

1989 No. 210

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court (Northern Ireland)
(Amendment No. 2) 1989**

Made 5th June 1989

Coming into operation 1st July 1989

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers and all other powers enabling us in that behalf as follows:

Citation and commencement

1. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1989 and shall come into operation on 1st July 1989.

Applications under Elected Authorities (N.I.) Act 1989

2. The Rules of the Supreme Court (Northern Ireland) 1980(b) shall be amended by inserting the Order set out in the Schedule hereto in the place appropriate to its number.

Dated 11th May 1989.

*Brian Hutton
John MacDermott
Brian Kerr
Owen Catchpole
Aidan A. Canavan*

I concur,

MacKay of Clashfern, C.

Dated 5th June 1989.

(a) 1978 c. 23

(b) S.R. 1980 No. 346

ORDER 103

**Proceedings under section 7 of the
Elected Authorities (Northern Ireland) Act 1989**

Application

1. An application for a determination under section 7(1) of the Elected Authorities (Northern Ireland) Act 1989 shall be commenced by originating motion.

Assignment to Queen's Bench Division

2. Proceedings under this Order shall be assigned to the Queen's Bench Division.

Notice of motion and supporting documents

3. The notice of motion must be supported by a statement setting out the grounds on which relief is sought and the capacity in which the applicant applies under section 7, and by an affidavit verifying the facts relied on.

Service of notice of motion

4.—(1) The notice of motion and statement and affidavit must be served on the person to whom the application relates.

(2) Unless the court otherwise directs, there must be at least 10 days between the service of the notice of motion and the day named in the notice for hearing of the motion.

(3) An affidavit giving the name and address of and the place and date of service on the person who has been served with the notice of motion must be filed before the motion is entered for hearing and the affidavit shall be before the Court on the hearing of the motion.

(4) If on the hearing of the motion the Court is of opinion that any other person should be served, the Court may adjourn the hearing on such terms (if any) as it may direct in order that the notice may be served on that person.

Hearing of application

5.—(1) On the hearing of any motion any person who desires to be heard in opposition to the motion, and appears to the court to be a proper person to be heard, shall be heard, notwithstanding that he has not been served with notice of the motion.

(2) The Court may authorise or require oral evidence to be given when it appears to be necessary or desirable.

Consolidation and joinder of parties

6. Order 4, rule 5, and Order 15, rules 4 and 5, shall apply to applications under this Order as they apply to actions.

Time for bringing proceedings

7. An application under rule 1 shall not be made after the expiration of more than 2 months from the date of the alleged breach of the terms of the declaration against terrorism.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules supply a new Order 103 of the Rules of the Supreme Court (Northern Ireland) 1980 and provide a procedure for an application to the High Court under section 7 of the Elected Authorities (Northern Ireland) Act 1989.

That section enables certain specified persons to apply for the determination of the High Court that a person, while a member of the district council, has acted in breach of the terms of a declaration against terrorism made by him.