1979 No. 112

JUDICATURE, NORTHERN IRELAND COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1979

Made . . . . . 28*th March* 1979

Coming into operation . . . 18*th April* 1979

We, the County Court Rules Committee, appointed by the Lord Chancellor under section 146 of the County Courts Act (Northern Ireland) 1959(**a**), hereby, in accordance with that section, make the following rules:—

Citation

1. These rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1979.

Amendments and revocations of the Rules of 1976

2. The provisions of the County Court Rules (Northern Ireland) 1976(**b**) specified in the first column of the Schedule are amended or revoked 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.

James A. Brown
J. P. Higgins
Harry Coll
C. Nelson M. Rountree
T. F. Glass

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 18th April 1979.

Dated 28th March 1979.

Elwyn-Jones, C.

(**a**) 1959 c. 25 (N.I.) as amended by 1978 c. 23
(**b**) S.R. 1976 No. 374 (II, p. 1774) as amended by S.R. 1977 No. 324; S.R. 1978 No. 56 and S.R. 1978 No. 370

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1976

Provision amended or revoked	*Extent of amendment or revocation*
Order 1	For the words "the court for the division" wherever they occur there shall be substituted the words "a court for the division". In rule 1(1) after the word "enactment" there shall be inserted the words "including Order 25A rule 2". In rule 13 for the words "or clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar, circuit administrator or chief clerk".
Order 3	In rules 10 and 15 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rule 26 shall be revoked.
Order 4	In rules 1 and 3 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 5	In rules 3(3) and 5(2) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 6	In rules 3(3) and 9(1) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 7	In rules 4(1) and 5 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 8	For rule 1 there shall be substituted the following rule: "1.—(1) In each division, for each ordinary sitting of the court in that division, civil bills shall be entered or lodged in accordance with the following Rules on or before a day (hereinafter referred to as the "entry day") which shall be 14 days before the opening day of that sitting of the court. (2) When such day is a public holiday the entry day shall be the previous day on which the Office is open." In rules 2, 3, 4, 6 and 7 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 9	In rule 9 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 11	In rule 1(3) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".

Provision amended or revoked	*Extent of amendment or revocation*
Order 12	In rules 3, 4, 9, 12, 13, 15 and 17 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 13	In rules 3, 4, 5 and 6 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 14	In rule 1(1) for the words "clerk of the Crown and peace or other officer" there shall be substituted the words "circuit registrar or chief clerk" and for the words "clerk of the Crown and peace or, as the case may be, the other officer" wherever they occur there shall be substituted the words "circuit registrar or as the case may be, the chief clerk". In rules 1(2), 2, 3, 4(1), 5(1), (3) and (4) and 9(2) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rules 4(2) and (3), 5(2) and (5) and 11 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 5(3) for the word "he" there shall be substituted the words "the chief clerk". In rule 5(4) after the words "security and" there shall be inserted the words "the chief clerk".
Order 15	In rule 1(5) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 17	In rule 1(1) for the words "clerk of the Crown and peace" there shall be substituted the words "circuit registrar". In rule 6(1)(*a*) for the words "clerk of the Crown and peace or registrar" there shall be substituted the words "circuit registrar". In rule 6(1)(*c*)— after the words "officer shall" there shall be inserted the words "direct the chief clerk to"; the words "at his office or" shall be deleted; and for the word "he" there shall be substituted the words "the officer". In rule 12(3)(*b*) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 18	In rules 2, 4(1), 5, 6, 7 and 9 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rule 4(4) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 19	In rules 1, 2, 3 and 5 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 20	In rule 1 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".

Provision amended or revoked	*Extent of amendment or revocation*
Order 21	In rule 2(1), (3) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rules 2(6) and 3(1) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 3(3) for the words "clerk of the Crown and peace" where they firstly and thirdly occur there shall be substituted the words "circuit registrar" and for the words "clerk of the Crown and peace" where they secondly occur there shall be substituted the words "chief clerk".
Order 22	In rules 5, 6, 9, 11 and 13 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rules 8 and 10 shall be revoked.
Order 23	In rule 5 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 24	In rules 9, 16, 21(9), 24(1), 28(1) and 33(1) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 20 for paragraph (2)(*b*) there shall be substituted the following paragraph: "(*b*) the circuit registrar or chief clerk for the division in which the witness resides or carries on business;"
Order 25	In rule 29 for the words "clerk of the Crown and peace" wherever they occur substitute the words "chief clerk".
Order 26	In rule 6(2) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 27	In rule 1(1) for "Order 42" there shall be substituted the words "Court Funds Rules". In rule 1(3), (4), (5) and (6) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 28A	In rules 1 and 2 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 29	In rules 1(8) and (9), 5(2) and 6(3), (4) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rule 7 shall be revoked.
Order 30	In rules 1, 4(3), 6(2), 10(1) and (5) and 19 for the words "clerk of the Crown and peace" and "clerk of the Crown and peace or the registrar" there shall be substituted the words "chief clerk". Rule 7(4) shall be revoked.

Provision amended or revoked	*Extent of amendment or revocation*
	In rule 16(3)(*c*)— for the words "clerk of the Crown and peace" there shall be substituted the words "Accountant General"; and for "Order 42" there shall be substituted the words "Court Funds Rules".
Order 31	In rules 3, 5, 7, 9 and 10 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar".
Order 32	In rules 1 and 2 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 35	In rule 1(3) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk". In rule 3 for "Order 42" there shall be substituted the words "Court Funds Rules".
Order 37	In rules 8(3) and (4), 11, 13, 14, 15, 16, 17, 18, 20 and 22 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 38	In rule 4 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 39	In rules 1, 2(*b*) and 3 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 2(*a*)— for the words "clerk of the Crown and peace" where they firstly occur there shall be substituted the words "Accountant General" and where they secondly occur there shall be substituted the words "chief clerk"; and for "Order 42" there shall be substituted the words "Court Funds Rules". In rule 3(1) and (4) after the word "judge" there shall be inserted the words "circuit registrar". In rule 3(6) the word "Registrar" shall be deleted.
Order 40	In rules 2, 4(1), 18, 20 and 21 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 3 for the words "clerk of the Crown and peace" where they firstly occur there shall be substituted the words "circuit registrar or chief clerk" and for the words "clerk of the Crown and peace" where they occur in paragraphs (*a*) and (*b*) there shall be substituted the words "chief clerk". In rule 8 for the words "clerk of the Crown and peace or registrar" there shall be substituted the words "circuit registrar or chief clerk, as the case may be". In rule 14 for paragraph (2) there shall be substituted the following paragraph: