to be followed.

Credibility

25. If—

(a) a party has indicated an intention to adduce hearsay evidence of a statement made by a person who will not be called to give evidence; and

(b) another party wishes to attack the credibility of the person who made the statement,

that other party shall, so far as is reasonable in the circumstances, notify the party tendering the hearsay evidence of his intention.".

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

A. R. Hart
J. J. Curran
T. A. Burgess
B. Kennedy
Brian J. Stewart
B. F. Walker
James A. Agnew

Dated 29th June 1999