

2016 No. 302

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules (Northern Ireland) 2016

Made - - - -

6th July 2016

Coming into operation in accordance with Rule 1

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(a).

Citation, commencement and interpretation

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2016 and shall come into operation on the same day as section 1 of the Justice Act (Northern Ireland) 2015(b).

2. In these Rules—

- (a) “the principal Rules” means the County Court Rules (Northern Ireland) 1981(c); and
- (b) a reference to an Order, Rule, paragraph, Appendix or Form is a reference to that Order, Rule, paragraph, Appendix or Form so numbered in the principal Rules.

Amendments to the principal Rules

3. The principal Rules are amended as follows—

(1) Omit Order 1.

(2) In Order 6—

(a) in Rule 2—

- (i) in paragraph (1), for “the Judge”, substitute “the Lord Chief Justice”;
- (ii) in paragraph (2), omit “Every process server who holds office at the date of coming into operation of these Rules shall at the first sittings after such date of the court for the division in which he acts as process server, and”;
- (iii) in paragraph (4), omit “in such form as may be approved by the Judge”; and
- (iv) in paragraph (9), for “the sittings of the court for the division or part thereof for which he has been appointed”, substitute “the court as required”;

(a) S.I. 1980/ 397 (N.I. 3), to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4); and paragraph 33 of Schedule 17 to, and paragraph 118 of Schedule 18 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/ 976)

(b) 2015 c.9 (N.I.)

(c) S.R. 1981 No. 225, to which the most recent relevant amendments were made by S.R. 2009 No. 19, S.R. 2009 No. 176, S.R. 2011 No. 58 and S.R. 2013 No. 140

- (b) in Rule 3—
 - (i) in paragraph (2)(a), for “division of the court”, substitute “administrative court division”; and
 - (ii) in paragraph (3), for “division of the court”, substitute “administrative court division”, and omit “for the division in which the proceedings are to be brought”.
- (3) In Order 8, in Rule 1, omit “In each division for any court held in that division”.
- (4) In Order 14, in Rule 5(1), for “division of the court”, insert “administrative court division”.
- (5) In Order 22—
 - (a) omit Part 1; and
 - (b) in Rule 8(1), omit “of the court for the division named in the order for hearing”.
- (6) In Order 24—
 - (a) in Rule 9(1), omit “for any county court division”; and
 - (b) in Rule 20(2)(b), omit “for the division in which the witness resides or carried on business”.
- (7) In Order 25, in Rule 20(2), omit “to a court in the division in which the decree was obtained”.
- (8) In Order 26, omit Rule 29.
- (9) In Order 27, omit Rule 8.
- (10) In Order 30, omit Rule 3.
- (11) In Order 32—
 - (a) omit Rule 1(10);
 - (b) in Rule 6(6), omit “or, with the consent of the parties, to the sittings for such other division as may be convenient”;
 - (c) in Rule 6A—
 - (i) in paragraph (2), omit “of the appropriate county court division”; and
 - (ii) in paragraph (5), omit “for the petty sessions district in which the magistrates’ court sat”;
 - (d) in Rule 6B(4), omit “of the appropriate county court division”;
 - (e) in Rule 6IA.(3), omit “of the appropriate county court division”;
 - (f) in Rule 6J, for paragraph (3), substitute—
 - “(3) On receipt of the application, the chief clerk shall refer it—
 - (a) to a judge; or
 - (b) if the hearing of the appeal has started, to the judge hearing the appeal.”;
 - (g) in Rule 6NG paragraphs (2), (5) and (6), omit “of the appropriate county court division”; and
 - (h) in Rule 6NH(3), omit “of the appropriate county court division”.
- (12) In Order 35, omit Rule 4(2).
- (13) In Order 37—
 - (a) in the heading to Rule 3, omit “Venue and”; and
 - (b) omit Rule 3(1).
- (14) In Order 40—
 - (a) in Rule 5(2), from “therein specified” to “business” substitute “and before the court therein specified”; and
 - (b) in Rules 19(3) and 21(2), omit “of the appropriate county court division”.
- (15) In Order 45, omit Rule 1.

