1989 No. 498

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 7) 1989

Made . . . . . *21st December 1989*

Coming into operation . . *1st February 1990*

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 No. 7) 1989 and shall come into operation on 1st February 1990.

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

Amendment of reference

2. In Order 1, for rule 18(*a*)(iv) there shall be substituted—

"(iv) all costs taxable pursuant to an order made by the Master (Taxing Office) under Article 71F of the Solicitors (Northern Ireland) Order 1976;".

Solicitors (Northern Ireland) Order 1976

3. Order 62 shall be amended as follows:—

(*a*) by inserting in rule 29(1)(*a*) after the words "High Court" the words "(other than an order made under Article 71F(2)(*a*) of the Solicitors (Northern Ireland) Order 1976)";

(**a**) 1978 c. 23
(**b**) S.R. 1980 No. 346

(*b*) by substituting in rule 29 for paragraph (2) the following paragraph—

"(2) Paragraph (1) shall have effect, in relation to the taxation of costs pursuant to an order under the Solicitors (Northern Ireland) Order 1976, as if for the period of 6 months first mentioned in that paragraph there were substituted a reference to 2 months.";

(*c*) by substituting in rule 30(3) for the words "Article 66" the words "Article 71F".

Application under the Copyright, Designs and Patents Act 1988(**a**)

4. Order 93 shall be amended as follows:—

(*a*) by inserting, after sub-paragraph (*o*) of paragraph (2) of rule 1,

"(*p*) section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988.";

(*b*) by inserting, after rule 5, the following new rule—

"*Applications under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988*

6.—(1) Where an application is made under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988, the applicant shall serve notice of the application on all persons, so far as reasonably ascertainable, having an interest in the copy, recording or other article which is the subject of the application, including any person in whose favour an order could be made in respect of the copy, recording or other article under any of the said sections of the said Act or under section 58C of the Trade Marks Act 1938.

(2) An application under the said section 114, 204 or 231 shall be made by originating summons or, if it is made in a pending action, by summons or motion in that action.".

5. Order 100 shall be amended as follows:

(*a*) There shall be substituted for the title the words "THE TRADE MARKS ACT 1938 AND THE TRADE MARKS (AMENDMENT) ACT 1984.";

(*b*) After paragraph (5) of rule 2, the following new paragraphs shall be inserted:

"(6) Where an application is made under section 58C of the Trade Marks Act 1938, the applicant shall serve notice of the application on all persons, so far as reasonably ascertainable, having an interest in the goods or material which are the subject of the application, including any person in whose favour an order could be made in respect of the goods or material under the said section 58C or under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988.

(7) An application under the said section 58C shall be made by originating summons or, if it is made in a pending action, by summons or motion in that action.";

(a) 1988 c. 48

(*c*) In the heading to rule 3, after the words "*trade mark*" there shall be inserted the words "*or registered service mark*";

(*d*) In rule 3(1), after the words "a registered trade mark" there shall be inserted the words "or a registered service mark" and after the words "that trade mark" there shall be inserted the words "or that service mark";

(*e*) In rule 3(2), after the words "of a registered trade mark" there shall be inserted the words "or of a registered service mark".

Amendment of Order 106

6. Order 106 shall be amended as set out in Schedule 1.

Amendment of Appendix A

7. Appendix A shall be amended by the insertion of new Form 49A set out in Schedule 2.

Dated 14th December 1989.

Brian Hutton
John MacDermott
Donald Murray
J. P. Higgins
Brian Kerr
Owen Catchpole
Aidan A. Canavan

I concur, *Mackay of Clashfern,* C.

Dated 21st December 1989.