



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART V

PRACTICE, PROCEDURE AND TRIALS

55 Rules of Court.

[^{F1}(1) Subject to any statutory provision, rules may be made in accordance with section 55A with respect to—]

- (a) the pleading, practice and procedure in or affecting, and the forms used in connection with, any proceedings before the High Court and the Court of Appeal or any division, office, judge or officer of either such court or any person appointed by, or to assist, it including—
 - (i) the mode of proof of any fact;
 - (ii) the assessment of damages, compensation or other sums;
 - (iii) the payment of money into and out of court;
 - (iv) the circumstances in which and the terms on which a stay of proceedings or execution may be granted or an interim order (including an order authorising interim payments) may be made;
 - (v) costs (including the taxation of costs and security to be given for costs);
 - (vi) the recording of proceedings and the making available of transcripts thereof; and
 - (vii) the impounding and release of documents or exhibits;
- (b) the conditions subject to which process may be served out of the jurisdiction of the High Court;
- (c) the manner in which, the time within which and the conditions on which steps in any such proceedings as are mentioned in paragraph (a) may or must be taken;
- (d) the transfer of proceedings to or from any such court, division, judge, officer or person as is mentioned in that paragraph;

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 55 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) the practice and procedure of the High Court in non-contentious probate business;
 - (f) the practice and procedure to be followed in exercising jurisdiction over the person, property or affairs of persons under any disability; and
 - (g) the extent to which and the circumstances in which documents filed in any such proceedings as are mentioned in paragraph (a) may be inspected and copied.
- (2) ^{F2}Subject to any statutory provision, rules may be made in accordance with section 55A—
- (a) regulating the sittings of any court, division or judge to which or to whom subsection (1)(a) applies and any sittings of statutory officers or persons appointed by, or to assist, such a court;
 - (b) authorising the exercise by a judge of the High Court of jurisdiction while sitting in chambers and prescribing when a judge exercising such jurisdiction is to be deemed to constitute the High Court or a court of the High Court;
 - (c) providing for the distribution of business of the High Court amongst the several divisions of that court;
 - ^{F3}(cc) providing for any prescribed part of the jurisdiction of the High Court in relation to the trial of any action involving matters of account to be exercised in the prescribed manner by a person agreed by the parties and for the remuneration of any such person;]
 - (d) requiring any prescribed part of the jurisdiction of the High Court to be exercised by two or more judges sitting together and fixing the number of judges by whom it shall be exercised;
 - (e) prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by the High Court and the Court of Appeal may be transacted or exercised by statutory officers or officers serving in the ^{F4}Court of Judicature] and providing for the review of any jurisdiction exercised by such officers;
 - (f) regulating or providing for any other matter with respect to which the Committee is authorised to make rules under any other statutory provision (including any other provision of this Act) or for which provision was heretofore contained in rules of court made or deemed to have been made under section 7 of the ^{M1}Northern Ireland Act 1962;
 - (g) regulating or providing for any matter relating to practice or procedure heretofore regulated or provided for by a statutory provision repealed by section 122 and Schedule 7; and
 - (h) generally for the purposes of carrying any of the provisions of this Act into effect.
- (3) Rules ^{F5}made under this section] may amend or repeal any statutory provision in force immediately before the commencement of this section or any statutory provision (including a provision of this Act) re-enacting any such statutory provision so far as may be necessary or expedient in consequence of provision made by the rules.

Textual Amendments

- F1** Words in s. 55(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(2), 148(1), [Sch. 5 para. 29\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(a)

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- F2** Words in s. 55(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 29(3)**; S. I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F3** S. 55(2)(cc) added (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3**, para. 34(3); S.I. 1996/3146, art.3 (subject to art. 4, Sch. 2)
- F4** Words in s. 55(2)(e) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 6(1)**; S.I. 2009/1604, **art. 2(d)**
- F5** Words in s. 55(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 29(4)**; S. I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

Modifications etc. (not altering text)

- C1** S. 55 extended (N.I.) (18.6.2001) by 2000 c. 8, **s. 215(8)(c)**; S.I. 2001/1820, art. 2, **Sch.**

Marginal Citations

- M1** 1962 c. 30.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)