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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 19**

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

**Amendments to the County Court Rules (Northern Ireland) 1981**

**14. In Order 24—**

- (a) in rule 2B(1) for “any medical report or other accompanying or supplemental document served or disclosed pursuant to the provisions of this Order” substitute “any report or other accompanying or supplemental document served or disclosed pursuant to the provisions of Part III or rule 2D of this Order”;
- (b) in rule 2B(2) omit the word “medical”;
- (c) after rule 2C insert—

**“Disclosure of evidence in clinical negligence actions**

**2D.—(1) For the purposes of this rule—**

- (a) “clinical negligence” means negligence in connection with the diagnosis of any illness, or the care or treatment of any patient, in consequence of any act or omission to act by a person employed or engaged for such purposes; and
- (b) “medical evidence” means—
  - (i) the evidence contained in any medical report or other accompanying or supplemental document emanating from the maker of the report which is intended by him to accompany or supplement such report and includes surgical and radiological evidence and any ancillary expert or technical evidence; and
  - (ii) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the trial by means of oral testimony.

**(2) In actions grounded on an allegation of clinical negligence—**

- (a) where the plaintiff proposes to adduce at the hearing evidence (other than medical evidence) obtained from any expert for the purpose of assisting the judge or district judge as the case may be in assessing damages, he shall—
  - (i) insofar as he then has in his possession or power that evidence, disclose it to the other party or parties within 14 days after service upon him of the defendant’s notice of intention to defend; and
  - (ii) insofar as he thereafter obtains any such evidence before the date of hearing, disclose it to the defendant and any other party or parties within 21 days of receiving it and in any case before the hearing.”;
- (d) in rule 9(7)(a)—
  - (i) for “£12.65” substitute “the fee set out in paragraph (7A)”;
  - (ii) omit “£17.82”;
- (e) after rule 9(7) insert-

- “(7A) The sum to be paid or tendered under paragraph (7)(a) to –
- (a) a police officer is-
    - (i) £12.90 as from 25 February 2013; or
    - (ii) £13.16 as from 25 February 2014; and
  - (b) any other person is-
    - (i) £18.18 as from 25 February 2013; or
    - (ii) £18.53 as from 25 February 2014.”;
- (f) for Part III substitute the Part set out in Schedule 1.