1992 No. 478

COUNTY COURTS

County Court (Amendment No. 4) Rules (Northern Ireland) 1992

Made . . . . . *11th November 1992*

Coming into operation . . . *1st January 1993*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred on us by Article 47 of that Order, hereby make the following Rules:—

Citation

1. These Rules may be cited as the County Court (Amendment No. 4) Rules (Northern Ireland) 1992.

Interpretation

2. In these Rules a reference to an Order, an Appendix or a Form by number is a reference to that Order, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(**b**).

Reciprocal recognition and enforcement of judgments

3.—(1) Order 5, rule 2(9) shall be amended by substituting for the words "the Conventions as defined" the words "the Brussels Conventions or the Lugano Convention as defined".

(2) The definition of "convention territory" in Order 6A rule 1 shall be amended by substituting for the words "the conventions as defined" the words "the Brussels Conventions or the Lugano Convention as defined".

(3) Order 6A, rule 2(2)(*b*)(ii) shall be amended by inserting after the words "Schedule 1" the words ", Article 16 of Schedule 3C".

(4) Order 6A, rule 2(2)(*b*)(iii) shall be amended by inserting after the words "Schedule 1" the words ", Article 17 of Schedule 3C".

Notice of settlement

4.—(1) The title of Order 21 shall be amended by inserting after the word "Discontinuance" the word "Settlement".

(2) Order 21 shall be amended by inserting after rule 1 the following new Rule:—

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) S.R. 1981 No. 225

"*Notices of settlement*

1A.—(1) This rule applies to proceedings:—

(*a*) in which only a debt or liquidated amount is claimed;

(*b*) in which only unliquidated damages are claimed;

but does not apply to any proceedings in which any of the parties is a litigant in person or in which money or damages are claimed by or on behalf of or for the benefit of a minor or patient suing either alone or in conjunction with other parties.

(2) In any proceedings to which this rule applies, if all the parties consent, a solicitor for any of the parties may at any time up to the hearing make application in Form 98A on behalf of his client to the chief clerk to have entered in the order book of the court a settlement reached by the parties in those proceedings.

(3) An application in Form 98A shall be signed by the solicitors retained by each of the parties to the proceedings.

(4) An application in Form 98A shall state—

(*a*) the title to the proceedings;

(*b*) where it is known, the number allocated to the proceedings;

(*c*) the terms of the settlement in respect of the amount to be recovered and by whom it is to be recovered;

(*d*) the terms of the settlement in respect of costs and witness expenses;

(*e*) in any proceedings where a set-off or a counterclaim is alleged, whether the amount of the set-off or counterclaim has been deducted; and

(*f*) to whom any money lodged in court under Order 21 rule 2 is to be paid.

(5) Where proceedings have been commenced on behalf of a minor by his next friend and the minor has, since the date of the commencement of the proceedings, attained his majority, his birth certificate shall be attached to the application made in Form 98A.

(6) On receipt of an application in Form 98A, if he is satisfied that the application is in order, the chief clerk shall cause the settlement to be entered in the order book of the court.

(7) Where a settlement has been entered in the order book of the court pursuant to an application under paragraph (2) any party to the proceedings may apply to the chief clerk in writing for the issue of a decree or dismiss therein.".

(3) Order 21, rule 2(7) shall be amended by inserting after the words "further order unless" the words "a notice of settlement under rule 1A has been entered in the order book of the court or".

(4) Appendix I shall be amended by inserting after Form 98 the new Form 98A set out in the Schedule.