STATUTORY RULES OF NORTHERN IRELAND

2016 No. 302

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules (Northern Ireland) 2016

Made - - - - 6th July 2016

Coming into operation in accordance with Rule 1

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(**1**).

Citation, commencement and interpretation

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2016 and shall come into operation on the same day as section 1 of the Justice Act (Northern Ireland) 2015(**2**).

2. In these Rules—

(a) "the principal Rules" means the County Court Rules (Northern Ireland) 1981(**3**); and

(b) a reference to an Order, Rule, paragraph, Appendix or Form is a reference to that Order, Rule, paragraph, Appendix or Form so numbered in the principal Rules.

Amendments to the principal Rules

3. The principal Rules are amended as follows—

(1) Omit Order 1.

(2) In Order 6—

(a) in Rule 2—

(i) in paragraph (1), for "the Judge", substitute "the Lord Chief Justice";

(**1**) S.I. 1980/ 397 (N.I. 3), to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4); and paragraph 33 of Schedule 17 to, and paragraph 118 of Schedule 18 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/ 976)

(**2**) 2015 c.9 (N.I.)

(**3**) S.R. 1981 No. 225, to which the most recent relevant amendments were made by S.R. 2009 No. 19, S.R. 2009 No. 176, S.R. 2011 No. 58 and S.R. 2013 No. 140

(ii) in paragraph (2), omit "Every process server who holds office at the date of coming into operation of these Rules shall at the first sittings after such date of the court for the division in which he acts as process server, and";

(iii) in paragraph (4), omit "in such form as may be approved by the Judge"; and

(iv) in paragraph (9), for "the sittings of the court for the division or part thereof for which he has been appointed", substitute "the court as required";

(b) in Rule 3—

(i) in paragraph (2)(a), for "division of the court", substitute "administrative court division"; and

(ii) in paragraph (3), for "division of the court", substitute "administrative court division", and omit "for the division in which the proceedings are to be brought".

(3) In Order 8, in Rule 1, omit "In each division for any court held in that division".

(4) In Order 14, in Rule 5(1), for "division of the court", insert "administrative court division".

(5) In Order 22—

(a) omit Part 1; and

(b) in Rule 8(1), omit "of the court for the division named in the order for hearing".

(6) In Order 24—

(a) in Rule 9(1), omit "for any county court division"; and

(b) in Rule 20(2)(b), omit "for the division in which the witness resides or carried on business".

(7) In Order 25, in Rule 20(2), omit "to a court in the division in which the decree was obtained".

(8) In Order 26, omit Rule 29.

(9) In Order 27, omit Rule 8.

(10) In Order 30, omit Rule 3.

(11) In Order 32—

(a) omit Rule 1(10);

(b) in Rule 6(6), omit "or, with the consent of the parties, to the sittings for such other division as may be convenient";

(c) in Rule 6A—

(i) in paragraph (2), omit "of the appropriate county court division"; and

(ii) in paragraph (5), omit "for the petty sessions district in which the magistrates' court sat";

(d) in Rule 6B(4), omit "of the appropriate county court division";

(e) in Rule 6IA.(3), omit "of the appropriate county court division";

(f) in Rule 6J, for paragraph (3), substitute—

"(3) On receipt of the application, the chief clerk shall refer it—

(a) to a judge; or

(b) if the hearing of the appeal has started, to the judge hearing the appeal.";

(g) in Rule 6NG paragraphs (2), (5) and (6), omit "of the appropriate county court division"; and

(h) in Rule 6NH(3), omit "of the appropriate county court division".

(12) In Order 35, omit Rule 4(2).

(13) In Order 37—

(a) in the heading to Rule 3, omit "Venue and"; and

(b) omit Rule 3(1).

(14) In Order 40—

(a) in Rule 5(2), from "therein specified" to "business" substitute "and before the court therein specified"; and

(b) in Rules 19(3) and 21(2), omit "of the appropriate county court division".

(15) In Order 45, omit Rule 1.

