

Status: Point in time view as at 03/04/2006.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) is up to date with all changes known to be in force on or before 22 May 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)

SCHEDULES

SCHEDULE 5

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1

AMENDMENTS

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

- 48 The County Courts (Northern Ireland) Order 1980 is amended as follows.
- 49 In Article 2 (interpretation), in paragraph (5) omit “on the Lord Chancellor”.
- 50 In Article 3 (county courts to be held for divisions), in paragraph (1) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- 51 In Article 4 (directions as to holding of courts), for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- 52 In Article 5 (directions for courts to sit otherwise in courthouses), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 53 (1) Article 6 (appointment of days for holding of ordinary sittings) is amended as follows.
- (2) In paragraph (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) In paragraph (2) for “Lord Chancellor shall consult the Lord Chief Justice and” substitute “ Lord Chief Justice shall consult ”.
- 54 In Article 7 (additional and extraordinary sittings), in paragraphs (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 55 In Article 22 (power to increase civil jurisdiction of county courts), after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- 56 In Article 46 (as amended by section 73(2) of the Justice (Northern Ireland) Act 2002), in paragraph (1)(a) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 57 In Article 47 (making of county court rules) for paragraphs (2) and (3) substitute—
- “(2) County court rules must be certified under the hand of the members of the Rule Committee, or any three or more of them.
- (3) After making and certifying county court rules the Rules Committee must submit them to the Lord Chancellor.
- (4) The Lord Chancellor must, after consultation with the Lord Chief Justice, allow or disallow county court rules submitted to him.

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- (5) County court rules have effect only if the Lord Chancellor allows them.
- (6) If the Lord Chancellor disallows county court rules, the Lord Chancellor must give the Rules Committee written reasons why he has disallowed them.
- (7) County court rules allowed by the Lord Chancellor shall come into operation on such day as the Lord Chancellor shall direct.
- (8) Paragraph (9) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for county court rules to include provision that would achieve a purpose specified in the notice.
- (9) The Rules Committee must make such county court rules as it considers necessary to achieve the specified purpose.
- (10) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (8);
 - (b) made in accordance with this Article.”

58 In Article 56 (swearing of affidavits before designated court officer), in subsection (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

59 In Article 58 (furnishing of information by certain officers), at the end insert “ and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice. ”

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