



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART V

PRACTICE, PROCEDURE AND TRIALS

62 Trial with and without jury.

(1) Subject to subsection (2), an action or an issue of fact in an action in the High Court in which a claim is made in respect of—

- ^{F1}(a)
- ^{F2}(b)
- (c) malicious prosecution;
- (d) false imprisonment;
- (e) ^{F3}

shall, if any party to the action so requests, be tried with a jury.

(2) The court may, on the application of any party to an action referred to in subsection (1), order that the action or any issue of fact in the action shall be tried without a jury if it is of opinion that such trial—

- (a) will substantially involve matters of account;
- (b) will require any protracted examination of documents or accounts or any technical, scientific or local investigation which cannot conveniently be made with a jury;
- (c) will be unduly prolonged; ^{F4}...
- [^{F5}(ca) will involve section 6 proceedings; or]
- (d) is for any special reason (to be mentioned in the order) unsuitable to be tried with a jury.

(3) Subject to subsection (4), any other action or any issue of fact therein shall be tried without a jury.

(4) The court may, in any action referred to in subsection (3) order that the action or any issue of fact in the action shall be tried with a jury if it is of opinion that by reason

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 62 is up to date with all changes known to be in force on or before 06 August 2024. 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

of an allegation of actual fraud or actual undue influence or for some other reason the trial may more suitably be had with a jury.

[^{F6}(4A) An action in the High Court which by virtue of subsection (1) or (4) is being, or is to be, tried with a jury may, at any stage in the proceedings, be tried without a jury if the court concerned—

- (a) is of opinion that the action involves, or will involve, section 6 proceedings; and
- (b) in its discretion orders the action to be tried without a jury.

(4B) Where the court makes an order under subsection (4A)(b), it may make such other orders as it considers appropriate (including an order dismissing the jury).]

(5) Subject to subsections (1) and (3), the High Court may in accordance with rules of court order that different questions of fact arising in any action be tried at different times or by different modes of trial.

(6) [^{F7}The Department of Justice may by order] from time to time amend this section so as to alter the classes of action in which and the terms and conditions on which a trial shall or may be had with a jury.

^{F8}(7)

[^{F9}(8) In this section “section 6 proceedings” has the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).]

Textual Amendments

- F1** S. 62(1)(a) omitted (N.I.) (7.6.2022) by virtue of [Defamation Act \(Northern Ireland\) 2022 \(c. 30\)](#), **ss. 7, 14**
- F2** S. 62(1)(b) omitted (N.I.) (7.6.2022) by virtue of [Defamation Act \(Northern Ireland\) 2022 \(c. 30\)](#), **ss. 7, 14**
- F3** S. 62(1)(e) repealed by [S.I. 1987/1283](#), **art. 2**
- F4** Word in s. 62(2)(c) repealed (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), s. 20(1), **Sch. 2 para. 7(2)(a)** (with [Sch. 3 para. 2](#)); [S.I. 2013/1482](#), art. 2 (with arts. 3, 4)
- F5** S. 62(2)(ca) inserted (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), s. 20(1), **Sch. 2 para. 7(2)(b)** (with [Sch. 3 para. 2](#)); [S.I. 2013/1482](#), art. 2 (with arts. 3, 4)
- F6** S. 62(4A)(4B) inserted (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), s. 20(1), **Sch. 2 para. 7(3)** (with [Sch. 3 para. 2](#)); [S.I. 2013/1482](#), art. 2 (with arts. 3, 4)
- F7** Words in s. 62(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 17(a)** (with arts. 28-31)
- F8** S. 62(7) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 17(b)** (with arts. 28-31)
- F9** S. 62(8) inserted (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), s. 20(1), **Sch. 2 para. 7(4)** (with [Sch. 3 para. 2](#)); [S.I. 2013/1482](#), art. 2 (with arts. 3, 4)

Changes to legislation:

Judicature (Northern Ireland) Act 1978, Section 62 is up to date with all changes known to be in force on or before 06 August 2024. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)