

1994 No. 472

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 1994

Made 30th November 1994

Coming into operation 1st January 1995

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following rules:—

Citation, interpretation and application

1.—(1) These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1994.

(2) In these Rules a reference to an Order, Part or Rule, is a reference to that Order, Part or Rule as numbered in the County Court Rules (Northern Ireland) 1981(b).

(3) Rule 2 of these Rules shall not apply to an appeal against any decision made by a magistrates' court before the coming into operation of these Rules.

Power to extend time to give notice of appeal from decision of a magistrates' court

2.—(1) In Article 144 of the Magistrates' Courts (Northern Ireland) Order 1981(c) after paragraph (2) there shall be inserted the following paragraph—

“(2A) The period within which notice of appeal must be given and lodged under paragraph (1) may be extended, either before or after it expires, by the county court having jurisdiction in the county court division in which the magistrates' court sat, on an application made in accordance with county court rules.”

(2) In Order 32 after Part II there shall be inserted the following Part IIA:

(a) S.I. 1980/397 (N.I. 3)
 (b) S.R. 1981 No. 225
 (c) S.I. 1981/1675 (N.I. 26)

PART IIA

APPEALS FROM MAGISTRATES' COURTS

Power to extend time to give notice of appeal from a decision of a magistrates' court

6A—(1) An application for an extension of time under Article 144(2A) of the Magistrates' Courts (Northern Ireland) Order 1981 shall be made in writing, specifying the grounds of the application.

(2) The application under paragraph (1) shall be served on the chief clerk of the appropriate county court division and at the same time a copy thereof shall be served by the applicant on every proposed respondent to the intended appeal.

(3) A party who receives a copy of an application under paragraph (1) and who wishes to oppose the application shall within 14 days notify the applicant and the chief clerk, in writing, of his opposition, giving the reasons therefor.

(4) An application under paragraph (1) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(5) The chief clerk shall give notice of the decision of the judge to—

(a) the applicant;

(b) the clerk of petty sessions for the petty sessions district in which the magistrates' court sat; and

(c) the other parties to the application."

(3) In Order 58, Rule 5 after the words "magistrates' courts," there shall be inserted the words "or to Part IIA of Order 32,".

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.

R. F. Porter
J. J. Curran
Barry Valentine
Brian F. Walker
James A. Agnew
P. J. Kelly
Brian J. Stewart

Dated 12th October 1994.

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 1st January 1995.

Dated 30th November 1994.

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Northern Ireland) Order 1981 and the County Court Rules (Northern Ireland) 1981 so as to permit the county court to extend the time within which notice of an appeal from a magistrates' court decision may be given and to prescribe the procedure for making an application to the county court for that purpose.