

EXPLANATORY MEMORANDUM TO
The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 3)
2015

S.R. 2015 No. 415

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 55 and 55A of the Judicature (Northern Ireland) Act 1978 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Rules amend Order 29 of the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980 No. 346) to allow the High Court to make an order for an interim payment to a plaintiff in cases in which there is more than one defendant.

3. Background

- 3.1. Rules governing procedure in the Court of Judicature are made by the Court of Judicature Rules Committee subject to allowance by the Department of Justice under sections 55 and 55A of the Judicature (Northern Ireland) Act 1978.
- 3.2. Order 29 Rule 13 currently makes provision for interim payments in personal injury claims to be made in cases where there is one defendant but does not allow payments to be ordered in cases involving multiple defendants unless the court is satisfied that the case will succeed against the particular defendant ordered to make payment.
- 3.3. These Rules amend Order 29 Rule 13 to enable interim payments be ordered for the relief of plaintiffs in cases involving multiple defendants disputing liability, subject to certain conditions being satisfied.

4. Consultation

- 4.1. As this is a technical amendment no consultation was necessary.

5. Equality Impact

- 5.1. An equality impact assessment has not been prepared for this instrument. It is considered that it fully complies with section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been carried out as there will be no impact on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. It is not anticipated that there will be any additional cost to the public purse as a result of this legislation.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rules are not incompatible with the Convention rights, are not incompatible with European Union law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This amendments brings Northern Ireland into line with England and Wales and mirror Rule 25.7 of the Civil Procedure Rules.

11. Additional Information

- 11.1. Not applicable.