

1981 No. 224

**SUPREME COURT
PROCEDURE**

**Rules of the Supreme Court (Northern Ireland)
(Amendment No. 2) 1981**

Made 9th July 1981

Coming into operation 1st September 1981

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the pleading, practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby with the concurrence of the Lord Chancellor exercise those powers as follows:

1.—(1) These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1981 and shall come into operation on 1st September 1981.

(2) In these rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(b).

2. Order 1 (Citation, etc. and business of the Supreme Court) shall be amended as follows:

(1) In paragraph (1) of rule (3), after the definition of “Central Office” there shall be inserted the following definition:—

“ ‘Long Vacation’ means the interval between 30th June and 5th September.”

(2) In Part II, heading “A”, for the word “SUPREME” there shall be substituted the word “HIGH”.

(3) In rule 18(a)(iv), for the words “Taxing Master” there shall be substituted the words “Master (Taxing Office)”.

3. For rule 5 of Order 7 (Originating summonses) there shall be substituted the following rule:—

‘Issue of summons

5.—(1) Except where otherwise expressly provided by these Rules, an originating summons must be issued out of the Central Office or, in the case of an originating summons by which proceedings assigned to the Chancery Division are begun, the Chancery Office.

(2) Order 6, rule 6, paragraphs (1), (4), (5) and (6) shall apply in relation to an originating summons as it applies in relation to a writ.

[E.r. 5]”

4. In rule 3(5) of Order 8 (Originating motions, etc.), for the reference to paragraph (2) there shall be substituted a reference to paragraph (4).

(a) 1978 c. 23

(b) S.R. 1980 No. 346

5. In rule 1(3) of Order 12 (Entry of appearance), after the comma following the words "rule 3" there shall be inserted the word "and".

6. In rule 4(5) of Order 34 (Setting down), for the reference to Part I of the Legal Aid and Advice Act (Northern Ireland) 1965(a) there shall be substituted a reference to Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(b).

7. In each paragraph of rule 14 of Order 41 (Affidavits) there shall be substituted for the words "give to" the words "serve on".

8. Immediately before Order 42 (Judgments) there shall be inserted a main heading "JUDGEMENTS, ORDERS, ACCOUNTS AND INQUIRIES".

9. In rule 7(1)(b) of Order 42 there shall be substituted for the word "delivered" the word "served".

10. In rule 5(1) of Order 65 (Service of documents) there shall be substituted for the word "of" before the words "a document to which Order 10, rule 1, applies" the word "or".

11. In rule 3(1)(e) of Order 71 (Reciprocal enforcement of judgments), after the words "that the judgment" there shall be inserted the words "is not a judgment".

12. In rule 3(b) of Order 88 (Mortgage actions), after the words "the dwelling house is one to which" there shall be inserted the words "Part III of".

13. In the Schedule to Order 108 (Court bonds), for the reference to "Royal Insurance Company Limited" there shall be substituted a reference to "Royal Insurance (U.K.) Limited" and the references to "The Liverpool London & Globe Insurance Company Limited" and "The London & Lancashire Insurance Company Limited" shall be deleted.

14—(1) In the Arrangement of Orders before Order 1, the entry relating to Order 111 shall be amended by substituting for the words "section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969" the words "Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981."

(2) In each of the rules mentioned in Column 1 of the Schedule hereto the words mentioned opposite thereto in Column 2 shall be amended by substituting therefor the words mentioned opposite thereto in Column 3.

Dated the 29th day of June 1981.

*Robert Lowry
Donald Murray
R. D. Carswell
J. J. Sheil*

I concur,

Hailsham of St. Marylebone, C.

Dated the 9th day of July 1981.

