
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 543

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

**The Rules of the Supreme Court (Northern
Ireland) (Amendment No. 3) 1997**

Made - - - - 17th December 1997

To be laid before Parliament

Coming into operation 20th April 1998

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⁽¹⁾ 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. 3) 1997 and shall come into operation on 20th April 1998.

(2) In these Rules—

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

Medical evidence

2. Order 25 shall be amended as follows—

(a) for rule 4 there shall be substituted the following rule—

“4. Subject to rule 2, where a party proposes to adduce at the trial medical evidence obtained from any medical expert, he shall disclose all relevant medical evidence obtained at any time from that medical expert to the relevant party or parties—

(a) insofar as he then has in his possession or power that evidence, not later than 10 weeks from the close of the pleadings; and

(1) 1978 c. 23

(2) S.R. 1980 No. 346; to which relevant amendments were made by S.R. 1981 No. 224; S.R. 1991 No. 330 and S.R. 1995 No. 462

(b) insofar as he thereafter obtains any such evidence before the date of trial, within 21 days of receiving it and in any case before the first day of the trial.”;

(b) for rule 9 there shall be substituted the following rule—

“9.—(1) A party serving or disclosing medical evidence under this Order shall do so by furnishing copies of any relevant medical report or reports, together with any documents emanating from the maker thereof which are intended by him to accompany or supplement any such report, or a document or documents containing a sufficient record of any such evidence as is referred to in rule 11(b). All such reports or other documents shall be signed and dated by the relevant medical expert and shall specify his professional qualifications.

(2) On the ex parte application of any party bound to serve or disclose any medical report under this Order the Court may give him leave—

- (i) to adduce at the trial the evidence contained in any report without serving or disclosing the report; or
- (ii) to omit or amend any part of any report when serving or disclosing the report.”.

(c) for Rule 11 there shall be substituted the following rule—

“11. For the purposes of this Order “medical evidence” means—

- (a) the evidence contained in any report or other accompanying or supplemental document as specified in rule 9 and includes surgical and radiological evidence and any ancillary expert or technical evidence; and
- (b) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the trial by means of oral testimony,

and the expressions “medical expert” and “medical examination” shall be construed accordingly.”.

Court bonds

3. In the Schedule to Order 108 after the reference to “Legal and General Insurance Company Limited” there shall be inserted the reference “London and Edinburgh Insurance Company Limited”.

Dated 10th December 1997

I concur

*R. D. Carswell
Brian Kerr
Anthony Campbell
R. E. Weatherup
Owen Catchpole
Tony Caher
Irvine of Lairg, C.*

Dated 17th December 1997.

EXPLANATORY NOTE

(This note is not part of the Rules.)

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

- (a) in respect of the requirement to disclose in advance of a trial any relevant medical evidence proposed to be adduced at the trial; and
- (b) to amend the list of surety companies by which bonds may be given in the High Court or Court of Appeal.