

1980 No. 119

JUDICATURE, NORTHERN IRELAND
COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 1980

Made 27th March 1980

Coming into operation 5th May 1980

We, the County Court Rules Committee, appointed by the Lord Chancellor under section 146 of the County Courts Act (Northern Ireland) 1959(a), hereby, in accordance with that section, make the following rules:—

Citation

1. These rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1980.

Amendment of the Rules of 1976

2. The provisions of the County Court Rules (Northern Ireland) 1976(b) specified in the first column of the Schedule are amended to the extent specified in the second column.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

James A. Brown
Timothy T. Ferriss
P. T. McDonald
Harold McKee
Harry Coll

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 5th May 1980.

Dated 27th March 1980.

Hailsham of St. Marylebone, C.

(a) 1959 c. 25 (N.I.) as amended by 1978 c. 23
(b) S.R. 1976 No. 374 (II, p. 1774), as amended by S.R. 1977 No. 324 (II, p. 1765); S.R. 1978 No. 56 (I, p. 135); S.R. 1978 No. 370 (II, p. 1357); S.R. 1979 No. 111, S.R. 1979 No. 112 and S.R. 1979 No. 448

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1976

<i>Provision amended</i>	<i>Extent of amendment</i>										
Order 30	<p>In rule 3 after paragraph (2) there shall be inserted the following paragraph—</p> <p>“(3) Before serving notice of intent under the Judgment Enforcement Rules 1979 to enforce a decree which orders the recovery of value added tax as provided for in rule 4 of Order 45, the party in whose favour the decree was given shall forward the decree together with a certificate in Form 16 to the Office and the Chief Clerk shall endorse on the decree a statement to the effect that value added tax in the appropriate amount has been certified.”</p>										
Appendix Z	<p>After Form 15 there shall be inserted the following form—</p> <p style="text-align: center;">“FORM 16</p> <p style="text-align: center;">Certificate of Value Added Tax</p> <p style="text-align: center;">Order 30, rule 3(3)</p> <p style="text-align: center;">[Title as in Civil Bill]</p> <p>I certify that in addition to the amount of £ for costs and the amount of £ for witnesses' expenses ordered to be recovered under the attached decree/dismiss, the plaintiff/defendant (name) is under rule 4 of Order 45 of the County Court Rules (Northern Ireland) 1976 entitled to recover the following amounts for value added tax:—</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Current rate of VAT</th> <th style="text-align: right;">%</th> </tr> </thead> <tbody> <tr> <td>VAT on Scale Costs.....</td> <td style="text-align: right;">£</td> </tr> <tr> <td>VAT on Counsel's fees.....</td> <td style="text-align: right;">£</td> </tr> <tr> <td>VAT on Witnesses' fees and expenses.....</td> <td style="text-align: right;">£</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">£</td> </tr> </tbody> </table> <p>I further certify that [the VAT Registration No. of the plaintiff/defendant is (state No.)] [or the plaintiff/defendant is not registered for value added tax] and is not entitled to recover the amounts certified above for value added tax as input tax pursuant to section 3 of the Finance Act 1972.</p> <p style="text-align: center;">Dated this day of 19 </p> <p style="text-align: right;">[Solicitor for] Plaintiff/Defendant”.</p>	Current rate of VAT	%	VAT on Scale Costs.....	£	VAT on Counsel's fees.....	£	VAT on Witnesses' fees and expenses.....	£	Total	£
Current rate of VAT	%										
VAT on Scale Costs.....	£										
VAT on Counsel's fees.....	£										
VAT on Witnesses' fees and expenses.....	£										
Total	£										

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) 1976 by providing for the procedure to have endorsed on a decree a statement to the effect that value added tax in the appropriate amount has been certified.