- (16) In Order 46, omit Rule 7(2)(a).
- (17) In Order 48—
- (a) in Rule 1(1), omit the definition of “the chief clerk”;
 - (b) in Rule 2(2), omit “for the petty sessions district in which the premises are situated”;
 - (c) in Rule 8—
 - (i) omit paragraph (1);
 - (ii) in paragraph (5), omit “for the petty sessions district in which the club premises are situated”; and
 - (d) omit Rule 11(1).
- (18) In Order 49, omit Rule 8.
- (19) In Order 50A, in Rule 1(1), omit the definition of “chief clerk”.
- (20) In Order 51, in Rule 13(5), omit “acting for the petty sessions district in which the defendant appears to be,”.
- (21) In Order 52—
- (a) omit Rule 4;
 - (b) in Rule 15(1), omit from “and may be brought” to the end of the paragraph; and
 - (c) omit Rule 17.
- (22) In Order 54—
- (a) in Rule 2(2), omit “ mentioned in paragraph (3)”;
 - (b) omit Rule 2(3);
 - (c) in Rule 8(1), omit from “and may be heard” to the end of the paragraph;
 - (d) in Rule 10(1), omit from “and may be heard” to the end of the paragraph; and
 - (e) omit Rule 16(2).
- (23) In Order 56—
- (a) for Rule 1, substitute—
 - “4. There shall be a county court seal for Northern Ireland.”; and
 - (b) omit Rule 2.
- (24) In Order 58, in Rule 1(1), above the entry for “controller”, insert—
““administrative court division” means an area specified as such in directions issued by the Department of Justice under section 2 of the Justice Act (Northern Ireland) 2015;”.
- (25) Appendix 1 is amended in accordance with the Schedule.

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Ruth Collins
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Dated 6th July 2016

In the exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 19th July 2016



Claire Sugden
Minister of Justice

SCHEDULE

Rule 2(25)

- 1.** In Form 1—
 - (1) omit “for the Division of” in both places where it occurs; and
 - (2) omit “and division of” in both places where it occurs.
- 2.** In Forms 11, 12, 14, 15 and 16, in the first paragraph, omit “situate in whole or in part in the Division aforesaid”.
- 3.** In Forms 17 and 18, omit “are situate in whole or in part in the Division aforesaid and”.
- 4.** In Forms 20 and 21—
 - (1) in the title, omit “for the Division of”;
 - (2) omit “†” in each place where it occurs; and
 - (3) at the end, omit “If the defendant does not reside within the Division of the court, insert here “and the said deceased had his last place of abode (or of business) within the aforesaid Division”.”.
- 5.** In Forms 22 and 23—
 - (1) omit “†” in each place where it occurs; and
 - (2) at the end, omit “If the defendant does not reside within the Division of the court, insert here “and the said deceased had his last place of abode (or of business) within the aforesaid Division”.”.
- 6.** In Form 24, omit “4. The lands are situate in whole or in part within the aforesaid Division.”.
- 7.** In Form 25, omit “5. The said lands are situate within the aforesaid Division.”.
- 8.** In Forms 26 and 27, omit “5. The said lands are situate in whole or in part within the Division aforesaid.”.
- 9.** In Form 28, omit “4. The said lands are situate in whole or in part within the Division aforesaid.”.
- 10.** In Form 29, omit “6. The lands to which this suit relates are situate in whole or in part within the Division aforesaid.”.
- 11.** In Form 30—
 - (1) in the first paragraph 1, omit “[if the defendant does not reside or carry on business within the Division aforesaid insert here— situate within the Division aforesaid]”;
 - (2) omit the first paragraph 3.
- 12.** In Form 31, omit “situate in whole or in part within the Division aforesaid and”.
- 13.** In Form 32, in paragraph 1, omit “situate wholly or in part within the Division aforesaid”.
- 14.** In Form 34, omit “THE PETITIONER [*or* at least one of the trustees] resides in ... [*or* a fund to which the proceedings relate has been lodged in the Court for ...] the aforesaid Division.”.
- 15.** In Form 35, omit “THE MINOR resides within [*or* money to which the proceedings relate has been lodged in the Court for] [*or* land to which the proceedings relate is situate in whole or in part within] the Division aforesaid.”.
- 16.** In Form 39, omit “, that the several defendants resided at the time of service within this division unless in the cases noted by special endorsement”.
- 17.** In Forms 45, 47 and 48, in the title, omit “for the Division of”.

- 18.** In Form 60, in the title, omit “Division of”.
- 19.** In Form 63, for “the aforesaid division”, substitute “(name of administrative court division where action or matter is commenced)”.
- 20.** In Form 65, for “the aforesaid Division”, substitute “(name of administrative court division where action or matter is commenced)”.
- 21.** In Forms 68D and 70A, in the title, omit “for the Division of”.
- 22.** Omit Forms 106 and 107.
- 23.** In Form 108, for “for the Division of” substitute “at...”.
- 24.** In Form 109A, for “for the above-mentioned County Court Division”, substitute “at...”.
- 25.** In Form 109C, for “of the above-mentioned County Court Division”, substitute “at...”.
- 26.** In Forms 120 to 124, for “for the above-named Division”, substitute “at...”.
- 27.** In Form 130, in the title, omit “FOR THE DIVISION OF”.
- 28.** In Forms 131 to 134, in the title, omit “for the Division of”.
- 29.** In Form 136, in the title, omit “for the division of”.
- 30.** In Form 137A, for “for the county court division of”, substitute “at...”.
- 31.** In Form 137B, in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”.
- 32.** In Form 137C—
- (1) in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”; and
- (2) for “for the county court division of”, substitute “at...”.
- 33.** In Forms 137D and 137E, in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”.
- 34.** In Forms 137F and 137G—
- (1) in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”; and
- (2) for “of the county court division of” substitute “at...”.
- 35.** In Forms 137H and 137I, in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”.
- 36.** In Forms 137J, 137K, 137L, 137N and 137O, for “of the County Court Division of” substitute “at...”.
- 37.** In Form 137T, for “for the county court division of” substitute “at...”.
- 38.** In Form 137U, in the title, omit “Petty Sessions District of” and “County Court Division of”.
- 39.** In Form 146—
- (1) omit “and in the Division aforesaid”; and
- (2) omit “for the said Division”.
- 40.** In Form 154—
- (1) omit “in the aforesaid Division”; and
- (2) in paragraph 5 of the “CONDITIONS OF SALE”, omit “for the Division aforesaid”.

- 41.** In Form 157, for “for the Division of”, substitute “sitting at...”.
- 42.** In Form 159, omit “for the above-named Division”.
- 43.** In Form 160, for “of the County Court for the Division of...at ...in the said Division”, substitute “sitting at”.
- 44.** In Form 163, for “for the said Division”, substitute “at...”.
- 45.** In Form 167, omit “for the aforesaid Division”.
- 46.** In Form 172, for “in the above-named Court [*or* in the County Court for the Division of...]”, substitute “in the County Court at...”.
- 47.** In Form 174, for “the above-named Court”, substitute “the County Court at”.
- 48.** In Form 180, for “for the above Division”, substitute “at ...”.
- 49.** In Form 183, for “the Judge for the above County Court Division”, substitute “the Judge of the County Court”.
- 50.** In Forms 184 to 186—
- (1) omit “in the above Division”; and
 - (2) omit “for the above Division”.
- 51.** In Form 187—
- (1) omit “in the above Division”; and
 - (2) omit “for the Division of”.
- 52.** In Form 188—
- (1) omit “, and within the County Court Division of”; and
 - (2) for “for the Division of”, substitute “at...”.
- 53.** In Form 193, omit paragraph 6.
- 54.** In Form 194 and 195—
- (1) in the title, omit “FOR THE DIVISION OF”;
 - (2) omit “for the above Division”; and
 - (3) in (i) of the “Copy to” list, for “for the petty sessions district of ...at...(being the petty sessions district in which the premises are [to be] situated)”, substitute “at”.
- 55.** in Forms 196 and 196A—
- (1) in the title, omit “ FOR THE DIVISION OF”; and
 - (2) in (i) of the “Copy to” list, for “for the petty sessions district of ... at...(being the petty sessions district in which the premises are [to be] situated)”, substitute “at”.
- 56.** In Forms 197 to 200A —
- (1) in the title, omit “FOR THE DIVISION OF”;
 - (2) omit “for the above Division”; and
 - (3) in (i) of the “Copy to” list, for “for the petty sessions district of ... at...(being the petty sessions district in which the premises are [to be] situated)”, substitute “at”.
- 57.** In Form 201—
- (1) in the title, omit “FOR THE DIVISION OF”;
 - (2) omit “for the above Division”; and
 - (3) in (i) of the “Copy to” list, for “for the petty sessions district of ...at...(being the petty sessions district in which the place from which the vessel plies is situated)”, substitute “at”.

