
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 19

The County Court (Amendment) Rules (Northern Ireland) 2013

Amendments to the County Court Rules (Northern Ireland) 1981

11. In Order 15—

(a) in rule 1—

(i) for paragraphs (1), (2) and (3) substitute—

“1.—(1) Within 14 days of further particulars being furnished in accordance with Order 5 rule 3(2) there shall, subject to and in accordance with the provisions of this Order, be discovery by any party to any proceedings of the documents which are or have been in their possession, custody or power relating to any matter in question in the proceedings.

(2) Nothing in this Order shall be taken as preventing the parties agreeing to dispense with or limit the discovery of documents which they would otherwise be required to make to each other.

(2A) Subject to the provisions of this rule, the parties to proceedings must make discovery by exchanging lists of documents in Form 68 which are or have been in his possession, custody or power relating to any matter in question between them in the proceedings.

(2B) Without prejudice to any directions given by the district judge under Order 11 rule 2B, paragraph (2A) shall not apply in third party proceedings, including proceedings under that Order involving fourth or subsequent parties.

(2C) Unless the chief clerk, judge or district judge otherwise orders, in any proceedings where liability is admitted or where the proceedings arise out of an accident on land due to a collision or apprehended collision involving a vehicle, discovery shall be limited to disclosure of any documents in relation to special damage.

(2D) Paragraph (2A) shall not be taken as requiring a defendant in proceedings for the recovery of any penalty recoverable by virtue of any enactment to make discovery of any documents.

(2E) Paragraphs (2C) and (2D) shall apply in relation to a counterclaim as they apply in relation to any proceedings.

(2F) On the application to the chief clerk of any party required by this rule to make discovery of documents, the chief clerk, or where the application has been referred to the judge or district judge in chambers, the judge or district judge may—

- (a) order that the parties to the action or any of them shall make discovery under paragraph (2A) of such documents or classes of documents only, or as to such only of the matters in question, as may be specified in the order; or

- (b) if satisfied that discovery by all or any of the parties is not necessary, or not necessary at that stage of the action, order that there shall be no discovery of documents by any or all of the parties either at all or at that stage;

and the chief clerk, judge or district judge shall make such an order and so far as he is of the opinion that discovery is not necessary either for disposing fairly of the proceedings or for saving costs.

(2G) An application for an order under paragraph (2F) may be made to the chief clerk ex parte without notice and before the expiration of the period within which, by virtue of this rule, discovery of documents in the action is required to be made.

(3) If any party fails to comply with paragraphs (1) and (2A) the other party may apply to the chief clerk ex parte without notice for an order directing the other party to make discovery.”;

- (ii) omit paragraph (4);
- (iii) in paragraph (5) for “in Form 68B” substitute “under paragraph (3)”;
- (iv) omit paragraph (10);
- (b) for rule 12 substitute—

“Discovery by interrogatories

12.—(1) Any party to any proceedings may in accordance with the following provisions of this Part serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the proceedings which are necessary either—

- (a) for disposing fairly of the proceedings; or
- (b) for saving costs.

(2) Without prejudice to the provisions of paragraph (1), a party may apply to the judge or district judge as the case may be on notice for an order giving him leave to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the proceedings.

(3) A proposed interrogatory which does not relate to such a matter as is mentioned in paragraph (1) shall be disallowed notwithstanding that it might be admissible in oral cross-examination of a witness.

(4) Interrogatories shall be answered on affidavit (unless the judge or district judge directs otherwise) and the affidavit shall be delivered to the applicant within the time specified in the—

- (a) interrogatories (not being less than 21 days from the date of service); or
- (b) order.

(5) In this Part—

“interrogatories without order” means interrogatories served under paragraph (1);

“ordered interrogatories” means interrogatories served under paragraph (2) or interrogatories which are required to be answered pursuant to an order made on an application under rule 12A(2) and, where such an order is made, the interrogatories shall not, unless the judge or district judge orders

otherwise, be treated as interrogatories without order for the purposes of rule 12A(1).

12.—(6) Unless the context otherwise requires, the provisions of this Part apply to both interrogatories without order and ordered interrogatories.”;

(c) after rule 12 insert—

“Interrogatories without order

12A.—(1) Interrogatories without order may be served on a party not more than twice.

(2) A party on whom interrogatories without order are served may, within 14 days of service of the interrogatories, apply to the judge or district judge for the interrogatories to be varied or withdrawn and, on any such application, the judge or district judge may make such order as he thinks fit (including an order that the party who served the interrogatories shall not serve further interrogatories without order).

(3) Interrogatories without order shall not be served on the Crown.

Ordered interrogatories

12B.—(1) Where an application is made for leave to serve interrogatories, a copy of the proposed interrogatories shall be served with the notice of application and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application.

(2) In deciding whether to give leave to serve interrogatories the judge or district judge shall take into account any offer made by the party to be interrogated to give particulars or to make admissions or to produce documents relating to any matter in question and whether or not interrogatories without order have been administered.

(3) If an order is made granting leave to serve interrogatories it shall be drawn up by the applicant in Form 69A and shall be signed and sealed by the chief clerk who shall file the order and issue a certificate copy to the applicant or his solicitor for service.”.