1976 No. 219

SUPREME COURT, NORTHERN IRELAND PROCEDURE

Rules of the Supreme Court (Northern Ireland) (No. 2) 1976

Made	*24th June* 1976
Coming into operation . . .	*1st September* 1976
To be laid before Parliament	

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:

1. For rule 12 of Order 13 of the Rules of the Supreme Court (Northern Ireland) 1936(b) the following rule shall be substituted:

> "**12.** In all actions not by the rules of this Order otherwise provided for, where a defendant served with a writ fails to enter an appearance within the time limited for appearing, upon the plaintiff filing an affidavit of service and where a statement of claim was not endorsed on or delivered with the writ, upon the plaintiff delivering a statement of claim either personally or by sending it to the defendant by ordinary post at his last known address, the action may proceed as if the defendant had appeared, subject, as to actions where an account is claimed, to the provisions of Order 15.".

2. Order 19 shall be amended as follows:

(1) in rule 10 all the words occurring after the words "does not appear by a solicitor" to the end of the rule shall be deleted; and

(2) rule 12 shall be deleted.

3. In paragraph (*b*) of rule 1 of Order 20 the words "as to filing a statement of claim when there is no appearance" shall be deleted.

4. In Order 22, rule 12, for the expression "£500" there shall be substituted the expression "£1,500".

5. In Order 27, rule 11, the words "filing and" shall be deleted.

6. In Order 28, rule 8, the words "and in the copy which has been filed" and the words "and filing a copy thereof both of" shall be deleted.

7. In Order 36, rule 2, for the word "filing" there shall be substituted the word "delivery".

8. Immediately after Order 59H there shall be inserted the Order 59I set out in the Schedule hereto.

(a) 1962 c. 30 (b) S.R. & O. 1936 No. 70 (II, p. 2559)

9. Order 65 shall be amended as follows:

(1) immediately after rule 20 there shall be inserted the following rule:

"**20A.**—(1) On a taxation of the costs of a litigant in person there may, subject to the provisions of this rule, be allowed such costs as would have been allowed if the work and disbursements to which the costs and expenses relate had been done or made by a solicitor on the litigant's behalf.

(2) Where in the opinion of the Taxing Master a litigant has not suffered any pecuniary loss in doing any work to which the costs relate, he shall be allowed in respect of the time reasonably spent by him on such work not more than £2 per hour.

(3) The amount allowed in respect of any item other than a disbursement shall be such sum as the Taxing Master thinks fit not exceeding two-thirds of the sum which, in the opinion of the Taxing Master, would have been allowed in respect of that item if the litigant had been represented by a solicitor.

(4) A litigant shall be allowed costs in accordance with this rule in respect of attending court to conduct his own case but shall not be entitled to any allowance as a witness in addition.";

(2) in rule 36 after the words "the Taxing Master and" there shall be inserted the words "except where rule 20A applies";

(3) in rule 39—

(i) in paragraph (*a*) after the word "Every" there shall be inserted the word "solicitor's",

(ii) in paragraph (*e*) before the words "Bills of costs" there shall be inserted the word "Solicitors' ",

(iii) in paragraphs (*g*), (*h*) and (*k*) before the words "bill of costs" wherever they appear there shall be inserted the word "solicitor's";

(4) in rule 42 after the word "solicitor" there shall be inserted the words "or party";

(5) in rule 61(17) for the words "the solicitor of the party" wherever they appear and for the words "the solicitor" respectively there shall be substituted the words "the party or his solicitor".

10. For rule 5 of Order 67 the following rule shall be substituted:

"**5.** Where by virtue of these rules any document is required to be served on any person but is not required to be served personally, and at the time when service is to be effected that person is in default as to entry of appearance or has no address for service, the document need not be served on that person unless the Court otherwise directs or any of these rules otherwise provides.".

11. In Order 70 in rule 74 after the words "the solicitor of the party" there shall be inserted the words "or the party".

12. Appendix S shall be amended as follows:

(1) in Part I in regulation 1(1) after the words "subject to" there shall be inserted the words "rule 20A and";

(2) in Part II in the costs regulations after regulation 8(2) there shall be added the following paragraph:

"(3) Where the notice of appeal has been lodged by a litigant in person the amount to be allowed shall be two-thirds of the amounts specified in the scales prescribed in this Part.";

(3) in Part V in regulation 2 before the words "the solicitor's remuneration" there shall be inserted the words "the party's or".

13. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 2) 1976 and shall come into operation on 1st September 1976.

Dated 24th June 1976.

(Signed) *Robert Lowry.*
Maurice W. Gibson.
J. B. E. Hutton.
E. Malachy Doris.
Ivan Montgomery.