

2004 No. 216

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 2004

Made - - - - - *7th May 2004*

Coming into operation *31st May 2004*

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 and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2004.

(2) In these Rules, unless the context otherwise requires, a reference to an Order, Part, Schedule or Form is a reference to that Order, Part, Schedule or Form as numbered in the County Court Rules (Northern Ireland) 1981(b).

Lodgments

2. Order 21 rule 2(6) shall be amended by deleting the words “with the chief clerk and a copy shall also be lodged” and “last mentioned”.

Appeals

3. Order 32 shall be amended as follows:

- (a) in Rule 5(2) for the words “fourteen days” substitute the words “twenty one days”;
- (b) after Part IIA there shall be inserted the new Part IIB set out in Schedule 1 to these Rules; and
- (c) in Schedule 1 after Form 129 there shall be inserted the new Forms set out in Schedule 2 to these Rules.

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

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

A. R. Hart

T. A. Burgess

J. J. Curran

Barry Valentine

Adrian Colton

James A. Agnew

Kay Heggarty

Dated 31st March 2004

After consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 31st May 2004.

Signed by the authority of the Lord Chancellor

Lord Filkin

Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 7th May 2004

SCHEDULE 1

Rule 2(b)

APPEALS IN SMALL CLAIMS CASES

PART IIB

APPEALS IN SMALL CLAIMS CASES

60.—(1) An appeal under Article 30(4)(ab) of the Order shall be brought by Notice of Appeal in Form 130 and shall set out the question of law which is the subject of the appeal and the grounds upon which the appellant relies.

(2) The Notice of Appeal shall, within twenty one days from the date the order, decision or determination was made, be served by the appellant on the chief clerk and on the Respondent and any other party to the proceedings.

(3) The Respondent may within twenty one days from the date of the Notice of Appeal, serve on the chief clerk and the appellant and any other party to the proceedings a notice in Form 131 setting out whether or not he opposes the appeal and the grounds on which he relies.

(4) The judge may give such directions as he considers appropriate in relation to the appeal including if it is to be by way of rehearing and the chief clerk shall notify the parties accordingly.

(5) The decision on the appeal shall be notified by the chief clerk to the parties in Form 131A.

SCHEDULE 2

Rule 2C

FORM 130

Notice of Appeal under Article 30(4)(ab) of the County Courts(Northern Ireland) Order 1980

IN THE COUNTY COURT/RECORDER'S COURT FOR THE DIVISION OF

IN THE MATTER of an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

Between Appellant

of

and Respondent

of

TAKE NOTICE that the Appellant hereby appeals against the [decision] [order] [determination] of the district judge on the following question of law:

The grounds on which the Appellant relies are as follows:

Dated this day of 20 .

Signature of Appellant

To: The Chief Clerk at

The Respondent at

Any other party at
(name and addresses)

FORM 131

Notice in response to an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER of an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

Between Appellant

of

and Respondent

of

TAKE NOTICE that the Respondent hereby opposes the grant of an appeal against the [decision] [order] [determination] of the district judge on the following question of law:

The grounds on which the Respondent relies are as follows:

Dated this day of

Signature of Respondent

To: The Chief Clerk at

The Appellant at

Any other party
(name and addresses)

FORM 131A

Order on an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER of an application under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980 against the [decision] [order] [determination] of the district judge on the following point of law:

Between Appellant

and Respondent

Having considered the appeal;

IT IS ORDERED that

Dated

Chief Clerk

EXPLANATORY NOTE

(This note is not part of the Order.)

These Rules amend the County Court Rules (Northern Ireland) 1981:

- to provide for appeals under Article 30(4)(ab) to the county court judge (small claims appeals) (sub-paragraph (ab) was inserted by section 74 of the Justice (Northern Ireland) Act 2002);
- to remove the requirement for notice of a payment into court to be served on the chief clerk; and
- to change the time limit for applying for a case stated from 14 to 21 days (consequent on the amendment to Article 61(2) of the County Courts (Northern Ireland) Order 1980 by section 75 of the Justice (Northern Ireland) Act 2002);

The amendments shall come into operation on 31st May 2004.

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