1994 No. 286

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 1994

Made	*22nd July 1994*
Coming into operation—	
rule 5(a) and (c)	*1st September 1994*
rules 1, 2, 3, 4, 5(b) and 6	*1st October 1994*
To be laid before Parliament	

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**a**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1994 and except as provided by paragraph (2) shall come into operation on 1st October 1994.

(2) Rule 5(*a*) and (*c*) shall come into operation on 1st September 1994.

(3) In these Rules an Order referred to by number or an Appendix referred to by letter means the Order so numbered and the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(**b**).

Appeals to the Court of Appeal

2. Order 61 shall be amended by adding at the end the following new rules—

"*Application for leave to appeal to the Court of Appeal from a Value Added Tax Tribunal*

9.—(1) An application to the Court of Appeal for leave to appeal direct to that court under Article 2 of the Value Added Tax Tribunals

(**a**) 1978 c. 23

(**b**) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1980 No. 433; S.R. 1981 No. 224; S.R. 1982 No. 217; S.R. 1983 No. 183; S.R. 1983 No. 407; S.R. 1990 No. 267; S.R. 1991 No. 330; S.R. 1992 No. 399; S.R. 1993 No. 143.

Appeals (Northern Ireland) Order 1994(**a**) (appeals from value added tax tribunals)(**b**) shall be made within 28 days of—

(*a*) the date on which the tribunal endorses its decision with a certificate in accordance with Article 2(*b*) of the Value Added Tax Tribunals Appeals (Northern Ireland) Order 1994; or

(*b*) the date on which the party at whose instance a case has been stated by the tribunal receives it;

whichever is the later.

(2) Such an application shall be made by the party at whose instance a case has been stated by the tribunal by lodging the following documents with the Central Office namely:

(*a*) a certified copy of the tribunal's decision;

(*b*) a copy of the case stated;

(*c*) a statement of the grounds of the application;

(*d*) a statement by the other parties indicating that they consent to the application being made.

(3) The proper officer shall notify the parties of the determination of the Court of Appeal.

(4) Where leave to appeal is refused the time limit specified in Order 56 rule 1 for appealing to the High Court shall be calculated from the date notification of the refusal was received.

Appeal from a Value Added Tax Tribunal

10. Where in accordance with rule 9 leave has been granted to bring an appeal under Article 2 of the Value Added Tax Tribunals Appeals (Northern Ireland) Order 1994—

(*a*) the time limit specified in rule 1 for entering the appeal for hearing shall be calculated from the date the parties received notification of the grant of leave;

(*b*) on entering the appeal for hearing, a copy of the order granting leave to appeal must be lodged in the Central Office together with the case stated and the stamped requisition for hearing.

Application for leave to appeal to the Court of Appeal from the Immigration Appeal Tribunal

11.—(1) An application for leave to appeal to the Court of Appeal under section 9 of the Asylum and Immigration Appeals Act 1993(**c**) shall be made within 28 days of the date of the Immigration Appeal Tribunal's decision to refuse leave to appeal.

(2) Such an application shall be made ex parte by lodging the following documents in the Central Office, namely:

(**a**) S.I. 1994/1978

(**b**) Reference in these Rules to value added tax tribunals should be construed as reference to VAT and duties tribunals in accordance with section 7(2) of the Finance Act 1994 (c. 9)

(**c**) 1993 c. 23

(*a*) a certified copy of the Tribunal's decision to refuse to grant leave to appeal; and

(*b*) a statement of the grounds of the application.

(3) The proper officer shall notify the parties of the determination of the Court of Appeal.

(4) Where leave to appeal has been granted the applicant shall notify the Chairman of the Immigration Appeal Tribunal.

Appeal from an Immigration Appeal Tribunal

12.—(1) Where leave to appeal to the Court of Appeal under section 9 of the Asylum and Immigration Appeals Act 1993 has been granted by the Immigration Appeal Tribunal, or by the Court of Appeal, the time limit specified in rule 1(2)(*a*) for lodging the requisition to state the case shall be calculated from the date leave was so granted.

(2) On entering the appeal for hearing a copy of the order granting leave to appeal by the Immigration Appeal Tribunal or by the Court of Appeal must be lodged in the Central Office together with the case stated and the requisition for hearing.''.

Service of documents

3. Order 65 rule 5 shall be amended as follows—

(*a*) by adding at the end of paragraph 1(*c*) the word '', or'';

(*b*) by adding at the end of paragraph (1) the following sub-paragraph—

''(*d*) through a document exchange in accordance with paragraph (2B).'';

(*c*) by inserting after paragraph (2A) the following paragraph—

''(2B) Where—

(*a*) the proper address for service includes a numbered box at a document exchange, or

(*b*) there is inscribed on the writing paper of the party on whom the document is served (where such party acts in person) or on the writing paper of his solicitor (where such party acts by a solicitor) a document exchange box number, and such a party or his solicitor (as the case may be) has not indicated in writing to the party serving the document that he is unwilling to accept service through a document exchange,

service of the document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.''.

(*d*) by inserting at the end of paragraph (3) the words "; and "document exchange" means any document exchange for the time being approved by the Lord Chancellor.".

Proceedings by and against the Crown

4. Order 77 shall be amended by inserting the following paragraph at the beginning of rule 11—

"(1) Order 24, rules 1 and 2, shall not apply in civil proceedings to which the Crown is a party".

Appeals by way of case stated to the High Court and Court of Appeal

5. Order 94 shall be amended as follows—

(*a*) by substituting for rule 1 the following new rule—

"*Appeals to the High Court*

1. Appeals to the High Court under the following statutory provisions shall be brought by way of case stated in accordance with the provisions of Order 56—

(i) Section 11(1) of the Tribunals and Inquiries Act 1992(**a**) (appeals from a value added tax tribunal and other tribunals in Schedule 1 to the Act);

(ii) Article 34 of the Registered Homes (Northern Ireland) Order 1992(**b**) (appeals from a Registered Homes Tribunal).";

(*b*) by inserting, in rule 2(1), the following sub-paragraphs after sub-paragraph (ix)—

"(x) Article 2 of the Value Added Tax Tribunals Appeals (Northern Ireland) Order 1994 (appeals from a value added tax tribunal);

(xi) Section 9 of the Asylum and Immigration Appeals Act 1993 (appeals from the Immigration Appeal Tribunal).";

(*c*) by substituting in sub-paragraph (i) of rule 3(1) for the words "section 13(1) of the Tribunals and Inquiries Act 1971" the words "section 11(1) of the Tribunals and Inquiries Act 1992".

(**a**) 1992 c. 53
(**b**) S.I. 1992/3204 (N.I. 20)