STATUTORY RULES OF NORTHERN IRELAND

**1981 No. 225**

# County Court Rules (Northern Ireland) 1981

*BELFAST*
HER MAJESTY'S STATIONERY OFFICE
1981
£14 net

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:—

## ORDER 1

### Where proceedings may be commenced

*Actions generally*

**1.**—(1) Except as otherwise provided by any enactment including Order 26 Rule 2, an action may, irrespective of the place of residence of any defendant, be commenced—

*(a)* in a court for the division in which the defendant or one of the defendants resides or carries on business; or

*(b)* subject to the succeeding paragraphs of this Rule, in a court for the division in which the cause of action wholly or in part arose.

(2) Where the plaintiff sues as the assignee of a debt or other legal thing in action, the action may be commenced in any court in which, but for the assignment, the action might have been commenced, but in no other court.

(3) Where a plaintiff relies on paragraph (1)(*b*) he shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

*Actions for recovery of, and in relation to, land*

**2.**—(1) Proceedings (not being proceedings to which paragraph (2) applies)—

*(a)* for the recovery of land (whether with or without a claim for rent or mesne profits); or

*(b)* in which the title to any land comes in question; or

*(c)* for the redemption of any mortgage upon any land; or

*(d)* for enforcing any mortgage, charge or lien upon any land; or

*(e)* for the recovery of money secured by any mortgage, charge or lien upon any land; or

*(f)* otherwise relating to land (not being proceedings for the recovery only of rent or mesne profits);

shall be commenced in a court for the division in which the land or any part thereof is situate.

(2) Without prejudice to Rules 3, 4, 5, 7 and 8, proceedings specified in those Rules and relating wholly or partly to land may be commenced in a court for the division in which the land or any part thereof is situate.

*Proceedings in relation to trusts*

**3.** Proceedings in relation to any trust (including a charitable trust) or arising under the Trustee Act (Northern Ireland) 1958(b) may be commenced in a court for the division in which the persons instituting the proceedings, or the trustees or any one of such persons or of the trustees, reside or resides or in the court in which any fund to which the proceedings relate has been lodged.

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(a) S.I. 1980/397 (N.I.3)
(b) 1958 c. 23 (N.I.)

*Proceedings in relation to the estate of a deceased person*

**4.** Proceedings for the administration of or otherwise in relation to the estate of a deceased person may be commenced in a court for the division in which that person last resided or carried on business, or in which his executors or administrators or any one of them reside or resides.

*Partnership proceedings*

**5.** Proceedings for the taking of a partnership account or for the dissolution or winding-up of a partnership may be commenced in a court for the division in which the partnership business was or is carried on or where the defendant or any one of the defendants resides or carries on business.

*Proceedings under the Settled Land Acts 1882 to 1890*

**6.** Proceedings under the Settled Land Acts 1882 to 1890 may be commenced in a court for any division in which is situate any part of the land which is to be dealt with by the court or from which the capital money to be dealt with by the court arises under those Acts or in connection with which the personal chattels to be dealt with by the court are settled.

*Proceedings under the Married Women's Property Act 1882, s. 17*

**7.** Proceedings under section 17 of the Married Women's Property Act 1882(**a**) may be commenced in a court for the division in which either party to the proceedings resides.

*Proceedings in relation to minors*

**8.** Proceedings relating to the maintenance or advancement or for the protection of the property of minors or for the payment out of court of funds standing to the credit of minors may be commenced in a court for the division in which the minors or any one of them reside or resides or in the court in which any money to which the proceedings relate has been lodged as may be appropriate.

*Probate proceedings*

**9.** Proceedings relating to the grant or revocation of probate or letters of administration in respect of the estate of a deceased person shall be commenced in a court for the division in which that person was ordinarily resident at the time of his death.

*Proceedings under the Legitimacy Acts (Northern Ireland) 1928 to 1961*

**10.** Proceedings under the Legitimacy Acts (Northern Ireland) 1928 to 1961 may be commenced in a court for the division in which the petitioner resides or in which the marriage leading to the legitimation took place or, if neither the residence of the petitioner nor the place of marriage is situate in Northern Ireland, then in the Belfast Recorder's Court.

*Proceedings for the construction of deeds, wills, etc.*

**11.** Proceedings by way of equity civil bill for the construction of a deed, will or other written instrument and for a declaration of the rights of the persons interested therein may be commenced in a court for the division in which—

*(a)* the defendant or one of the defendants resides or carries on business; or

(a) 1882 c. 75

*(b)* the subject-matter of the application or a substantial part thereof is situate.

*Proceedings commenced by petition*

**12.** Where proceedings are required to be by petition and no other provision is made by any enactment as to the court in which the proceedings are to be commenced, Rule 11 shall apply with the necessary modifications.

*Proceedings by or against a judge, circuit registrar, circuit administrator or chief clerk*

**13.**—(1) A judge, circuit registrar, circuit administrator or chief clerk may sue and be sued in accordance with these Rules, but if the court in which but for this Rule the action would be commenced is a court of which he is the judge, circuit registrar, circuit administrator or chief clerk, the action shall not be commenced in that court but in some other court of which he is not such judge or officer.

(2) Nothing in this Rule shall affect any alternative right to commence the action in some other court of which the judge, circuit registrar, circuit administrator or chief clerk suing or being sued is not the judge, circuit registrar, circuit administrator or chief clerk.

*Proceedings by and against the Crown*

**14.** For the purposes of this Order, the Crown shall be deemed to reside within each county court division.