
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

9. For Order 14 rule 1 substitute—

“General procedure

1.—(1) Where by any enactment or by direction of the court any application in the course of an action or matter is expressly or by implication authorised to be made to the court or to the judge or to the district judge or chief clerk, the following provisions shall apply—

- (a) the application shall be made either in or out of court and either ex parte or on notice in accordance with the terms of the relevant enactment or direction;
- (b) in the absence of any express provision to the contrary the application shall be determined by the judge (or district judge as the case may be) without a hearing, unless—
 - (i) either party requests a hearing; or
 - (ii) the judge (or district judge as the case may be) otherwise directs;
- (c) where either party requests that the application be dealt with by way of hearing, the party shall specify the reasons;
- (d) a party may within 14 days of service of the application, object to the application being determined without a hearing, by filing in court, a notice in writing specifying the reasons;
- (e) an objection made under sub-paragraph (d) shall be served on the other party;
- (f) unless an objection to the application being dealt with without a hearing is received within 14 days of service of the application on the other party, it will be assumed that the other party consents to the application being determined without a hearing (unless the judge or district judge otherwise directs);
- (g) where a request for a hearing under sub-paragraph (b) or an objection under sub-paragraph (d) is received, the application or objection shall be placed before the judge or district judge for consideration who may—
 - (i) determine the application without a hearing and make such order as he considers just; or
 - (ii) direct that the matter be listed for a hearing;
- (h) where an application is made on notice—
 - (i) the notice shall be in writing and shall be served on the other party and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application unless the judge or district judge or chief clerk dispenses with notice or gives leave for shorter notice; and
 - (ii) the party serving the notice shall be responsible for ascertaining that the judge or district judge or, as the case may be, the chief clerk will be available

to hear the application on the day, at the time and in the place for which notice is served;

- (i) where a district judge or chief clerk has made an order to which this order applies, any party may make an application to the judge on notice to vary or rescind the order and on determination of the application the judge may—
 - (i) confirm;
 - (ii) vary;
 - (iii) rescind the order; or
 - (iv) make any other order as he thinks fit.
- (2) The jurisdiction of the court to determine any application in the course of an action or matter—
 - (a) may, by direction or with the consent of the judge, be exercised by the district judge unless there is a provision to the contrary in any enactment;
 - (b) shall, in an action which is within the jurisdiction of the district judge, be exercised by the district judge.”.