
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 415

**The Rules of the Court of Judicature
(Northern Ireland) (Amendment No. 3) 2015**

Amendments to the principal Rules

2. Order 29 shall be amended as follows—

(1) For Rule 13(1), substitute—

“(1) If, on the hearing of an application under rule 12 in an action for damages, the Court is satisfied—

- (a) that the defendant against whom the order is sought (in this paragraph referred to as “the respondent”) has admitted liability for the plaintiff’s damages; or
- (b) that the plaintiff has obtained judgment against the respondent for damages to be assessed; or
- (c) that, if the action proceeded to trial, the plaintiff would obtain judgment for substantial damages against the respondent; or
- (d) that, in an action in which there are two or more defendants and the order is sought against any one or more of them, if the action proceeded to trial, the plaintiff would obtain judgment for substantial damages against at least one of the defendants (but the Court cannot determine which),

the Court may if it thinks fit, subject to paragraphs (2) and (3), order the respondent, or any one or more of the respondents as the case may be, to make an interim payment of such amount as it thinks just, not exceeding a reasonable proportion of the damages which in the opinion of the Court are likely to be recovered by the plaintiff after taking into account any relevant contributory negligence and any set-off, cross-claim or counterclaim on which the respondent may be entitled to rely.”

(2) In Rule 13(2), before the words “No order”, insert “Where an application falls within paragraphs (1)(a)-(c)”.

(3) After Rule 13(2), insert—

“(3) Where an application falls within paragraph 1(d), no order shall be made under paragraph (1) unless the Court is satisfied that each of the defendants is a person falling within one of the following categories, namely—

- (a) a person who is insured in respect of the plaintiff’s claim or whose liability will be met by an insurer under Article 98 of the Road Traffic (Northern Ireland) Order 1981(1);
- (b) a person whose liability will be met by the Motor Insurers’ Bureau, a company limited by guarantee and incorporated under the Companies Act 1929(2), or an insurer acting on its behalf; or
- (c) a public authority.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
