

STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART VI

APPEALS FROM AND CASES STATED BY COUNTY COURTS

Appeals

Ordinary appeals from the county court in civil cases

60.—(1) Any party dissatisfied with any decree of a county court made in the exercise of the jurisdiction conferred by Part III may appeal from that decree to the High Court.

Para. (2) rep. by SR 1980/346

(3) The decision of the High Court on an appeal under this Article shall, except as provided by Article 62, be final.

Modifications etc. (not altering text)

- C1** Art. 60 applied (11.1.2015) by [The Civil Jurisdiction and Judgments \(Protection Measures\) Regulations 2014 \(S.I. 2014/3298\)](#), regs. 1(4), **3(5)**
- C2** Art. 60 applied by 2003 c. 31, Sch. 2 para. 27(1)(2) (as inserted (17.7.2015) by [Serious Crime Act 2015 \(c. 9\)](#), ss. **73(2)**, 88(1) (with s. 86(14)(15)); S.I. 2015/1428, reg. 2(a))
- C3** Art. 60 applied (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), regs. 1, **129(4)**
- C4** Art. 60 applied (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 3 para. 12(7)**; S.I. 2016/290, reg. 2
- C5** Art. 60 applied (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 3 para. 11(6)**; S.I. 2016/290, reg. 2
- C6** [Art. 60](#) applied by 2003 c. 21, Sch. 3A para. 98 (as inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 1** (with Sch. 2); S.I. 2017/1286, reg. 2(b))

Cases stated by county court judge

61.—(1) Except where any statutory provision provides that the decision of the county court shall be final, any party dissatisfied with the decision of a county court judge upon any point of law may question that decision by applying to the judge to state a case for the opinion of the Court of Appeal on the point of law involved and, subject to this Article, it shall be the duty of the judge to state the case.

(2) An application under paragraph (1) shall be made in writing by delivering it to the chief clerk within a period of^[F1] twenty-one days] commencing on the date on which the decision was given and a copy shall be served on the other party.

Changes to legislation: County Courts (Northern Ireland) Order 1980, Cross Heading: Appeals is up to date with all changes known to be in force on or before 07 June 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

(3) Within a period of fourteen days commencing on the date on which the chief clerk despatches to the applicant the case stated (such date to be stamped by the chief clerk or by a member of his office staff on the front of the case stated) the applicant shall transmit the case stated to the Master (Queen's Bench and Appeals) and serve on the respondent a copy of the case stated with the date of transmission endorsed thereon.

(4) If the county court judge is of opinion that an application under paragraph (1) is frivolous, vexatious or unreasonable he may, subject to paragraphs (5) and (6), refuse to state a case and, if the applicant so requires, shall give him a certificate stating that the application has been refused on the grounds stated in the certificate.

(5) The county court judge shall not refuse to state a case upon an application made to him by or on behalf of the Attorney-General with respect to any question arising on or in connection with any appeal or application to which Article 28 applies.

(6) Where a county court judge refuses to state a case or fails to state a case within such time as may be prescribed by county court rules, the applicant may apply to a judge of the Court of Appeal for an order directing the county court judge to state a case within the time limited by the order, and the judge of the Court of Appeal may make such order as he thinks fit.

(7) Except as provided by section 41 of the Judicature (Northern Ireland) Act 1978, the decision of the Court of Appeal on any case stated under this Article shall be final.

F1 2002 c. 26

[^{F2} Appeals from decisions under Part I of Arbitration Act 1996

61A.—(1) Article 61 does not apply to a decision of a county court judge made in the exercise of the jurisdiction conferred by Part I of the Arbitration Act 1996.

(2) Any party dissatisfied with a decision of the county court made in the exercise of the jurisdiction conferred by any of the following provisions of Part I of the Arbitration Act 1996, namely—

- (a) section 32 (question as to substantive jurisdiction of arbitral tribunal);
- (b) section 45 (question of law arising in course of arbitral proceedings);
- (c) section 67 (challenging award of arbitral tribunal: substantive jurisdiction);
- (d) section 68 (challenging award of arbitral tribunal: serious irregularity);
- (e) section 69 (appeal on point of law),

may, subject to the provisions of that Part, appeal from that decision to the Court of Appeal.

(3) Any party dissatisfied with any decision of a county court made in the exercise of the jurisdiction conferred by any other provision of Part I of the Arbitration Act 1996 may, subject to the provisions of that Part, appeal from that decision to the High Court.

(4) The decision of the Court of Appeal on an appeal under paragraph (2) shall be final.]

F2 1996 c. 23

Cases stated by High Court on appeal from county court

62.—(1) The High Court may, upon the application of a party, state a case for the opinion of the Court of Appeal upon a point of law arising on an appeal under Article 60.

(2) The decision of the Court of Appeal upon a case stated under this Article shall be final.

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)