

1992 No. 313

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1992

Made 10th July 1992

Coming into operation 1st September 1992

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 and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1992 and shall come into operation on 1st September 1992.

Commercial Actions

2. The Order set out in the Schedule shall be inserted in the Rules of the Supreme Court (Northern Ireland) 1980(b) in the place appropriate to its number.

Dated 9th June 1992

Brian Hutton
John MacDermott
J. P. Higgins
R. D. Carswell
Anthony Campbell
Hugh P. Kennedy
Owen Catchpole
Aidan A. Canavan

I concur,

Mackay of Clashfern, C.

Dated 10th July 1992

(a) 1978 c. 23 (N.I.)
(b) S.R. 1980 No. 346

ORDER 72

COMMERCIAL ACTIONS

Application and interpretation

1.—(1) This Order applies to commercial actions in the Queen's Bench Division, and the other provisions of these Rules apply to those actions subject to the provisions of this Order.

(2) In this Order "commercial actions" shall include any cause relating to business or commercial transactions, and without prejudice to the generality of the foregoing words, any cause relating to contracts for works of building or engineering construction, contracts of engagement of architects, engineers or quantity surveyors, the sale of goods, insurance, banking, the export or import of merchandise, shipping and other mercantile matters, agency, bailment, carriage of goods and such other causes as the Commercial Judge may think fit to enter in the Commercial List.

Commercial List and Commercial Judge

2.—(1) There shall be a list which shall be called "The Commercial List", and the Commercial List shall consist of such commercial actions as the Commercial Judge shall direct to be entered in that list, having regard to the amounts involved or the issues concerned in those actions.

(2) The Lord Chief Justice shall nominate one of the Judges of the High Court to be the Commercial Judge.

(3) The Commercial Judge shall be in charge of the arrangements for the listing and disposal of all actions listed in the Commercial List and of all interlocutory applications therein. One of the officers serving in the Supreme Court shall act as Registrar of the Commercial List, and shall be concerned with the carrying out of such arrangements.

Commencement of proceedings in a commercial action

3.—(1) On the commencement of proceedings in a commercial action the plaintiff's solicitor may request the Registrar in charge of the Commercial List to have the action entered in the Commercial List.

(2) Any party to a commercial action may at any stage of the proceedings request the Registrar to have the action entered in the Commercial List.

(3) The Registrar shall refer any such request to the Commercial Judge for his decision.

(4) The Commercial Judge may if he thinks fit remove any action from the Commercial List.

Pleadings to be furnished to Registrar

4. A copy of every pleading, including notices for particulars and replies thereto, and of interrogatories and replies thereto and lists of documents, served by any party to an action in the Commercial List, shall be furnished to the Registrar not later than two days after service thereof upon the other party or parties to the action.

Interlocutory application

5. Unless the Commercial Judge shall otherwise direct, either generally or in a specific case, all interlocutory applications in actions in the Commercial List shall be made to him.

Directions as to conduct of action

6.—(1) As soon as practicable after the close of pleadings in an action in the Commercial List the Registrar shall refer it to the Commercial Judge for directions as to the conduct of the action. The Commercial Judge may give such directions without hearing the parties, or may receive written proposals for directions, or may hear the parties, as he may think fit.

(2) Any party may at any stage of the action apply to the Commercial Judge for directions as to the conduct of the action, and the Commercial Judge may receive written proposals or hear the parties, as he may think fit.

Dates for the hearing of actions

7. Dates for the hearing of actions in the Commercial List shall be fixed in advance by the Registrar in consultation with the Commercial Judge. The Commercial Judge may if he thinks fit hear the parties or receive written proposals before fixing or altering a date for hearing. Any party may apply at any stage for a date for hearing to be fixed, whether or not the pleadings have been closed.

Hearings by judges other than the Commercial Judge

8.—(1) Any interlocutory application in an action in the Commercial List may be heard by any judge or by any master if the Commercial Judge requests him to hear it.

(2) Any action in the Commercial List may be heard by any judge if the Commercial Judge requests him to hear it.

(3) At the request of the Lord Chief Justice any judge may at any time exercise the powers of the Commercial Judge.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend The Rules of the Supreme Court (Northern Ireland) 1980 to introduce Order 72, which provides a special procedure for the listing and hearing of commercial actions in the Queen's Bench Division of the High Court.