(16) In Order 46, omit Rule 7(2)(a).

(17) In Order 48—

(a) in Rule 1(1), omit the definition of "the chief clerk";

(b) in Rule 2(2), omit "for the petty sessions district in which the premises are situated";

(c) in Rule 8—

(i) omit paragraph (1);

(ii) in paragraph (5), omit "for the petty sessions district in which the club premises are situated"; and

(d) omit Rule 11(1).

(18) In Order 49, omit Rule 8.

(19) In Order 50A, in Rule 1(1), omit the definition of "chief clerk".

(20) In Order 51, in Rule 13(5), omit "acting for the petty sessions district in which the defendant appears to be,".

(21) In Order 52—

(a) omit Rule 4;

(b) in Rule 15(1), omit from "and may be brought" to the end of the paragraph; and

(c) omit Rule 17.

(22) In Order 54—

(a) in Rule 2(2), omit " mentioned in paragraph (3)";

(b) omit Rule 2(3);

(c) in Rule 8(1), omit from "and may be heard" to the end of the paragraph;

(d) in Rule 10(1), omit from "and may be heard" to the end of the paragraph; and

(e) omit Rule 16(2).

(23) In Order 56—

(a) for Rule 1, substitute—

"**1.** There shall be a county court seal for Northern Ireland."; and

(b) omit Rule 2.

(24) In Order 58, in Rule 1(1), above the entry for "controller", insert—

""administrative court division" means an area specified as such in directions issued by the Department of Justice under section 2 of the Justice Act (Northern Ireland) 2015;".

(25) Appendix 1 is amended in accordance with the Schedule.

David K McFarland
Ruth Collins
Sharon Hughes
Dated 6th July 2016 *Patrick Mullarkey*

In the exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 19th July 2016

L.S.

Claire Sugden
Minister of Justice

SCHEDULE

Rule 2(25)

1. In Form 1—

(1) omit "for the Division of" in both places where it occurs; and

(2) omit "and division of" in both places where it occurs.

2. In Forms 11, 12, 14, 15 and 16, in the first paragraph, omit "situate in whole or in part in the Division aforesaid".

3. In Forms 17 and 18, omit "are situate in whole or in part in the Division aforesaid and".

4. In Forms 20 and 21—

(1) in the title, omit "for the Division of";

(2) omit "†" in each place where it occurs; and

(3) at the end, omit "If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".".

5. In Forms 22 and 23—

(1) omit "†" in each place where it occurs; and

(2) at the end, omit "If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".".

6. In Form 24, omit "4. The lands are situate in whole or in part within the aforesaid Division.".

7. In Form 25, omit "5. The said lands are situate within the aforesaid Division.".

8. In Forms 26 and 27, omit "5. The said lands are situate in whole or in part within the Division aforesaid.".

9. In Form 28, omit "4. The said lands are situate in whole or in part within the Division aforesaid.".

10. In Form 29, omit "6. The lands to which this suit relates are situate in whole or in part within the Division aforesaid.".

11. In Form 30—

(1) in the first paragraph 1, omit "[if the defendant does not reside or carry on business within the Division aforesaid insert here—- situate within the Division aforesaid]";

(2) omit the first paragraph 3.

12. In Form 31, omit "situate in whole or in part within the Division aforesaid and".

13. In Form 32, in paragraph 1, omit "situate wholly or in part within the Division aforesaid".

14. In Form 34, omit "THE PETITIONER [*or* at least one of the trustees] resides in … [*or* a fund to which the proceedings relate has been lodged in the Court for …] the aforesaid Division.".

15. In Form 35, omit "THE MINOR resides within [*or* money to which the proceedings relate has been lodged in the Court for] [*or* land to which the proceedings relate is situate in whole or in part within] the Division aforesaid.".

16. In Form 39, omit ", that the several defendants resided at the time of service within this division unless in the cases noted by special endorsement".

17. In Forms 45, 47 and 48, in the title, omit "for the Division of".

18. In Form 60, in the title, omit "Division of".