1993 No. 143

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 1993

Made	*24th March 1993*
Coming into operation . .	*19th April 1993*
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) 1993 and shall come into operation on 19th April 1993.

(2) 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**).

Assignment of business to Bankruptcy and Companies Office

2. Order 1, rule 15, shall be amended by inserting after paragraph (*e*) the following paragraph—

> "(*f*) applications under sections 73, 94 and 178 of the Financial Services Act 1986."

Originating summons procedure

3. Order 28 shall be amended as follows—

(1) In rule 3(1), for the words "4 clear" there shall be substituted "14" and the words after "every other party" shall be omitted.

(**a**) 1978 c. 23

(**b**) S.R. 1980 No. 346; to which the relevant amending instruments are S.R. 1980 No. 433, S.R. 1981 No. 224, S.R. 1983 No. 114, S.R. 1983 No. 183, S.R. 1983 No. 407, S.R. 1984 No. 110, S.R. 1985 No. 170, S.R. 1990 No. 267, S.R. 1991 No. 282 and S.R. 1992 No. 399

(2) After rule 3(2), there shall be added the following new paragraphs—

"(3) Where notice in Form No. 10 in Appendix A is served in accordance with paragraph (1), such notice shall specify what orders or directions the party serving the notice intends to seek at the hearing; and any party served with such notice who wishes to seek different orders or directions must, not less than 7 days before the hearing, serve on every other party a notice specifying the other orders and directions he intends to seek.

(4) If the hearing of an originating summons which is in Form No. 6 or Form No. 7 in Appendix A is adjourned and any party to the proceedings desires to apply at the resumed hearing for any order or direction not previously asked for he must, not less than 7 days before the resumed hearing of the summons, serve on every other party a notice specifying those orders and directions.

(5) Where a party is required by any provision of this rule or rule 5(2) to serve a notice or a copy of a notice on "every other party" he must—

(*a*) where he is the plaintiff, serve it on every defendant who has entered an appearance to the originating summons; and

(*b*) where he is a defendant, serve it on the plaintiff and on every other defendant affected thereby."

(3) After rule 4(4). there shall be inserted the following paragraph—

"(5) The Court may at any stage of the proceedings order that any affidavit or any particulars of any claim, defence or other matter stated in any affidavit, shall stand as pleadings."

(4) For rule 5(2), there shall be substituted the following—

"(2) If the hearing of the summons is adjourned generally, any party may restore it to the list on 7 days' notice to every other party, and rule 3(4) shall apply in relation to any such adjourned hearing."

4. For Form No. 10 in Appendix A there shall be substituted the Form set out in Schedule 1.

Interest on judgment debts

5. Order 42, rule 9(2), shall be amended by substituting for the figure "15" the figure "8".

Affidavits in judicial review proceedings

6. In Order 53, rule 6, for paragraph (2) there shall be substituted the following paragraph:

"(2) The Court may on the hearing of the motion direct or allow the applicant to amend his statement, whether by specifying different or additional grounds or relief or otherwise, on such terms, if any, as it thinks fit and may allow further affidavits to be used by him.".

Appeals to the Court of Appeal

7. Order 94 shall be amended as follows—

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

"(viii) Article 18B of the Building Regulations (Northern Ireland) Order 1979 (appeals from the Department of the Environment)(**a**);

(ix) Article 26 of the Child Support (Northern Ireland) Order 1991 (appeals from Child Support Commissioner)"(**b**);

(2) by inserting, in rule 3(1), the following sub-paragraph after sub-paragraph (vi)—

"(vii) the Department mentioned in Article 18B(8) of the Building Regulations (Northern Ireland) Order 1979";

(3) by substituting, in rule 3(5), for the words "mentioned in rule 3(1)(iii), (iv) and (v)" the words "mentioned in rule 3(1)(iii), (iv), (v) and (vii)".

Approved surety companies

8. In the Schedule to Order 108 for the entry "Legal and General Assurance Society Limited" there shall be substituted the entry "Legal and General Insurance Limited".

Reciprocal recognition and enforcement of judgments

9. The amendments set out in Schedule 2 hereto shall have effect.

Dated 18th March 1993.

Brian Hutton
J. P. Higgins
R. D. Carswell
Anthony Campbell
Aidan A. Canavan

I concur, *Mackay of Clashfern,* C.

Dated 24th March 1993.

(**a**) S.I. 1979/1709 (N.I. 16); the relevant amending instrument is S.I. 1990/1510 (N.I. 14)
(**b**) S.I. 1991/2628 (N.I. 23)