

1989 No. 289

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court (Northern Ireland)
(Amendment No. 5) 1989**

Made 21st July 1989

Coming into operation 1st September 1989

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 and all other powers enabling us in that behalf as follows:

Citation, interpretation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 5) 1989 and shall come into operation on 1st September 1989.

(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).

Fixed Costs

2. Appendix 3 to Order 62 shall be amended as follows—

(1) For Table A (Basic Costs) in Part I there shall be substituted the following Table—

(a) 1978 c. 23

(b) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1980 No. 433; S.R. 1982 No. 138, S.R. 1985 No. 170

	<i>Amount to be allowed in cases under following sub-paragraphs of paragraph I of this Appendix</i>		
	(a)	(b)	(c)
	£ p	£ p	£ p
If the amount recovered is—			
not less than £600			
but less than £2,000—			
(i) where the writ was served by post	47·00	61·50	108·00
(ii) where the writ was served on the defendant personally	52·00	66·00	112·50
not less than £2,000			
but less than £3,000—			
(i) where the writ was served by post	52·00	68·50	112·50
(ii) where the writ was served on the defendant personally	56·00	72·00	118·00
not less than £3,000	68·00	97·50	139·00"

(2) Table B (Additional costs) in Part I shall be amended by substituting, for the figures shown in columns (i) and (ii), the following figures—

	(i)	(ii)
(1)	7·25	9·50
(2)	17·00	36·00
(3)(a)	26·25	47·00
(3)(b)	31·00	52·00
(4)	12·00	14·00
(5)	12·00	14·00
(6)	9·25	17·00

(3) Part III, paragraph 1 shall be amended by substituting, for the sum of "£6·00" the sum of "£6·50";

(4) Part III, paragraph 2 shall be amended by substituting, for the sum of £24·00 the sum of "26·50";

(5) Part III, paragraph 3 shall be amended by substituting, for the sum of "£8·50" the sum of "£10·00".

Judicial Review

3. Order 53 shall be amended as follows:—

(1) The following rule shall be substituted for rule 4—

"4.—(1) An application for leave to apply for judicial review shall be made promptly and in any event within three months from the date when grounds for the application first arose unless the Court considers that there

is good reason for extending the period within which the application shall be made.

(2) Where the relief sought is an order of certiorari in respect of any judgment, order, conviction or other proceeding, the date when grounds for the application first arose shall be taken to be the date of that judgment, order, conviction or proceeding.

(3) Paragraph (1) is without prejudice to any statutory provision which has the effect of limiting the time within which an application for judicial review may be made.”.

(2) The following paragraph shall be substituted for rule 9(5) and (6)—

“(5) Where the relief sought is a declaration, an injunction or damages and the Court considers that it should not be granted on an application for judicial review but might have been granted if it had been sought in an action begun by writ by the applicant at the time of making his application, the Court may, instead of refusing the application, order the proceedings to continue as if they had been begun by writ; and Order 28, rule 8, shall apply as if the application had been made by summons.”.

Dated: 29th June 1989.

Brian Hutton
John MacDermott
J. P. Higgins
R. D. Carswell
Hugh P. Kennedy
Owen Catchpole

I concur,

Mackay of Clashfern, C.

Dated: 21st July 1989.

EXPLANATORY NOTE

(This note is not part of the Rules.)

Rule 2 and rule 3 of these Rules respectively, (a) increases the amount in the scales of fixed costs in Order 62 and, (b) amends the procedure relating to applications for judicial review under Order 53.