

1975 No. 354

COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1975

Made 12th December 1975

Coming into operation 1st February 1976

To be laid before Parliament

The Secretary of State(a), in pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(b) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1975 and shall come into operation on 1st February 1976.

Amendment of Rules of 1965

2. The provisions of the County Court Rules (Northern Ireland) 1965(c) specified in the first column of the Schedule are amended to the extent specified in the second column.

Northern Ireland Office
12th December 1975

Merlyn Rees
One of Her Majesty's Principal
Secretaries of State

(a) Formerly the Minister of Home Affairs for Northern Ireland: *see* S.I. 1973/2163.

(b) 1959 c. 25 (N.I.)

(c) S.R. & O. (N.I.) 1965 No. 261 (p. 1097) as amended by S.R. & O. (N.I.) 1967 No. 348 (p. 1177), S.R. & O. (N.I.) 1969 No. 195 (p. 791), S.R. & O. (N.I.) 1972 No. 197 (p. 1078) and S.R. 1975 No. 217

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

<i>Provision amended</i>	<i>Amendment</i>
Order 5: rule 3	<p>In Order 5 in rule 3 for paragraph (1) there shall be substituted the following paragraph:</p> <p>“(1) In any case to which rule 2(4) does not apply, any party may, subject to paragraph (3), require any other party, by notice in writing served before the beginning of a period of fourteen days ending on the entry day, to furnish further particulars before the beginning of a period of seven days ending on the entry day.”.</p>
Order 6: rule 8	<p>In Order 6 in rule 8 for the words “twenty-one” there shall be substituted the words “twenty-eight”.</p>
Order 21: rule 2	<p>In Order 21 in rule 2—</p> <p>in paragraph (1) the words “(not being an adjourned action)” shall be omitted and after the word “may” where it first appears there shall be inserted the words “subject to this rule”;</p> <p>for paragraph (2) there shall be substituted the following paragraph—</p> <p>“(2) Lodgment in court under paragraph (1) may, subject to paragraphs (3) and (3A), be made—</p> <p>(a) in a remitted action within eight days of the date of the order of remittal or at any time before entry day, whichever is the longer;</p> <p>(b) in any other action, at any time before entry day”:</p> <p>and after paragraph (3) there shall be inserted the following paragraph:</p> <p>“(3A) The Judge in adjourning a case under rule 3(2) of Order 5 and ordering sufficient particulars to be furnished may give leave for the making of any lodgment under this rule, notwithstanding that the period specified in paragraph (2) has expired and where such leave is given the reference to the entry day in paragraph (2) shall be construed as a reference to the entry day for the sitting to which the hearing is adjourned or to such other day as the Judge may specify.”.</p>
Order 21: rule 3	<p>In Order 21 in rule 3 for paragraph (1) there shall be substituted the following paragraph:</p> <p>“(1) Where money is paid into court under rule 2 the plaintiff may (subject to any order made by the Judge in granting an adjournment such as is referred to in rule 2(3A)), at any time before the opening day of the sitting at which the action is to be heard or subsequently with the consent of the defendant, or in a remitted action within any period fixed under rule 2(3)(c), sign and serve on the defendant and</p>

<i>Provision amended</i>	<i>Amendment</i>										
Order 21: rule 3 (<i>contd.</i>)	lodge with the clerk of the Crown and peace a notice in Form 2 accepting the amount in satisfaction of his claim.”.										
Order 24: rule 14	In Order 24 in rule 14(5) for the words “twenty-one” there shall be substituted the words “twenty-eight”.										
Order 41: rule 10A	In Order 41 in rule 10A for the reference to £500 there shall be substituted a reference to £1,500.										
Appendix E	<p>In Appendix E for paragraph 1 there shall be substituted the following paragraph:</p> <p>“1. For each service—</p> <p>(a) of an ordinary, default or summary civil bill where the amount claimed—</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th style="text-align: right;"><i>Fee</i></th> </tr> </thead> <tbody> <tr> <td>does not exceed £50</td> <td style="text-align: right;">£0.75</td> </tr> <tr> <td>exceeds £50 but does not exceed £100</td> <td style="text-align: right;">£1.10</td> </tr> <tr> <td>exceeds £100 but does not exceed £300</td> <td style="text-align: right;">£1.30</td> </tr> <tr> <td>exceeds £300</td> <td style="text-align: right;">£2.00</td> </tr> </tbody> </table> <p>(b) of an equity or probate civil bill £1.25</p> <p>(c) of an ejectment civil bill £0.75”.</p>		<i>Fee</i>	does not exceed £50	£0.75	exceeds £50 but does not exceed £100	£1.10	exceeds £100 but does not exceed £300	£1.30	exceeds £300	£2.00
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EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules amend the County Court Rules (Northern Ireland) 1965.

The rules extend the period before the beginning of which a civil bill must be served from 21 days ending on entry day to 28 days ending on entry day. The latest dates for serving notices for particulars and furnishing particulars are also amended. A party serving notice for further particulars must do so before the beginning of a period of 14 days ending on entry day; a party required to furnish particulars must do so before the beginning of a period of 7 days ending on entry day.

The latest dates for lodgment of money in court in satisfaction of a claim and for its acceptance are also amended. Except in a remitted action, such lodgment may be made at any time before the entry day for the sitting specified in the civil bill or, where the action is adjourned and further particulars of the civil bill are ordered, for the sitting to which the hearing is adjourned or such other time as the Judge may order.

The normal time for serving notice of acceptance will be before the opening day of the sitting.

These rules also amend rule 10A of Order 41 (which relates to payments out of court without the grant of administration in the case of small estates).

A fee for the service of a civil bill claiming more than £300 is prescribed.