STATUTORY RULES OF NORTHERN IRELAND

1997 No. 17

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 1997

Made - - - -	*16th January 1997*
Coming into operation	*31st January 1997*

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 Articles 30(5)(*b*) and 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) 1997.

(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 or Rule is a reference to that Order or Rule as numbered in the principal Rules.

Procedure on arbitration

2.—(1) In Order 26, Rule 6 for the heading and paragraph (1) substitute the following new heading and paragraph (1)—

"**Procedure**

6.—(1) Subject to paragraphs (2) to (5), Rule 6A shall apply to arbitrations under this Order.".

(2) After Order 26, Rule 6 insert the following new Rule 6A—

"**Powers of district judge**

6A.—(1) The district judge shall have power to—

(**1**) S.I.1980/397 (N.I.. 3)
(**2**) S.R. 1981 No. 225 most recently amended by S.R. 1991 No. 230, S.R. 1992 No. 439, S.R. 1995 No. 151, S.R. 1995 No. 282 and S.R. 1995 No. 471

(a) administer oaths to or take the affirmations of the parties and witnesses appearing; and

(b) to correct in an award any clerical mistake or error arising from any accidental slip or omission.

(2) The parties to the reference and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the district judge on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the district judge all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the district judge may require.

(3) The witnesses shall, if the district judge thinks fit, be examined on oath or affirmation.

(4) The district judge shall have the same power as the judge to order specific performance of any contract, other than a contract relating to land or any interest in land.

(5) The district judge may, if he thinks fit, make an interim award.".

(3) In Order 26, Rule 8—

(a) in paragraph (2) delete the words "Subject to paragraph 7 of the First Schedule to the Arbitration Act (Northern Ireland) 1937,"

(b) in paragraph (3) delete the words "Without prejudice to section 7(2) of the Arbitration Act (Northern Ireland) 1937 (power of the High Court to set aside award),".

Powers of judge where no certificate of readiness is served within time allowed

3. In Order 8, Rule 3(2) after the words "as he considers appropriate" insert the words "including, in particular, an order that the proceedings be stayed or dismissed.".

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.

J. F. B. Russell
T. A. Burgess
Barry Valentine
H. McM. Keegan
Brian F. Walker
G. H. Keatley
Brian J. Stewart
James A. Agnew

Dated 8th January 1997.