(a) 1965 c. 8 (N.I.)
(b) 1981/228 (N.I. 8)

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-------------------------|--|--|
| Order, 1, rule 11(c) | Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969 | Articles 107 to 110 of the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 1, rule 12(b)(iv) | Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969 | Articles 107 to 110 of the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 42, rule 9(3) | section 46 of the Judgments Enforcement (Northern Ireland) Act 1969 | Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 45, rule 1 | “the Act of 1969” means the Judgments (Enforcement) Act (Northern Ireland) 1969 | “the Order of 1981” means the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 45, rule 2(2) | Part VII of the Act of 1969 | Articles 107 to 110 of the Order of 1981 |
| Order 45, rule 3 | Section 53 of the Act of 1969 | Article 53 of the Order of 1981 |
| Order 45, rule 4(1) | section 92 of the Act of 1969 | Article 111 of the Order of 1981 |
| Order 45, rule 4(1) | Part VII of the Act of 1969 | Articles 107 to 110 of the Order of 1981 |
| Order 47, rule 1(2) | Part VIII of the Judgments (Enforcement) Act (Northern Ireland) 1969 | Articles 111 to 113 of the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 105 | VI. ATTACHMENT OF EARNINGS ORDER UNDER THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969 | VI. ATTACHMENT OF EARNINGS ORDER UNDER THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981 |
| Order 105, rule 24 | “the Act of 1969” means the Judgments (Enforcement) Act (Northern Ireland) 1969 | “the Order of 1981” means the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 105, rule 24 | section 77D(1)(a) of the Act of 1969 | Article 98(a) of the Order of 1981 |
| Order 105, rule 25(1) | section 73 of the Act of 1969 | Article 99 of the Order of 1981 |
| Order 105, rule 26 | section 77 of the Act of 1969 | Article 103 of the Order of 1981 |
| Order 105, rule 27 | section 77 of the Act of 1969 | Article 103 of the Order of 1981 |
| Order 105, rule 29(1) | section 73(4) of the Act of 1969 | Article 99(4) of the Order of 1981 |
| Order 105, rule 29(5) | Schedule 1A to the Act of 1969 | Schedule 1 to the Order of 1981 |
| Order 105, rule 31 | section 77D(4)(b) or (5) of the Act of 1969 | Article 102(7) or (8) of the Order of 1981 |
| Order 105, rule 31 | section 77D(6) of that Act | Article 102(9) of that Order |
| Order 105, rule 32(1) | section 76(1) of the Act of 1969 | Article 102(1) of the Order of 1981 |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-----------------------|---|---|
| Order 105, rule 32(3) | section 76(6) of the Act of 1969 | Article 102(5) of the Order of 1981 |
| Order 105, rule 33 | section 77B(1) of the Act of 1969 | Article 105(1) of the Order of 1981 |
| Order 111 | COMMITTAL UNDER ARTICLE 107 OF THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981 | COMMITTAL UNDER SECTION 80 OF THE JUDGMENTS ENFORCEMENT) ACT (NORTHERN IRELAND) 1969 |
| Order 111, rule 1 | “the Act of 1969” means : Judgments (Enforcement) Act (Northern Ireland) 1969 | “the Order of 1981” means the Judgments Enforcement (Northern Ireland) Order 1981 |
| Order 111, rule 1 | Section 31 of the Act of 1969 | Article 3 of the Order of 1981 |
| Order 111, rule 1 | Part VII of the Act of 1969 | Article 88 of the Order of 1981 |

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Rules of the Supreme Court (Northern Ireland) 1980 so as—

- (1) to correct some minor mistakes, omissions and printers' errors (rule 1(2) and (3), rules 4 and 5, and rules 8 to 12);
- (2) to provide a definition of “Long Vacation” (rule 2(1));
- (3) to clarify the provisions about the issue of originating summonses (rule 3);
- (4) to substitute a reference to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, which repeals the Legal Aid and Advice Act (Northern Ireland) 1965) (rule 6);
- (5) to apply to affidavits the rules in Order 65 for the service of documents (rule 7);
- (6) to alter the list of companies approved for giving sureties (rule 13);
- (7) to substitute references to the provisions of the Judgments Enforcement (Northern Ireland) Order 1981, for references to the provisions of the Judgments (Enforcement) Act (Northern Ireland) 1969 where they appear in the Rules (rule 14).