
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

Civil proceedings by and against the Crown

38. Civil proceedings may be instituted in a county court by or against the Crown (whether in right of Her Majesty's Government in the United Kingdom or of Her Majesty's Government in Northern Ireland) in accordance with the relevant provisions of the Crown Proceedings Act 1947 .

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

Third and subsequent parties

40.—(1) In any action where—

Changes to legislation: County Courts (Northern Ireland) Order 1980, Cross Heading: Parties is up to date with all changes known to be in force on or before 11 May 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. (See end of Document for details) [View outstanding changes](#)

- (a) a defendant claims to be entitled to contribution or indemnity from or other relief over against another defendant or any person not a party to the action (in this Article referred to as a “third party”);
- (b) a third party makes a like claim against any other person, whether a party to the action or not (in this Article referred to as a “fourth party”),

a county court shall have jurisdiction to grant, subject to county court rules, any such relief as may be granted in the like case by the High Court to a defendant or third party.

(2) Subject to county court rules, the practice and procedure as between a defendant and a third party and as between a third party and a fourth party shall be the same as the practice and procedure as between a plaintiff and defendant.

(3) County court rules shall apply the foregoing provisions of this Article to—

- (a) any action wherein a fourth party makes, as such, a claim against another person not a party to the action; and
- (b) any action wherein any subsequent like claims are made successively.

(4) A party shall not be prejudiced or unnecessarily delayed in the prosecution of his claim by reason of questions between other parties in which he is not concerned.

Changes to legislation:

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Changes and effects yet to be applied to :

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