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STATUTORY RULES OF NORTHERN IRELAND

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**1981 No. 225**

**County Court Rules (Northern Ireland) 1981**

**ORDER 12**

**Default and Summary Actions**

**PART III**

**SUMMARY ACTIONS**

**Summary civil bill**

**8.** A summary action shall be commenced by a summary civil bill in Form 56.

**Notices to be annexed to summary civil bills**

**9.** There shall be annexed to the copy of a summary civil bill served on the defendant a notice in Form 51 addressed to the plaintiffs solicitor and a notice in Form 52 addressed to the appropriate chief clerk.

**Application for summary decree**

**10.—(1)** If, on the expiration of fourteen days from the service of the copy of the summary civil bill and notices, the plaintiffs solicitor has not received notice from the defendant that he disputes his liability for the claim in whole or in part or alleges a counterclaim, the plaintiffs solicitor may make application in the Office on behalf of the plaintiff for a summary decree to be made against the defendant.

(2) Such application may be endorsed on the affidavit referred to in Rule 11.

**11.—(1)** Upon such application the plaintiffs solicitor shall lodge in the Office—

- (a) the original summary civil bill and original notices with endorsements of service or, where Order 6 Rule 3(3) applies, an affidavit of service or, where Order 6 Rule 3(2)(b) or Rule 3(7) applies, the solicitor's certificate referred to in Rule 12 of Order 6;
- (b) an affidavit in verification of the plaintiffs claim in Form 53 made by the plaintiff or on his behalf by some person who can swear positively to the facts and sworn within a period of twenty-eight days ending on the date of the application;
- (c) a certificate in Form 57, which may be endorsed on the affidavit lodged under paragraph (b) and which shall be given within a period of seven days ending on the date of the application, by the plaintiffs solicitor that a notice disputing his liability for the claim in whole or in part or alleging a counterclaim has not been received from the defendant and either that—
  - (i) no other communication has been received from the defendant; or
  - (ii) a copy of any such communication so received is attached;

and stating whether any part of the amount claimed in the affidavit made under paragraph (b) has to his knowledge been paid by the defendant; and

- (d) a summary decree in Form 58.
- (2) The solicitor's certificate referred to in Rule 12 of Order 6 shall be in Form 59.

**Summary decree**

- 12. On the lodgment in the Office of the documents required by Rule 11—
  - (a) where the chief clerk has not received a notice from the defendant disputing his liability for the claim in whole or in part or alleging a counterclaim he may issue a summary decree in Form 58 for the sum shown by the documents lodged under Rule 11 to have been due at the date of service of the summary civil bill together with costs but crediting any amount actually paid after such service;
  - (b) where such a notice has been so received, the chief clerk shall inform the applicant accordingly and the proceedings shall continue in accordance with Rule 13 as if such a notice had also been received by the applicant.

**Where defendant disputes liability or alleges a counterclaim or chief clerk refuses to issue a summary decree**

13. Where the defendant gives notice within the time specified in Rule 10 that he disputes his liability for the claim in whole or in part or alleges a counterclaim or where the chief clerk refuses to issue a summary decree, either party may, upon seven days' notice to the other party, enter the action for hearing at the next or next but one sitting of the court and it shall thereupon proceed as if it had been commenced in accordance with Order 5. A copy of such notice shall be lodged in the Office on entry.