**1985 No. 347**

**SUPREME COURT, NORTHERN IRELAND**

**PROCEDURE**

**The Election Petition (Amendment) Rules 1985**

*Made* . . . . . *9th December 1985*

*Coming into operation* . . . *6th January 1986*

*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 rules for the purpose of Part III of the Representation of the People Act 1983(**b**), hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

*Citation, interpretation and commencement*

**1.** These Rules may be cited as the Election Petition (Amendment) Rules 1985 and shall come into operation on 6th January 1986.

*Amendment of principal Rules*

**2.** The Election Petition Rules 1964(**c**) (''the principal Rules'') shall be amended as follows:—

(1) For paragraph (2) of rule 2 the following paragraph shall be substituted:—

''(2) In these rules, unless the context otherwise requires—

''the Act'' means the Representation of the People Act 1983;

''the court'' means the election court, constituted in accordance with section 123(1)(*b*) of the Act;

''Clerk of the Crown'' means the Clerk of Crown for Northern Ireland;

''Divisional Court'' means a court of the Queen's Bench Division of the High Court consisting of two or more judges;

''Director of Public Prosecutions'' means the Director of Public Prosecutions for Northern Ireland;

''election petitions office'' means the Central Office at the Royal Courts of Justice, Belfast;

''prescribed officer'' has the meaning ascribed by section 157(4) and (8) of the Act.''

(2) For rule 4 of the principal Rules there shall be substituted the following rule:—

''*Security for costs*

**4.** Within three days after the presentation of the petition, the petitioner shall apply ex parte by summons to the prescribed officer to fix the amount of security for costs which he is to give pursuant to section 136 of the Act.''

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(**a**) 1978 c. 23
(**b**) 1983 c. 2, as amended by the Representation of the People Act 1985 (c. 50)
(**c**) S.R. & O. (N.I.) 1964 No. 28

(3) The heading to rule 5 of the principal Rules shall be omitted and the following rule shall be inserted after rule 5:—

"*Notice of presentation of petition*

**5A.**—(1) Within five days after giving the security the petitioner shall serve on the respondent within the meaning of section 121(2) of the Act and on the Director of Public Prosecutions a notice of the presentation of the petition and of the nature and amount of the security which he has given, together with a copy of the petition.

(2) Service shall be effected—

(*a*) on the respondent, by delivering the notice and a copy of the petition to the respondent personally; and

(*b*) on the Director of Public Prosecutions, in the same manner as a writ of summons is served;

and an affidavit of service shall be filed as soon as practicable after service."

(4) The rules of the principal Rules cited in the first column of the Schedule hereto shall be amended by omitting the words in the second column and substituting the words in the third column.

Dated 2nd December 1985.

*Lowry*
*John MacDermott*
*Donald Murray*
*Hugh P. Kennedy*
*W. A. Campbell*

I concur *Hailsham of St. Marylebone, C.*

Dated 9th December 1985.