STATUTORY RULES OF NORTHERN IRELAND

1998 No. 199

COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1998

Made - - - -	*2nd June 1998*
Coming into operation	*1st September 1998*

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, hereby make the following Rules:—

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1998.

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

Service of civil bill

2. In Order 6, Rule 3(2) for sub-paragraph (*b*) there shall be substituted the following new sub-paragraph—

"(b) where service is not required by paragraph (6) or Rule 6(1) of Order 40 to be made on the defendant in person,—

(i) by a solicitor or member of his staff over the age of 16 years sending to the defendant at the address given for the defendant in the civil bill, a copy of the civil bill, by ordinary first class post, (in this Order, first class post means first class post which has been pre-paid or in respect of which pre-payment is not required); or

(ii) if there is a letter box at the address given for the defendant in the civil bill by inserting through that letter box a copy of the civil bill enclosed in a sealed envelope addressed to the defendant.".

(**1**) S.I.1980/397 (N.I. 3)
(**2**) S.R. 1981 No. 225 to which the most recent relevant amendments were made by S.R. 1995 No. 151 and S.R. 1995 No. 282

Assessment of damages by the district judge

3. Order 12, Rule 13 shall be amended as follows—

(a) in paragraph 2(i) for the words "the hearing" there shall be substituted the words "the assessment";

(b) for paragraph (2)(ii) there shall be substituted the following new paragraph—

"(ii) issue a summons in Form 70 and serve it, together with the medical or other reports upon which he will seek to rely at the assessment, on the other parties to the proceedings at least 7 days before the date fixed for assessment.";

(c) after paragraph (2) there shall be inserted the following new paragraph—

"(2A) Where a party against whom judgment has been entered wishes to be heard at the assessment he shall give notice in writing to the chief clerk and the other parties to the proceedings.".

Payment into court

4. Order 21, shall be amended as follows—

(a) in Rule 2(1) for the word "after" where it first appears substitute the word "upon";

(b) in Rule 2(4) delete the words "adjourning a case under Rule 3(2) of Order 5 and";

(c) in Rule 3(1) delete the words "in granting an adjournment".

Practice generally

5. Order 43 shall be amended as follows—

(a) for Rule 18 there shall be substituted the following new Rule—

"**Quality and size of paper**

18.—(1) All accounts, copies, papers, notices and other documents lodged with the chief clerk or other officer are to be written bookwise, unless the nature of the document renders it impracticable to do so, upon paper of durable quality approximately 297mm long by 210mm wide, or A4ISO, having a margin not less than 38mm wide to be left blank on the left side of the face of the paper and on the right side of the reverse and shall be endorsed with the solicitor's name and any document not so endorsed or not plainly and legibly written shall be refused.

(2) Unless the chief clerk in any particular case otherwise determines, all decrees shall be written on judicature paper of a size not less than A4ISO.

(3) In this Rule, the expression "A4" followed by the letters "ISO" means the size of paper so referred to in the specifications of the International Standards Organisation.";

(b) in Rule 19A(1) for the words "second business day" there shall be substituted the words "seventh business day".

(c) after Rule 27 there shall be inserted the following new Rule—

"**Service by DX**

28.—(1) Service of any document, not being a document which by virtue of any provisions of these Rules is required to be served personally, or a document to which Order 6, Rule 3 applies, may be effected, where—