

1983 No. 183

## SUPREME COURT, NORTHERN IRELAND

## PROCEDURE

**The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1983**

*Made* . . . . . 8th July 1983

*Coming into operation* . . . . . 1st September 1983

*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 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:

*Citation, interpretation and commencement*

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1983 and shall come into operation on 1st September 1983.

(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) and, unless the context otherwise requires, a form referred to by number means the form so numbered in Appendix A to those Rules.

*Application for order to state case*

2. In Order 61, rule 4, there shall be inserted after the words “An application” the words “made pursuant to any statutory provision.”

*Miscellaneous appeals by way of case stated*

3. Order 94 shall be amended as follows:—

(1) The following paragraphs shall be added after paragraph (ii) of rule 2:

“(iii) sections 94(3) and 114(5) of the Social Security (Northern Ireland) Act 1975(c) (appeals from the Department of Health and Social Services);

(iv) Article 63(3) of the Social Security Pensions (Northern Ireland) Order 1975(d) (appeals from the Occupational Pensions Board);

(v) Article 13(5) of the Social Security (Northern Ireland) Order 1982(e) (appeals from Department of Health and Social Services).”

(2) The following heading shall be substituted for the heading to rule 3:

“*Case stated by tribunal, etc., in course of proceedings.*”

(3) The following sub-paragraphs shall be added after sub-paragraph (ii) of rule 3(1):

(a) 1978 c. 23

(b) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1980 No. 433 and S.R. 1982 No. 217

(c) 1975 c. 15

(d) S.I. 1975/1503 (N.I. 15)

(e) S.I. 1982/1084 (N.I. 16)

“(iii) the Department mentioned in section 94(1) of the Social Security (Northern Ireland) Act 1975;

(iv) the Occupational Pensions Board mentioned in Article 63(1) of the Social Security Pensions (Northern Ireland) Order 1975;

(v) the Department mentioned in Article 13(4) of the Social Security (Northern Ireland) Order 1982”.

(4) The following paragraph shall be substituted for paragraph (3) of rule 3:—

“(3) Any party to proceedings before any tribunal mentioned in paragraph (1) (i) or (ii) who is aggrieved by the tribunal’s failure or refusal to state such a case may apply to the High Court or the Court of Appeal, as the case may be, for an order directing the tribunal to do so.”

(5) The following paragraph shall be added after paragraph (4) of rule 3.

“(5) The bodies mentioned in rule 3(1) (iii), (iv) and (v) shall be deemed to be tribunals for the purposes of paragraphs (2) and (4).”

*Summary proceedings for possession of land*

4. In Order 113, rules 1(2) and 4(2A) shall be deleted.

5. In the heading in Form 9, for the word “Chancery” there shall be substituted the words “Queen’s Bench”.

Dated the 28th day of June 1983.

*Lowry  
Donald Murray  
J. B. E. Hutton  
R. D. Carswell  
Owen Catchpole*

I concur,

*Hailsham of St. Marylebone, C.*

Dated the 8th day of July 1983.

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EXPLANATORY NOTE

*(This note is not part of the Rules.)*

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

- (a) make clear in Order 61 (which deals with appeals to the Court of Appeal by way of case stated) that the power of that Court to direct a court or tribunal to state a case can only be exercised where such a power is conferred on the Court by statute (rule 2).
- (b) extend the list of bodies from which appeals to the Court of Appeal on a question of law are to be brought by way of case stated (rule 3).
- (c) assign summary proceedings for the possession of land to the Queen’s Bench Division (rules 4 and 5).