

STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART II

HOLDING OF COUNTY COURTS

County courts to be held for divisions

3.—(1) For the purposes of this Order, Northern Ireland shall be divided into such divisions as the Lord Chancellor may^[F1], after consultation with the Lord Chief Justice,] by order specify.

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

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

- (a) subject to paragraph (4), be called a county court and be a court of record;
- (b) have, throughout the whole of the division for which it is held, the jurisdiction and powers conferred on a county court by this Order or any other statutory provision.

(4) The county court so held for the division which is or includes—

- (a) the area of the city of Belfast shall be called the Belfast Recorder's Court;
- (b) the area of the city of Londonderry shall be called the Londonderry Recorder's Court.

F1 Words in art. 3(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(2\), 148\(1\), Sch. 5 para. 50; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 12\(a\)](#)

Directions as to holding of courts

4. The^[F2]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;
- (d) the nature of the business to be transacted by any county court at any place;
- (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^[F3]Lord Chief Justice] to be necessary or proper.

F2 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\(a\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: County Courts (Northern Ireland) Order 1980, PART II is up to date with all changes known to be in force on or before 14 September 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)

F3 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^{F4}Lord Chief Justice] otherwise directs, be held in courthouses provided or maintained under Part I of that Act.

F4 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^{F5}Lord Chief Justice] shall—

- (a) on or before 1st May, appoint the days for the holding of the ordinary sittings of the county court for 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.

(2) Before appointing the days for the holding of the ordinary sittings of the county court for a division under this Article, the^{F6}Lord Chief Justice shall consult] the county court judge assigned to that division under section 102 of the County Courts Act (Northern Ireland) 1959 .

F5 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)

F6 Words in art. 6(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 53(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

Additional and extraordinary sittings

7.—(1) The^{F7}Lord 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^{F8}Lord 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.

F7 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)

F8 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 provision 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.

(5) Where a judge is satisfied—

(a) that any proceedings pending or to be brought before him can be more conveniently heard by him at another place in the same division or in any other division to which he is assigned under section 102 of the County Courts Act (Northern Ireland) 1959 other than that at which but for this paragraph they would be heard; or

(b) during the hearing of any proceedings that it is desirable in the interests of justice to adjourn the further hearing thereof to another such place;

he may, notwithstanding anything in any statutory provision, direct that such proceedings be heard at or adjourned to that other place accordingly.

(6) Where a direction is given under paragraph (5)—

(a) any summons, bill or other document issued or recognizances entered into in connection with the proceedings shall be deemed to be varied accordingly;

(b) the judge may make an order as to the manner in which and the persons to whom notice is to be given with respect to the hearing, or the adjourned hearing, as the case may be, and it shall be the duty of each person concerned to comply with such order; and

(c) any decree or order made in any such proceedings shall have the like force and effect as if no such direction had been given.

(7) A direction under paragraph (5) may relate to a particular case or may be given in general terms relating to any class or classes of proceedings or to proceedings at any place specified in the direction, and may be given subject to such conditions as may be so specified.

(8) In paragraphs (5) and (6) “hearing” includes the giving of any judgment or sentence.

Order of hearing

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

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

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