
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 295

**County Court (Amendment No. 3)
Rules (Northern Ireland) 1996**

Preservation and inspection of property

2. Order 14 shall be amended as follows—

- (a) by the insertion of the following new rule after rule 10

“Application under Article 42A(1) or 42B(3) of the Order

10A.—(1) An application for an order—

- (a) under Article 42A(1) of the Order in respect of property which may become the subject matter of subsequent proceedings in a county court or as to which any question may arise in any such proceedings, or
- (b) under Article 42B(3) of the Order in respect of property which is not the property of or in the possession of any party to the proceedings

shall be made by notice in writing in Form 70A and the person against whom the order is sought shall be respondent to the application.

(2) The notice shall be filed with the chief clerk and shall be served on the respondent, and in the case of an application under Article 42B(3) on the parties to the proceedings at least 7 days before the date fixed for hearing.

(3) The notice shall be supported by an affidavit which must specify or describe the property in respect of which the order is sought and show, if practicable by reference to any civil bill (or other originating process) served or intended to be served in the proceedings or subsequent proceedings, that it is property which is or may become the subject matter of the proceedings or as to which any question arises or may arise in the proceedings.

(4) A copy of the supporting affidavit shall be served with the notice on every person on whom the notice is required to be served.

(5) An order made under Article 42A(1) or 42B(3) may be made conditional on the applicant giving security for the costs of the person against whom it is made or on such other terms, if any as the court thinks just.

(6) No such order shall be made if it appears to the court—

- (a) that compliance with the order, if made, would result in the disclosure of information relating to a secret process, discovery or invention not in issue in the proceedings and;

that the application would have been refused on that ground if—

- (i) in the case of an application under Article 42A(1), the subsequent proceedings had already been begun, or
- (ii) in the case of an application under Article 42B(3) the person against whom the order is sought were a party to the proceedings”;

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- (b) by the substitution in rule 11 for the words “Rule 6, 7, 8, 9 or 10” the words “Rule 6, 7, 8, 9, 10 or 10A”.