Changes to legislation: *County Courts (Northern Ireland) Order 1980 is up to date with all changes known to be in force on or before 01 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1980 No. 397 (N.I. 3)

County Courts (Northern Ireland) Order 1980

- - - - - - *[19th March 1980]*

Modifications etc. (not altering text)

C1 Order: functions of Lord Chancellor transferred to Department of Justice (except for Article 47 so far as relating to the functions of the Lord Chancellor in relation to county court rules which deal (or would deal) with an excepted matter) (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(1), **Sch. 17 para. 33** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the County Courts (Northern Ireland) Order 1980.

(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"action" includes any proceedings which may be commenced as prescribed by civil bill or petition, or which have been remitted from the High Court to a county court;

F1 . . . . . .

[F2"capital value" means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order;**]**

[F3"capital value list" has the meaning given by Article 40(1)(b) of the Rates (Northern Ireland) Order 1977;**]**

[F4"chief clerk" means an officer of the Department designated as such by the Department;**]**

"costs" includes witnesses' expenses;

"court" means a county court held F5... under this Order;

"decree" includes a dismiss, a decree on a counter-claim and any order, decision or determination made by a county court in any civil proceedings instituted by virtue of any statutory provision, and any judgment registered under the Inferior Courts Judgments Extension Act 1882 , and any decree or dismiss which is affirmed, reversed or varied on appeal;

"defendant" includes a defendant in a counter-claim;

[F6"the Department" means the Department of Justice;**]**

[F7"division" means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for any purposes of a county court;**]**

"judge" means, subject to paragraph (3)(*d*), a county court judge, that is to say a judge appointed under section 102 of the County Courts Act (Northern Ireland) 1959 ;

"matter" means any proceedings in a county court other than an action;

[F8"NAV list" has the meaning given by Article 40(1)(a) of the Rates (Northern Ireland) Order 1977;**]**

[F9"net annual value" means net annual value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Articles 39 and 39A of that Order;**]**

"order" includes any decree or other order whatsoever of a county court;

"Office" in relation to any proceedings, means the office of the chief clerk F10...;

"plaintiff" includes every person seeking any relief (otherwise than by way of counter-claim as defendant) by any form of civil proceeding;

"prescribed" means prescribed by county court rules or as the context may require by rules of court;

"proceedings" includes all actions, matters and proceedings whatsoever (whether civil or criminal);

"representative" includes any person to whom a grant of representation of the estate of a deceased person has been made;

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 .

(3) In this Order—

(a) a reference to a sum of money in relation to a decree, includes a reference to any costs or interest awarded by the decree, or any interest payable on foot of the decree;

(b) a reference to a party to any proceedings includes a reference to any solicitor (or, as the case may require, any counsel) acting for that party in those proceedings;

(c) a reference to a deceased person includes a reference to a person whose death may be presumed or has been presumed in accordance with law;

(d) a reference to a county court judge shall, for the purposes of or in relation to any proceedings in a county court, be construed as including a reference to a deputy judge appointed under section 107 of the County Courts Act (Northern Ireland) 1959.

(4) In determining for the purposes of any provision of this Order whether an amount exceeds, or is less than, a sum specified in that provision, no account shall be taken of**[**F11 Article 45A or of anything done under it**]**.

(5) Any power conferred by this OrderF12. . . to give directions includes power to vary or revoke any directions so given.

(6) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

F1 Art. 2(2): definition of "annual value" omitted (1.4.2007) by virtue of Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 4(a)(i)**

F2 Art. 2(2): definition of "capital value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 4(a)(ii)**

F3 Art. 2(2): definition of "capital value list" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 4(a)(ii)**

F4 Words in art. 2(2) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 80(1)(a)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F5 Words in art. 2(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(1)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F6 Words in art. 2(2) inserted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 80(1)(c)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F7 Words in art. 2(2) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 80(1)(d)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F8 Art. 2(2): definition of "NAV list" inserted (1.4.2004) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 4(a)(ii)**

F9 Art. 2(2): definition of "net annual value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 4(a)(ii)**

F10 Words in art. 2(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(1)(e), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F11 1982 c. 53

F12 Words in art. 2(5) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 49, Sch. 18 Pt. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(a), 29, 30(c)

PART II

HOLDING OF COUNTY COURTS

County courts [F13]...

