
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART V

**SUPPLEMENTAL PROVISIONS RESPECTING
JURISDICTION OF COUNTY COURTS**

(ii)

PROVISIONS SUPPLEMENTAL TO CIVIL JURISDICTION

Parties

Capacity of parties

39.—(1) Subject to this Order and to county court rules, the capacity of persons or classes of persons to institute or continue proceedings, and the liability of persons or classes of persons to be sued, in a county court shall be the same as in the High Court.

(2) Without prejudice to the generality of paragraph (1)—

- (a) a representative of a deceased person may sue or be sued in like manner as if he were a party in his own right;
- (b) a person rendering himself an executor de son tort may be sued as if he were a rightful executor but shall not be liable beyond the amount of the assets actually received by him;
- (c) a minor may sue as if he were of full age for money due to him under a contract of service or for work done by him;
- (d) no proceedings shall abate by reason of the marriage, death or bankruptcy of^{F1}, or the formation of a civil partnership by,] any party, where the cause of action survives or continues, nor by reason of the assignment, creation or devolution of any estate or title *pendente lite*.

F1 2004 c. 33

Changes to legislation:

County Courts (Northern Ireland) Order 1980, Section 39 is up to date with all changes known to be in force on or before 11 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)