- 58.** In Form 202—
- (1) in the title, omit “FOR THE DIVISION OF”;
 - (2) omit “for the above Division”; and
 - (3) in (iv) of the “Copy to” list, for “for the petty sessions district of...at...(being the petty sessions district in which the premises are situated)”, substitute “at”.
- 59.** In Form 203—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) omit “for the above Division”.
- 60.** In Forms 204, 204A and 205, in the title, omit “FOR THE DIVISION OF ”.
- 61.** In Form 206—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) omit “for the above division”.
- 62.** In Forms 207 and 208, in the title, omit “FOR THE DIVISION OF ”.
- 63.** In Form 209—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) omit “for the above Division”.
- 64.** In Forms 210 to 211B, in the title, omit “FOR THE DIVISION OF ”.
- 65.** In Form 211C—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) omit “for the above Division”.
- 66.** In Form 211D, in the title, omit “FOR THE DIVISION OF ”.
- 67.** In Form 212—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) for “for the above-named Division”, substitute “sitting at ...”.
- 68.** In Forms 213, 214, and 215, for “for the above-named Division”, substitute “sitting at ...”.
- 69.** In Form 216, in the title, omit “for the Division of ”.
- 70.** In Form 224—
- (1) in the title, omit “for the Division of”; and
 - (2) for “for the above-named Division”, substitute “sitting at...”.
- 71.** In Form 225, for “for the above-named Division”, substitute “at...”.
- 72.** In Form 226—
- (1) in the title, omit “for the Division of”; and
 - (2) for “for the above-named Division”, substitute “sitting at...”.
- 73.** In Forms 227, 228 and 229, for “for the above-named Division”, substitute “sitting at...”.
- 74.** In Form 230, in the title, omit “for the Division of ”.
- 75.** In Form 234—
- (1) in the title, omit “for the Division of”; and
 - (2) for “for the above-named Division”, substitute “sitting at...”.
- 76.** In Forms 235, 236, and 237 for “for the above-named Division”, substitute “sitting at...”.

- 77.** In Forms 238 and 239—
- (1) omit “the above-named”; and
 - (2) after “County Court/Recorders Court” insert “sitting at...”.
- 78.** In Form 242—
- (1) in the title, omit “for the Division of”; and
 - (2) for “for the above-named Division”, substitute “sitting at...”.
- 79.** In Form 245, for “for the above-named Division”, substitute “sitting at...”.
- 80.** In Form 264, in the title, omit “for the Division of”.
- 81.** In Form 265—
- (1) in the title, omit “for the Division of”; and
 - (2) omit “ of the Court for the aforesaid Division”.
- 82.** In Form 265A—
- (1) in the title, omit “for the Division of”;
 - (2) for “for the Division of”, substitute “sitting at”; and
 - (3) omit “of the Court for the aforesaid Division”.
- 83.** In Forms 266, 267 and 268, in the title, omit “for the Division of ”.
- 84.** In Form 269, for “the above mentioned County Court”, substitute “the County Court sitting at...”.
- 85.** In Form 275, for “the above mentioned court”, substitute “the County Court sitting at...”.
- 86.** In Forms 277 and 278, omit “sitting for the Petty Sessions District of ...”.
- 87.** In Form 280, in the title, omit “for the Division of”.
- 88.** In Form 281—
- (1) after “the Court”, insert “sitting at...”; and
 - (2) for “for the Division of”, substitute “at...”.
- 89.** In Forms 295 to 298, omit “for the Division of”.
- 90.** In Forms 299—
- (1) in the title, omit “for the DIVISION OF,”; and
 - (2) after “the Court”, insert “sitting at...”.
- 91.** In Form 301, after “the Court”, insert “sitting at...”.
- 92.** In Form 305—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) for “for the above Division”, substitute “at..”.
- 93.** In Forms 307 and 307A, in the title, omit “FOR THE DIVISION OF”.
- 94.** In Forms 308 and 309, in the title, omit “for the Division of”.
- 95.** In Form 314—
- (1) in the title, omit “FOR THE DIVISION OF”; and
 - (2) after “the Court”, insert “sitting at...”.
- 96.** In Form 315—
- (1) in the title, omit “FOR THE DIVISION OF”; and

(2) after “to the District Judge”, insert “sitting at...”.

