

1995 No. 462

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court (Northern Ireland)
(Amendment No. 2) 1995**

Made 14th December 1995

Coming into operation 9th January 1996

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, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 1995 and shall come into operation on 9th January 1996.

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

Computerisation of Supreme Court Offices

2.—(1) Order 1, rule 3(1) shall be amended by inserting after the definition of “appropriate office” the following definition—

““cause book” means the book or other record kept in the Central or other Supreme Court Office in which the number of, and other details relating to, a cause or matter are entered;”.

(2) Order 13, rule 7(4) shall be amended by substituting for the word “book” the word “record”.

(3) Order 42 shall be amended as follows—

(a) in rule 2(1)(b), by substituting for the word “book” the word “record”;

(b) in rule 2(2), by substituting for the words “a note” the words “an entry”.

(a) 1978 c. 23

(b) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1986 No. 128, S.R. 1991 No. 330 and S.R. 1992 No. 313

(4) Order 55, rule 2(4) shall be amended by substituting for the words “record books” the word “records”.

(5) Order 75, rule 1(2) shall be amended by inserting, in the definition of “caveat book”, after the words “the book” the words “or other record”.

(6) Order 109, rule 1(1) shall be amended by substituting, in the definition of “entered”, for the word “books” the word “records”.

Payment into court

3. Order 22, rule 1(1)(b) shall be amended as follows—

(a) by substituting for the reference to “Order 25, rule 2(a)” a reference to “Order 25, rule 3(a)”;

(b) by substituting for the reference to “Order 25, rule 3(a)” a reference to “Order 25, rule 4(a)”.

Disclosure of medical evidence

4. Order 25, rule 3 shall be amended by substituting for the words “the result of” the words “any medical evidence resulting from”.

Disclosure of expert evidence in commercial actions

5. Order 72 shall be amended by inserting after rule 8 the rule set out in the Schedule hereto.

Dated 12th December 1995

*Brian Hutton
R. D. Carswell
J. M. Nicholson
Anthony Campbell
Hugh P. Kennedy
Patrick Coghlin
Owen Catchpole
Tony Caher*

I concur,

Mackay of Clashfern, C.

Dated 14th December 1995

AMENDMENT TO ORDER 72

“Disclosure of expert evidence

9.—(1) Where a party to a commercial action proposes to adduce expert evidence at the trial he shall disclose it to the other party or parties at the time and in the manner that the Commercial Judge shall direct.

(2) When a party discloses any evidence to any other party in accordance with paragraph (1), he shall furnish a copy thereof to the Registrar as soon as possible and not later than two days after such disclosure.

(3) Where any party fails to comply with any of the directions as to disclosure given by the Commercial Judge, the Court may stay the action or strike out that party's defence, as the case may be, or make such other order as to the Court may seem meet.

(4) Subject to any directions which may be given by the Commercial Judge, any party disclosing expert evidence under this rule shall do so by furnishing any relevant expert's report or reports, together with any documents emanating from the maker thereof which are intended by him to accompany or supplement any such report. All such reports or other documents shall be signed and dated by the maker thereof and shall specify his professional qualifications. A photostat copy of any such report or document shall be sufficient for this purpose.

(5) On the ex parte application of any party bound to disclose any expert evidence under this Order the Court may give him leave—

(a) to adduce at the trial the evidence contained in any report without disclosing the report; or

(b) to omit or amend any part of any evidence when disclosing the report.

(6) Unless the Court otherwise orders, where a party who has disclosed expert evidence as aforesaid calls as a witness at the trial the expert who furnished the evidence to him—

(a) that party may not without the consent of the other parties or the leave of the Court lead evidence from that witness the substance of which is not included in the evidence served, except in relation to new matters which have arisen in the course of the trial;

(b) the Court may, on such terms as it thinks fit, direct that the evidence disclosed, or part thereof, shall stand as the evidence in chief of the witness or part of such evidence;

(c) whether or not the expert evidence disclosed or any part thereof is referred to during the evidence in chief of the witness, any party may put that expert evidence or any part thereof in cross-examination of that witness.

(7) For the purposes of this rule “expert evidence” means the evidence contained in any report or other accompanying or supplemental document as specified in paragraph (4) and includes any ancillary technical evidence.”

(This note is not part of the Rules.)

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

- (a) take account of certain court records being stored on computer;
- (b) make two minor corrections to Order 22 (Payment into and out of court);
- (c) provide that a party who has been afforded a medical examination of another party must disclose the evidence arising from the examination and not just the result of the examination; and
- (d) amend Order 72 by adding a new rule to provide for disclosure of expert evidence in commercial actions.