

## 1986 No. 128

## SUPREME COURT, NORTHERN IRELAND

## PROCEDURE

The Rules of the Supreme Court (Northern Ireland)  
(Amendment) 1986

Made . . . . . 1st May 1986

Coming into operation . . . . . 1st September 1986

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, application and commencement*

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1986 and shall come into operation on 1st September 1986. Rules 2 and 3 shall apply to actions in which the pleadings are closed on or after that date.

(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).

*Payment into court*

2. In Order 22, rule 1, the following paragraph shall be substituted for paragraph (1)—

“(1) In any action for debt or damages any defendant may without leave at any time after he has entered an appearance in the action—

(a) before the close of pleadings, or

(b) if he has complied with Order 25, rule 2(a), not later than 14 weeks from the close of pleadings or within 4 weeks of disclosure by the plaintiff of the evidence which it is his duty to disclose under Order 25, rule 3(a), whichever is the later,

or with leave or on consent at any later time pay into Court a sum of money in satisfaction of the cause of action in respect of which the plaintiff claims or, where two or more causes of action are joined in the action, a sum or sums of money in satisfaction of any or all of those causes of action.”

*Medical evidence*

3. Order 25 in the Schedule hereto shall be inserted in the Rules of the Supreme Court (Northern Ireland) 1980 in the place appropriate to its number.

(a) 1978 c. 23

(b) S.R. 1980 No. 346, as amended by S.R. 1983 No. 114

*Evidence*

4. Order 38 shall be amended as follows:—

(1) The following rule shall be inserted after rule 3—

*Evidence of plans, photographs etc.*

“3A. Unless, at or before the trial, the court for special reasons otherwise orders, no map, plan or other drawing, photograph or model shall be receivable in evidence at the trial of an action unless at least 3 weeks before the commencement of the trial the parties, other than the parties producing it, have been given an opportunity to inspect it and to agree to its admission without further proof.”

(2) In rule 4 a comma and the words “3 or 3A” shall be substituted for the words “or 3” in the heading thereto and in the text of the rule.

Dated 11th March 1986.

*Lowry*  
*R. D. Carswell*  
*Hugh P. Kennedy*  
*W. A. Campbell*

I concur,

*Hailsham of St. Marylebone, C.*

Dated 1st May 1986.

## ORDER 25

**Medical Evidence***Application*

1. This Order applies to all actions for damages in respect of personal injury or death except (while liability remains in issue) actions grounded on an allegation of medical or surgical negligence.

*Medical examination of another party: disclosure of report*

2. Any party who has been afforded medical examination of another party shall disclose to that other party the result of such examination—

- (a) in so far as he then has in his possession or power a report or reports of such examination not later than 10 weeks from the close of the pleadings; and
- (b) in so far as he thereafter obtains any such report before the date of trial, within 21 days of receiving it and in any case before the first day of the trial.

*Disclosure of medical evidence*

3. Where a party proposes to adduce medical evidence at the trial he shall—

- (a) in so far as he then has in his possession or power that evidence, disclose it to the other parties not later than 10 weeks from the close of the pleadings; and
- (b) in so far as he thereafter obtains any such evidence before the date of trial, disclose it to the other parties within 21 days of receiving it and in any case before the first day of the trial.

*Evidence received during trial*

4. Where a party obtains on or after the first day of the trial any report or evidence of the kind mentioned in rule 2 or rule 3, he shall disclose that report or evidence to the relevant party or parties immediately.

*Restrictions on medical evidence*

5. No party shall, except with the leave of the Court or on consent, adduce medical evidence at the trial the contents of which he has not disclosed to the other parties in accordance with rule 3 or rule 4.

*Mode of disclosure*

6. A party making disclosure under this Order shall do so by furnishing any relevant report or reports or else a statement or statements of evidence based thereon, in either case signed and dated by the maker thereof and specifying his professional qualifications, and a photostat copy of the original report or statement shall be sufficient for this purpose.

*Variation between evidence disclosed and evidence at trial*

7. Where a party's medical evidence at the trial varies from the evidence which that party has disclosed to another party, the Court may on the application of any party adjourn the trial or make any such order, on such terms as to costs and otherwise, as to the Court may seem meet.

*Definition of "medical evidence"*

8. For the purposes of this Order "medical evidence" means the evidence contained in any report or in any statement of evidence based thereon, as specified in rule 6 and includes surgical and radiological evidence and any ancillary expert or technical evidence, and the expression "medical examination" shall be construed accordingly.

EXPLANATORY NOTE

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

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

- (a) in actions for damages in respect of personal injury or death;
  - (i) to require a party who has been afforded a medical examination of another party to disclose to that party the result of such examination;
  - (ii) to require disclosure to other parties of medical evidence which a party proposes to adduce at the trial;
  - (iii) to provide for the mode of disclosure of medical reports and the penalties for non-disclosure and for variation between the evidence disclosed and the evidence at the trial;  
(rule 3 and Schedule)
  - (iv) to make consequential amendments to Order 22, rule 1, relating to payment into court;  
(rule 2)
- (b) to make provision in Order 38 (Evidence) for the reception in evidence at a trial of maps, plans, photographs and models.  
(rule 4)