STATUTORY RULES OF NORTHERN IRELAND

1998 No. 21

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 1998

Made - - - -	*22nd January 1998*
Coming into operation	*20th April 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) Rules (Northern Ireland) 1998.

(2) In these Rules "the principal Rules" means the County Court Rules (Northern Ireland) 1981(**2**).

(3) 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 principal Rules.

Medical evidence

2. Order 24 shall be amended as follows—

(a) for Rule 38 there shall be substituted the following new Rule—

"**38.** Subject to Rule 36, where a party proposes to adduce at the hearing medical evidence obtained from any medical expert, he shall disclose all relevant medical evidence obtained at any time from that medical expert to the relevant party or parties in accordance with Rule 36 or within 21 days of receiving it and in any case before the first day of the hearing.";

(b) for Rule 43 there shall be substituted the following new Rule—

"**43.**—(1) A party serving or disclosing medical evidence under this Part shall do so by furnishing copies of any relevant medical report or reports, together with any documents emanating from the maker thereof which are intended by him to accompany

(**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. 1988 No. 112, S.R. 1995 No. 151, S.R. 1995 No. 282 and S.R. 1997 No. 61

or supplement any such report, or a document or documents containing a sufficient record of any such evidence as is referred to in Rule 45(*b*). All such reports or other documents shall be signed and dated by the relevant medical expert and shall specify his professional qualifications.

(2) On the ex parte application of any party bound to serve or disclose any medical report under this Part the judge may give him leave—

(i) to adduce at the hearing the evidence contained in any report without serving or disclosing the report; or

(ii) to omit or amend any part of any report when serving or disclosing the report.";

(c) for Rule 45 there shall be substituted the following new Rule—

"**45.** For the purposes of this Part "medical evidence" means—

(a) the evidence contained in any report or other accompanying or supplemental document as specified in Rule 43 and includes surgical and radiological evidence and any ancillary expert or technical evidence; and

(b) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the hearing by means of oral testimony

and the expressions "medical expert" and "medical examination" shall be construed accordingly.".

Revision of references

3. The amendments to the principal Rules set out in the Schedule shall have effect.

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 hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

A. R. Hart
J. J. Curran
Hilary Keegan
Barry Valentine
James A. Agnew
G. H. Keatley
Brian J. Stewart
Brian Kennedy

Dated 11th December 1997