
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 129

COURT OF JUDICATURE, NORTHERN IRELAND
PROCEDURE

The Rules of the Court of Judicature
(Northern Ireland) (Amendment) 2021

Made - - - - 17th May 2021

Coming into operation in accordance with Rule 1

The Northern Ireland Court of Judicature Rules Committee⁽¹⁾ makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978⁽²⁾.

Citation, commencement and interpretation

1.—(1) These Rules shall be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment) 2021.

(2) These Rules shall come into operation on the twenty-first day after the date upon which this instrument is laid before the Northern Ireland Assembly.

(3) In these Rules a reference to an Order, rule, Appendix or Form is a reference to that Order, rule, Appendix or Form so numbered in the Rules of the Court of Judicature (Northern Ireland) 1980⁽³⁾.

Amendments to the Rules of the Court of Judicature (Northern Ireland) 1980

2. The Rules of the Court of Judicature (Northern Ireland) 1980 are amended as follows.

3. In the following Orders, for “circuit registrar” in each place it occurs substitute “district judge”—

- (a) Order 58; and
- (b) Order 97.

(1) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4).

(2) 1978 c.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); paragraph 6(e) of Schedule 17, and paragraph 15 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976); and paragraph 1 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(3) S.R. 1980 No. 346; The Rules of the Supreme Court (Northern Ireland) 1980 were renamed in accordance with paragraph 3 of Schedule 11 to the Constitutional Reform Act 2005 (c.4). The most recent relevant amendments were made by S.R. 2019 No. 237.

4. In Order 97—

(1) In rule 1(1)—

(a) after the definition of “Master”, insert—

““online portal” means the online portal established by the Department of Justice for the making of an online application for a grant;”;

and

(b) after the definition of “personal applicant”, insert—

““statement of truth” means a statement signed by the applicant for a grant confirming the truthfulness of statements made in the application and the true nature of any documents lodged in support of the application.”.

(2) After rule 1, insert—

“Application for grant

1A.—(1) An application for a grant may be made—

- (a) using the online portal;
- (b) by post; or
- (c) in person at the Office or any branch office.

(2) An application using the online portal shall be made in accordance with instructions given through the online portal by—

- (a) completing and sending the online application form provided through the online portal; and
- (b) electronically paying the appropriate fee.

(3) Where original documents are required to be lodged separately in support of an application made using the online portal, these shall be lodged in the Office or branch office in accordance with instructions given through the online portal.

- (a) (4) The Master may require that an application for a grant is made in a specified form.
- (b) Any such form may include the statement of truth and any matters required by these rules to be included in the statement of truth.”.

(3) Omit rule 2(1).

(4) In rule 3—

- (a) omit paragraphs (1) and (6);
- (b) in paragraph (7), omit “oath”; and
- (c) in paragraph (8), omit “and every such officer shall be responsible only for embodying in proper form the applicant’s instructions for the grant.”.

(5) In the following rules, in each place it occurs, for “oath” substitute “statement of truth”—

- (a) rule 4(2);
- (b) rule 5;
- (c) rule 6;
- (d) rule 30(1);
- (e) rule 31; and
- (f) rule 39(2)(b).

- (6) In rule 5(1), omit “which shall be contained in an affidavit sworn by the applicant”.
- (7) In rule 6, for “depose” substitute “confirm”.
- (8) In rule 7—
 - (a) for “signatures” substitute “signature”; and
 - (b) omit “and the person before whom the oath is sworn”.
- (9) In rule 14, for “section 9 of the Wills Act 1837 as explained by the Wills Act Amendment Act 1852” substitute “Article 5 of the Wills and Administration of Proceedings (Northern Ireland) Order 1994(4)”.
- (10) In rule 19, for “section 15 of the Wills Act 1837 (which provides that gifts to attesting witnesses or their spouses shall be void)” substitute “Article 8 of the Wills and Administration of Proceedings (Northern Ireland) Order 1994”.
- (11) In rule 39(2)(a), for “Inland Revenue” substitute “HM Revenue and Customs”.
- (12) In rule 42—
 - (a) in the title, for “Inland Revenue” substitute “HM Revenue and Customs”; and
 - (b) for “Inland Revenue” where it first occurs substitute “HM Revenue and Customs”.
- (13) In rule 43—
 - (a) For paragraph (1) substitute—
 - “(1) Any person who wishes to ensure that no grant is sealed without notice to himself may enter a caveat either personally or by his solicitor—
 - (a) through the online portal, in accordance with instructions given through the online portal; or
 - (b) in the Office or where the lodging of caveats is branch office business at the appropriate branch office.”;
 - (b) in paragraph (4), for “at the Office or branch office in which the caveat was entered a written” substitute “an”;
 - (c) after paragraph (4), insert—
 - “(4A) An application for an extension of a caveat shall be made—
 - (a) through the online portal, in accordance with instructions given through the online portal; or
 - (b) in person by lodging an application in writing at the Office or branch office where the caveat was entered.”;
 - (d) in sub-paragraph 5(a), for “immediately upon a caveat being lodged in the Office” substitute “as soon as practicable after a caveat is lodged”;
 - (e) in sub-paragraph 5(b), for “immediately upon a caveat being lodged” substitute “as soon as practicable after a caveat is lodged”; and
 - (f) in paragraph (6), omit “in the Office or any branch office”.
 - (14) In Appendix C, in Form 3, for “Inland Revenue” in each place it occurs substitute “HM Revenue and Customs”.

(4) S.I. 1994 No. 1899 (N.I. 13); to which there have been no recent relevant amendments.

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

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Dated 26th April 2021

In exercise of the powers conferred by section 55(A)(3) of the Judicature (Northern Ireland) Act 1978, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 17th May 2021



Naomi R. Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Rules of the Court of Judicature (Northern Ireland) 1980 ([S.R. 1980 No. 346](#)) to—

- replace references to ‘circuit registrar’ with ‘district judge’;
- amend Order 97 to permit the online lodgement of applications for grant of probate, applications for grant of administration and caveats;
- amend Order 97 to provide that applications for grant of probate and applications for grant of administration shall be supported by a statement of truth signed by the applicant;
- amend Order 97 to update obsolete statutory references; and
- amend Order 97 and Form 3 to replace references to ‘Inland Revenue’ with ‘HM Revenue and Customs’.