1985 No. 170

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 1985

Made	*8th July 1985*
Coming into operation . . .	*2nd September 1985*
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, interpretation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1985 and shall come into operation on 2nd September 1985.

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

Misjoinder and nonjoinder of parties

2. Order 15, rule 6(2), shall be amended by inserting after the word "any cause or matter" the words in brackets "(whether before or after final judgment)".

Payment out of court; persons to whom payment made and small intestate estates

3. Order 22 shall be amended as follows:—

(1) In rule 9(1), for the reference to Part I of the Legal Aid and Advice Act (Northern Ireland) 1965 there shall be substituted a reference to Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**c**) and the word "Incorporated" where it occurs before the words "Law Society" shall be deleted.

(2) In rule 10, for the words "do not exceed £1,500 in value, including the value of the fund or share" there shall be substituted the words "including the fund or share, do not exceed in value the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967".

Jurisdiction of masters

4. Order 32 shall be amended as follows:—

The following paragraph shall be substituted for paragraph (2) of rule 11 and paragraph (2) shall be renumbered "(3)":—

(**a**) 1978 c. 23
(**b**) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1980 No. 433, S.R. 1982 No. 138 and S.R. 1983 Nos. 5 and 183
(**c**) S.I. 1981/228 (N.I. 8)

"(2) The exception from the powers of a master to sanction a compromise, arrangement or transaction on behalf of a person under disability referred to in paragraph (1)(*g*) shall not apply to the Master (Care and Protection) in the exercise of his powers in matters relating to patients.".

Evidence by deposition: orders for examination

5. Order 39 shall be amended as follows:

(1) Rule 1 shall be amended by substituting a comma for the full stop at the end of paragraph (2) and by adding thereafter the words "and may contain an order for the production of any document which appears to the court to be necessary for the purposes of the examination.".

(2) The following rule shall be inserted after rule 3—

"*Examination otherwise than an oath*

3A. Notwithstanding the provisions of rule 1, where the person to be examined is out of the jurisdiction that person may be examined on oath or affirmation in accordance with the procedure of the country in which the examination is to take place.".

Form of affidavits

6. Order 41, rule 1, shall be amended by substituting for paragraph (5) the following new paragraph:—

"(5) Every affidavit must be bound in book form and, whether or not both sides of the paper are used, the printed, written or typed sides of the paper must be numbered consecutively.".

Interest on judgments

7. Order 42, rule 9(2), shall be amended by substituting for the figure "12" the figure "15".

Costs

8. Order 62 shall be amended as follows:—

(1) In rule 28(3) for the sum of "£2" there shall be substituted the sum of "£6".

(2) Table A (Basic Costs) in Part 1 of Appendix 3 shall be amended by substituting the following Table:—

"A. Basic Costs

	Amount to be allowed in cases under the following sub-paragraphs of paragraph 1 of this Appendix		
	(a)	*(b)*	*(c)*
If the amount recovered is:—	£	£	£
not less than £600 but less than £2,000—			
(i) where the writ is served by post ...	37·00	48·00	85·00
(ii) where the writ is served on the defendant personally ...	41·00	52·00	89·00
not less than £2,000 but less than £3,000			
(i) where the writ is served by post ...	40·00	51·00	88·00
(ii) where the writ is served on the defendant personally ...	44·00	55·00	92·00
not less than £3,000 ...	56·00	80·00	114·00"