1983 No. 114

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1983

Made	*9th May 1983*
Coming into operation . . .	*1st June 1983*
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. 2) 1983 and shall come into operation on 1st June 1983.

(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).

Writ of summons: general provisions

2. Order 6 shall be amended by the insertion of the following rules after rule 2:

"*Claim for interest on a debt or liquidated demand under s. 33A of the Act*

2A. Where a plaintiff claims interest on a debt or liquidated demand under section 33A of the Act the indorsement on the writ must state:

(*a*) that the plaintiff claims interest under section 33A of the Act;

(*b*) the rate of interest claimed and the amount of interest claimed from the date from which interest is claimed to a date not later than the date of issue of the writ; and

(*c*) any claim for further interest at the said rate from the date to which interest is already claimed to judgment or sooner payment.

Claim for contractual interest

2B. Where a plaintiff claims interest under a contract, the indorsement on the writ must give particulars of the contract relied on and, in particular, must show:

(*a*) the date from which interest is payable;

(*b*) the rate or rates of interest fixed by the contract;

(*c*) the amount of interest due at a date not later than the date of issue of the writ; and

(*d*) any claim for further interest at the contract rate from the date to which interest is already claimed to judgment or sooner payment.

(a) 1978 c. 23

(b) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1981 No. 166, 1982 No. 217 and 1983 No. 5

Claim for interest under the Bills of Exchange Act 1882

2C. Where a plaintiff claims interest under section 57 of the Bills of Exchange Act 1882, the indorsement on the writ must state the date of dishonour of the bill of exchange, the rate of interest claimed and the amount of interest due at a date not later than the date of issue of the writ and must claim this interest and any further interest until judgment or sooner payment.''

Interest – default of appearance to writ

3. Order 13, rule 1(2), shall be amended by substituting, for the words from ''the claim is for interest accruing'' to the end, the words ''the claim is for interest under section 33A of the Act at a rate which is not higher than that payable on judgment debts at the date of issue of the writ. A claim for interest at a higher rate shall be treated as a claim for interest to be assessed.''

Matters to be specifically pleaded

4. Order 18, rule 8, shall be amended by adding, after paragraph (3), the following new paragraph:—

''(4) A party must plead specifically any claim for interest under section 33A of the Act or otherwise.''.

Amendment of pleadings

5. Order 20 shall be amended by adding, after rule 11, the following new rule:—

''*Amendment of pleadings by agreement*

12.—(1) Notwithstanding the foregoing provisions of this Order, any party may amend any pleading in a cause or matter with the consent in writing of the other party or parties at any stage of the proceedings.

(2) This rule shall not have effect in relation to an amendment to a counterclaim which consists of the addition, omission or substitution of a party.''.

Withdrawal and discontinuance

6. Order 21, rule 2, shall be amended as follows:—

(1) There shall be inserted in paragraph (2), after the words ''a defendant'', the words ''to an action begun by writ''.

(2) There shall be inserted in paragraph (3), after the words ''to an action'', the words ''begun by writ''.

(3) There shall be inserted after paragraph (3) the following new paragraphs:—

''(3A) The plaintiff in an action begun by originating summons may, without the leave of the Court, discontinue the action or withdraw any particular question or claim in the originating summons, as against any or all of the defendants at any time not later than 14 days after service on him of the defendant's affidavit evidence filed pursuant to Order 28, rule 1A(4) or, if there are two or more defendants, of such evidence last served, by serving a notice to that effect on the defendant concerned.

(3B) When there are two or more defendants to an action begun by originating summons not all of whom serve affidavit evidence on the plaintiff, and the period fixed by or under these rules for service by any of those defendants of his affidavit evidence expires after the latest date on which any other defendant serves his affidavit evidence, paragraph (3A) shall have effect as if the reference therein to the service of the affidavit evidence last served were a reference to the expiration of that period.''.