1966. No. 35 [NC]

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (No. 2) 1966

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. Order LXXXIV of the Rules of the Supreme Court (Northern Ireland) 1936(b), which relates to procedure on the Crown side, shall be amended as follows:—

(1) In rule 8(1) for the words "Judge in" there shall be substituted the words "Divisional Court of".

(2) In rules 9 and 10 for the word "Judge" wherever it occurs there shall be substituted the word "Court".

(3) In rule 14 the following paragraph shall be inserted immediately after paragraph (8):—

"(9) In its application to a criminal cause or matter this rule shall apply subject to the following modifications:—

(*a*) an application for leave may only be refused by a Divisional Court;

(*b*) the Judge to whom an application for leave is submitted may, at any stage, reserve such application for hearing and determination by a Divisional Court; and

(*c*) the reference to a Judge in paragraph (5) shall be deemed to be a reference to a Divisional Court."

(4) For paragraph (1) of rule 33 the following paragraph shall be substituted:—

"(1) Where leave has been granted to apply for an order of certiorari, mandamus or prohibition, the application shall be made by motion:—

(*a*) in a civil cause or matter to a Judge in the Queen's Bench Division; and

(*b*) in a criminal cause or matter to a Divisional Court of the Queen's Bench Division;

and there shall, unless the Judge or the Court granting leave has otherwise directed, be at least eight clear days between the service of the notice of motion and the day named therein for the hearing."

(5) Immediately after paragraph (6) of rule 33 the following paragraph shall be inserted:—

(a) 10 & 11 Eliz. 2. c. 30. (b) S.R. & O. 1936 (No. 70) II, p. 2559.