1984 No. 354

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1984

Made . . . . . 2nd October 1984

Coming into operation . . . 12th November 1984

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 No. 3) 1984 and shall come into operation on 12th November 1984.

(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**).

Setting down for trial

2. In Order 34, rule 4, the following paragraph shall be added after paragraph (5)—

"(6) The party who has set an action down for trial must deliver to the appropriate office two copies of any documents of the kind specified in paragraph (1) which have come into existence between the date of setting down and the day preceding the trial of the action."

Court expert

3. Order 40 in the Schedule hereto shall be inserted in the Rules of the Supreme Court (Northern Ireland) 1980 in the place appropriate to its number.

Committal

4. Order 52 shall be amended as follows:—

(1) In rule 1 the following paragraph shall be added after paragraph (5)—

"(6) A court of two or more judges exercising jurisdiction pursuant to this rule shall be called a Divisional Court.".

(2) In rule 4(2) there shall be added after the word "personally" the words "on the person sought to be committed."

Application for judicial review

5. Order 53, rule 3(3), shall be amended by the deletion of the words "by a judge while sitting".

(**a**) 1978 c. 23

(**b**) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1981 No. 224, 1982 No. 217 and 1983 No. 44

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Rules of the Supreme Court (Northern Ireland) 1980 so as—

(*a*) to make further provision for the documents to be lodged with the court when an action is set down for trial (rule 2);

(*b*) to introduce as Order 40 an Order relating to court experts (rule 3);

(*c*) to use the term "Divisional Court" to describe a court of two or more judges in proceedings for committal for contempt of court and to clarify the procedure for service of an order in such proceedings (rule 4);

(*d*) to remove doubt as to the jurisdiction of a master to grant leave to apply for judicial review in a civil matter (rule 5);

(*e*) to require the Chief Clerk in the County Court, on an appeal, to send a certified copy of the decree appealed against to the High Court and to require the appellant to lodge an appeal book (rule 6);

(*f*) to remove doubt as to the power of the High Court to estreat a recognizance or forfeit a security in certain circumstances (rule 7);

(*g*) to amend Order 106 (proceedings relating to solicitors) so as to accord with the provision of the Solicitors (N.I.) Order 1976 (rule 8);

(*h*) to correct an error in Order 11 (committal under Judgments Enforcement (N.I.) Order 1981) (rule 9); and

(*i*) to amend Form 37A, which relates to County Court appeals (rule 10).