**1983 No. 102**

## COUNTY COURTS

## County Court (Amendment No. 2) Rules (Northern Ireland) 1983

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| *Made* . . . . . | *3rd May 1983* |
| *Coming into operation* . . . | *1st June 1983* |

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following rules:—

*Citation*

**1.** These rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1983.

*Interpretation*

**2.** In these rules a reference to an Order, Rule, Appendix or Form is a reference to that Order, Rule, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(b).

*Amendment of the County Court Rules (Northern Ireland) 1981*

**3.**—(1) Order 5 shall be amended by inserting, after paragraph (1) of Rule 2, the following new paragraph:—

"(1A) Where the plaintiff claims interest under Article 45A of the Order or otherwise the particulars of claim set out in his civil bill shall contain a statement to that effect.".

(2) Order 12 shall be amended by inserting, after Rule 6, a new Rule (Rule 6A) and, after Rule 12, a new Rule (Rule 12A), as follows:—

"*Claim for interest*

6A. The sum for which a decree is granted under Rule 6 may include interest down to the date of the issue of the default civil bill, provided that—

(*a*) the amount claimed as interest appears from the particulars of claim set out in the civil bill; and

(*b*) in the case of interest claimed under Article 45A of the Order the rate is not higher than that payable on decrees at the date of the issue of the civil bill.".

"*Claim for interest*

12A. The sum for which a decree is granted under Rule 12(*a*) may include interest down to the date of the issue of the summary civil bill, provided that—

(*a*) the amount claimed as interest appears from the particulars of claim set out in the civil bill; and

(*b*) in the case of interest claimed under Article 45A of the Order the rate is not higher than that payable on decrees at the date of the issue of the civil bill.".

(a) S.I. 1980/397 (N.I. 3)
(b) S.R. 1981 No. 225

(3) Order 26 shall be amended by substituting, for Rule 3, the following Rule:—

"*Commencement and form of proceedings under Article 30*

3.—(1) A small claim shall be commenced by an application for arbitration in accordance with Form 125.

(2) Where the applicant claims interest under Article 45A of the Order or otherwise his application for arbitration shall contain a statement to that effect.".

(4) Order 33 shall be amended by inserting, after Rule 1, the following new Rule:—

"*Claim for interest*

1A. The sum for which a decree or award for debt or damages is granted or made in proceedings commenced otherwise than by default or summary civil bill may include interest down to the date of the decree or award, provided—

(*a*) that the amount claimed as interest appears from the particulars of claim set out in the civil bill or application for arbitration calculated to the date of issue thereof; and

(*b*) in proceedings for either debt or damages, where interest is claimed under Article 45A of the Order, that the rate of interest is not higher than that payable on decrees in accordance with Rule 2.".

(5) Order 55 shall be amended by numbering the existing provisions of Rule 2 as paragraph (1) and inserting the following new paragraph:—

"(2) For the purpose of determining the costs payable in an action commenced in the High Court before 1st June 1982 and remitted to the county court after that date in which a decree for more than £2,000 is granted, proceedings shall be deemed to have commenced when the original writ of summons or other originating process was lodged with the chief clerk for hearing pursuant to Order 22, Rule 8(1)."

(6) The Forms in Appendix 1 specified in the first column of the Schedule shall be amended to the extent specified in the second column.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

*J. P. Higgins*
*J. J. Curran*
*C. Nelson M. Rountree*
*Timothy T. Ferriss*
*D. W. R. McAlister*
*John R. Comerton*

After consultation with the Lord Chief Justice, I allow these rules which shall come into operation on 1st June 1983.

Dated 3rd May 1983 *Hailsham of St. Marylebone, C.*