1972. No. 380 [C]

COUNTY COURT RULES

County Court (Amendment) (No. 3) Rules

RULES, DATED 22ND DECEMBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers enabling me in that behalf, do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the rules hereinafter set forth.

Citation and commencement

1. These Rules may be cited as the County Court (Amendment) (No. 3) Rules (Northern Ireland) 1972 and shall come into operation on the date on which the United Kingdom becomes a member of the European Communities.

Procedure on Order for reference to European Court

2. After Order 22 of the County Court Rules (Northern Ireland) 1965(c) there shall be inserted the following Order:—

"Order 22A

References to the European Court (Appendix RA)

Interpretation

1. In this Order—

"the European Court" means the Court of Justice of the European Communities; and

"order" means an order referring to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

Making of order

2.—(1) The court may make an order at any stage in the course of an action or matter whether of its own motion or an application by a party before or at the hearing thereof.

(2) Where an application for an order is made before the hearing nothing in Rule 1 of Order 14 shall be construed as authorising the hearing of the application other than by the Judge in person and that Rule shall apply accordingly.

(a) 1959. c. 25.
(b) 1972, c. 22.
(c) S.R. & O. (N.I.) 1965, No. 261.