
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 199

COUNTY COURTS

**County Court (Amendment No.
2) Rules (Northern Ireland) 1998**

Made - - - - 2nd June 1998
Coming into operation 1st September 1998

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(1), in exercise of the powers conferred on us by Article 47 of that Order, hereby make the following Rules:—

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1998.

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

Service of civil bill

2. In Order 6, Rule 3(2) for sub-paragraph (b) there shall be substituted the following new sub-paragraph—

- “(b) where service is not required by paragraph (6) or Rule 6(1) of Order 40 to be made on the defendant in person,—
- (i) by a solicitor or member of his staff over the age of 16 years sending to the defendant at the address given for the defendant in the civil bill, a copy of the civil bill, by ordinary first class post, (in this Order, first class post means first class post which has been pre-paid or in respect of which pre-payment is not required); or
 - (ii) if there is a letter box at the address given for the defendant in the civil bill by inserting through that letter box a copy of the civil bill enclosed in a sealed envelope addressed to the defendant.”

(1) S.I.1980/397 (N.I. 3)

(2) S.R. 1981 No. 225 to which the most recent relevant amendments were made by S.R. 1995 No. 151 and S.R. 1995 No. 282

Assessment of damages by the district judge

3. Order 12, Rule 13 shall be amended as follows—

- (a) in paragraph 2(i) for the words “the hearing” there shall be substituted the words “the assessment”;
- (b) for paragraph (2)(ii) there shall be substituted the following new paragraph—
 - “(ii) issue a summons in Form 70 and serve it, together with the medical or other reports upon which he will seek to rely at the assessment, on the other parties to the proceedings at least 7 days before the date fixed for assessment.”;
- (c) after paragraph (2) there shall be inserted the following new paragraph—
 - “(2A) Where a party against whom judgment has been entered wishes to be heard at the assessment he shall give notice in writing to the chief clerk and the other parties to the proceedings.”.

Payment into court

4. Order 21, shall be amended as follows—

- (a) in Rule 2(1) for the word “after” where it first appears substitute the word “upon”;
- (b) in Rule 2(4) delete the words “adjourning a case under Rule 3(2) of Order 5 and”;
- (c) in Rule 3(1) delete the words “in granting an adjournment”.

Practice generally

5. Order 43 shall be amended as follows—

- (a) for Rule 18 there shall be substituted the following new Rule—

“Quality and size of paper

18.—(1) All accounts, copies, papers, notices and other documents lodged with the chief clerk or other officer are to be written bookwise, unless the nature of the document renders it impracticable to do so, upon paper of durable quality approximately 297mm long by 210mm wide, or A4ISO, having a margin not less than 38mm wide to be left blank on the left side of the face of the paper and on the right side of the reverse and shall be endorsed with the solicitor’s name and any document not so endorsed or not plainly and legibly written shall be refused.

(2) Unless the chief clerk in any particular case otherwise determines, all decrees shall be written on judicature paper of a size not less than A4ISO.

(3) In this Rule, the expression “A4” followed by the letters “ISO” means the size of paper so referred to in the specifications of the International Standards Organisation.”;

- (b) in Rule 19A(1) for the words “second business day” there shall be substituted the words “seventh business day”.
- (c) after Rule 27 there shall be inserted the following new Rule—

“Service by DX

28.—(1) Service of any document, not being a document which by virtue of any provisions of these Rules is required to be served personally, or a document to which Order 6, Rule 3 applies, may be effected, where—

- (a) the proper address for service includes a numbered box at a document exchange, or
- (b) there is inscribed on the writing paper of the party on whom the document is served (where such party acts in person) or on the writing paper of his solicitor (where such party acts by a solicitor) a document exchange box number and such a party or his solicitor (as the case may be) has not indicated in writing to the party serving the document that he is unwilling to accept service through a document exchange, by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange, and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

(2) In this Rule “business day” has the same meaning as in Rule 27 and “document exchange” means any document exchange for the time being approved by the Lord Chancellor.”.

Disclosure

6.—(1) Form 68D shall be amended by inserting immediately after the word “Dated”, the following new paragraph—

“Notice to person in possession of documents who is not a party to the proceedings

If you have no objection to the court making an order for the production of the documents specified in the attached affidavit you need not attend court.”.

(2) Form 70A shall be amended by inserting immediately after the word “Dated”, the following new paragraph—

“Notice to person in possession of property who is not a party to the proceedings

If you have no objections to the court making an order for the inspection of the property specified in the attached affidavit you need not attend court.”.

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.

Dated 29th April 1998

*A. R. Hart
T. A. Burgess
Brian J. Stewart
Brian F. Walker
Hilary Keegan
Barry Valentine*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

After consultation with the Lord Chief Justice, I allow these Rules, which shall come into operation on 1st September 1998.

Dated 2nd June 1998

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules (Northern Ireland) 1981 so as to—

- (i) provide that a civil bill may be served by insertion through the letter box at the defendant's address;
- (ii) require a party against whom judgment has been entered to give notice if he wishes to be heard at the assessment of damages;
- (iii) provide that certain documents may be written on good quality A4 paper rather than on judicature paper;
- (iv) deem documents served by first class post to have been served on the seventh business day after posting;
- (v) allow for the service of certain documents to be effected by DX;
- (vi) notify a party that he need not appear if he has no objection to the making of a court order for the disclosure of documents or the inspection of property; and
- (vii) make other minor corrections.