3.—[F14](1) . . . . . .

[[F15](2) A court shall be held at such place or places in each division as may be specified in directions given under Article 4.

(3) A court held under paragraph (2) shall—

(a) be called a county court and be a court of record; and

(b) have throughout Northern Ireland the jurisdiction and powers conferred on a county court by this Order or any other statutory provision.**]**

F13 Words in art. 3 repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(2)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F14 Art. 3(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(2)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F15 Art. 3(2)(3) substituted (31.10.2016) for art. 3(2)-(4) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 80(2)(c)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

Directions as to holding of courts

4. The**[**[F16]Lord Chief Justice**]** may give directions as to—

(a) the places at which county courts are to be held;

(b) the number of ordinary sittings of county courts which are to be held each year;

(c) the ordinary hours of sitting of county courts;

F17(d) . . . . . .

(e) the cancellation of any sitting of a county court for which provision has been made under this Order where there is no, or insufficient, business to be transacted at that sitting; and

(f) such other incidental, consequential, transitional or supplementary matters as appear to the**[**F18Lord Chief Justice**]** to be necessary or proper.

F16 Words in art. 4 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 51; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
F17 Art. 4(d) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(3), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
F18 Words in art. 4(f) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 51; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

Courthouses

5. Subject to section 13 of the Administration of Justice Act (Northern Ireland) 1954 sittings of county courts shall, except where the**[**F19Lord Chief Justice**]** otherwise directs, be held in courthouses provided or maintained under Part I of that Act.

F19 Words in art. 5 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 52; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

Appointment of days for holding of ordinary sittings

6.—(1) Subject to any provision made by virtue of Article 4, in each year the**[**F20Lord Chief Justice**]** shall—

(a) on or before 1st May, appoint the days for the holding of the ordinary sittings of the county court **[**F21in each division**]** for the period of twelve months commencing on 1st September next following; and

(b) on or before 1st July cause notice of the days so appointed to be published.

F22(2) . . . . . .

F20 Words in art. 6(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 53(2); S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
F21 Words in art. 6(1)(a) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 80(4)(a)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
F22 Art. 6(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(4)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Additional and extraordinary sittings

7.—(1) The**[**F23Lord Chief Justice**]** may, where he considers it expedient to do so for the purpose of avoiding delay in the administration of justice, give directions for the holding of sittings of the county court in addition to the ordinary sittings fixed under this Order.

(2) Subject to county court rules and to any directions given by the**[**F24Lord Chief Justice**]** under Article 4 or paragraph (1), a judge may, in addition to the ordinary sittings, sit at any other time or times for the hearing of any proceedings where he is satisfied that such additional sitting is necessary or expedient for the doing of justice between the parties.

F23 Words in art. 7(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 54; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

F24 Words in art. 7(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 54; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

Adjournments

8.—(1) A judge may adjourn any court held by him.

(2) Where by reason of death or unavoidable absence the judge is not present at any ordinary or other sitting of a court, a circuit registrar or an officer of the court present shall, subject to paragraph (3), open and adjourn, or as the case may be, adjourn the court to such day as he thinks convenient.

(3) An adjournment under paragraph (2) shall not operate to prevent a prescribed officer or circuit registrar from hearing and determining any civil action which he is authorised by any statutory provison or by county court rules to hear and determine.

(4) A judge may adjourn any proceedings for such period as will in his opinion best meet the ends of justice.

F25(5) . . . . . .

F25(6) . . . . . .

F25(7) . . . . . .

F25(8) . . . . . .

F25 Art. 8(5)-(8) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(5), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Order of hearing

9. Subject to county court rules, the order in which proceedings are to be heard shall be determined by the judge.

PART III

ORIGINAL CIVIL JURISDICTION

Modifications etc. (not altering text)

C2 Pt. III applied by 2003 c. 31, Sch. 2 para. 27(1)(2) (as inserted (17.7.2015) by Serious Crime Act 2015 (c. 9), **ss. 73(2)**, 88(1) (with s. 86(14)(15)); S.I. 2015/1428, reg. 2(a))