

SCHEDULE 1

Rule 2(1);

“Part VII

The Human Rights Act 1998

Interpretation

22. In this Part—

“the Act” means the Human Rights Act 1998(1);

“appropriate person” has the same meaning as in Section 9(5) of the Act;

“Convention rights” has the same meaning as in section 1 of the Act”

“judicial act” has the same meaning as in section 9(5) of the Act;

“originating process” means a civil bill, petition, notice of application or any other method of commencing proceedings in a county court;

“public authority” has the same meaning as in section 6(3) of the Act.

Commencement of proceedings

23.—(1) Subject to paragraph (2), proceedings under section 7(1)(a) of the Act may be brought in a county court in accordance with such provisions as relate to the action or other type of proceeding which it is sought to bring.

(2) Proceedings under section 7(1)(a) of the Act in respect of a judicial act may be brought in a county court only by exercising a right of appeal.

Proceedings

24.—(1) A party who intends to rely on a Convention right or rights in proceedings before a county court shall state that fact and shall specify such details as are referred to in paragraph (3)—

(a) if he is a plaintiff, petitioner or applicant, in the originating process;

(b) if he is an appellant, in the notice of appeal;

(c) if he is a defendant or a respondent to a petition, application or appeal, or in any other case, on a notice in Form 397.

(2) A notice in Form 397 shall be delivered to the Chief Clerk and served on each of the other parties to the proceedings—

(a) at the same time as any notice of intention to defend is so delivered and served; or

(b) in a case where there is no notice of intention to defend, as soon as practicable after notice of the proceedings has been received.

(3) The following shall be specified in accordance with paragraph (1)—

(a) details of the Convention right or rights which it is alleged have been (or would be) infringed and details of the alleged infringement;

(b) the relief sought;

(c) whether the relief sought includes a claim for damages in respect of a judicial act to which section 9(3) of the Act applies;

(1) 1998 c. 42

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- (d) where the proceedings are brought following a finding by another court or tribunal that a public authority has acted in a way which is made unlawful by section 6(1) of the Act, details of that finding;
- (e) where the proceedings relate to a judicial act which is alleged to have infringed a Convention right or rights of a party as provided by section 9 of the Act, details of the judicial act complained of and of the court or tribunal which is alleged to have performed that act.

(4) Paragraph (1) shall not apply to an appellant in any appeal brought to a county court except where such an appellant intends to rely on a Convention right or rights not relied upon by him before the court or tribunal from whose decision the appeal is brought.

Proceedings in respect of judicial act: Notice to appropriate person

25.—(1) Where proceedings under section 7(1)(a) of the Act in respect of a judicial act are brought in a county court in accordance with section 9(1)(a) of the Act, the Court shall give notice of those proceedings in Form 398 to the appropriate person.

(2) The notice referred to in paragraph (1) shall be given by the Court having had regard to the list of authorised Northern Ireland Departments or authorised Departments of the Government of the United Kingdom published in pursuance of section 17 of the Crown Proceedings Act 1947(2).

Proceedings in respect of a judicial act: joinder of appropriate person

26.—(1) Subject to paragraph (3), where notice has been given under Rule 25, the appropriate person shall be joined as a party on giving notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) shall be in Form 399 and—

- (a) shall be lodged with the Chief Clerk not later than 21 days, or such other period as the Court may specify, after the date of service of notice under Rule 25;
- (b) a copy shall be served on each of the parties to the proceedings as soon as practicable thereafter; and
- (c) where a Minister has nominated a person or a government department under section 9(5) of the Human Rights Act 1998, shall be accompanied by a copy of that nomination in writing.

(3) Where the appropriate person does not give notice within the time allowed by paragraph (2), the Court may direct that the appropriate person be joined as a party to the proceedings.

(4) Where the appropriate person is joined as a party to the proceedings under paragraphs (2) or (3), the Court may give such directions as it considers necessary for the future conduct of the proceedings.

SCHEDULE 2

Rule 2(2)

Form 397*Notice of party raising intention to reply on Convention right (or rights) in proceedings otherwise than in originating process or notice of appeal*

(2) 1947 c. 44 (as applied to Northern Ireland by S.I.1981/233)

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