97. In Form 317—

(1) in the title, omit “for the Division of,”; and

(2) after “the Court”, insert “sitting at...”.

98. In Form 319—

(1) in the title, omit “for the Division of”; and

(2) after “to the District Judge”, insert “sitting at...”.

99. In Form 323—

(1) in the title, omit “FOR THE DIVISION OF”; and

(2) omit “for the above Division”.

100. In Form 324—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above-named Division”.

101. In Forms 325, 326 and 327, omit “for the above-named Division”.

102. In Form 328, in the title, omit “for the County Court Division of”.

103. In Form 336, after “the chief clerk” insert “at...”.

104. In Form 340—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above Division”.

105. In Form 341, in the title, omit “for the Division of”.

106. In Form 342—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above Division”.

107. In Form 343, in the title, omit “for the Division of”.

108. In Form 344—

(1) in the title, omit “for the Division of”;

(2) omit “for the above-named Division”; and

(3) for “this Court”, substitute “the Court sitting at...”.

109. In Form 345, in the title, omit “for the Division of”.

110. In Form 346, after “the Chief Clerk” in the first and second place where it occurs, insert “at...”.

111. In Form 347—

(1) in the title, omit “for the Division of”; and

(2) omit “for ... Division”.

112. In Form 348, in the title, omit “for the Division of”.

113. In Form 351, after “Chief Clerk” insert “at...”.

114. In Forms 356, 357 and 358, in the title, omit “for the Division of”.

115. In Form 359—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above-named County Court Division”.

116. In Forms 360 to 363, in the title, omit “for the Division of”.

117. In Form 364—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above Division”.

118. In Form 365, in the title, omit “for the Division of”.

119. In Form 366—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above Division”.

120. In Form 367, in the title, omit “for the Division of”.

121. In Form 368—

(1) in the title, omit “for the Division of”;

(2) omit “for the above-named Division”; and

(3) for “this court” substitute “the court sitting at ...”.

122. In Forms 369 and 370, in the title, omit “for the Division of”.

123. In Form 371—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above Division”.

124. In Form 372, in the title, omit “for the Division of”.

125. In Forms 373 and 374—

(1) in the title, omit “for the Division of”; and

(2) omit “for the above-named Division”.

126. In Form 375, omit “for the above-named Division”.

127. In Form 387—

(1) in the title, omit “for the Division of”;

(2) omit “for the above-named Division”; and

(3) for “this Court”, substitute “the Court sitting at...”.

128. In Form 389, in the title, omit “for the Division of”.

129. In Form 391—

(1) in paragraph 1, after “the Court”, insert “at...”; and

(2) after “to the chief clerk”, insert “at...”.

130. In Form 392, after “the Chief Clerk” insert “at...”.

131. In Form 396—

(1) for “the above-mentioned County Court”, substitute “the County Court sitting at...”; and

(2) after “the Chief Clerk”, insert “at...”.

132. In Form 397, for “for the above-mentioned County Court Division”, substitute “at...”.

133. In Form 399, for “of the above-mentioned County Court Division”, substitute “at...”.

134. In Form 400, omit “for the county court division of”;

135. In Form 401, in the title, omit the large bracket, “Petty Sessions District of” and “County Court Division of”.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules (Northern Ireland) 1981 (S.R. 1981 No. 225) to take account of Part 1 of the Justice Act (Northern Ireland) 2015 which creates a single jurisdiction for county courts and magistrates' courts whereby the jurisdiction and powers of those courts are exercisable throughout the whole of Northern Ireland.2014

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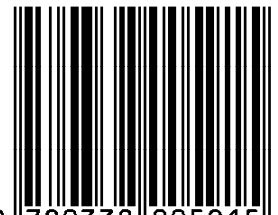
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