
STATUTORY RULES OF NORTHERN IRELAND

1981 No. 225

County Court Rules (Northern Ireland) 1981

ORDER 25

Hearing and re-hearing

PART II

HEARING BY CIRCUIT REGISTRAR

General

14. In the hearing of any action to which this Part applies, the circuit registrar shall have and may exercise all the powers vested in the judge other than committal for contempt or default.

Proceedings to be heard by the circuit registrar

15.—(1) Subject to Part III of Order 12 and to Order 26 the circuit registrar shall hear and determine any action in which the amount claimed, or the value of specific chattels claimed, does not exceed £500 save and except proceedings (in these Rules referred to as 'excepted proceedings')—

- (a) in which damages are claimed for libel or slander; or
- (b) brought under Article 11 of the Order; or
- (c) in which the title to any land comes into question; or
- (d) brought under section 17 of the Married Women's Property Act 1882; or
- (e) remitted by the High Court.

(2) The circuit registrar shall hear and determine any action (other than a summary action under Part III or Order 12 but including a default action under Part II of Order 12) in which no defence is entered in accordance with the provisions of Rule 4 of Order 8 and the defendant—

- (i) fails to appear at the hearing; or
- (ii) appears at the hearing (whether personally or by a solicitor) for the purpose only of requesting that time be allowed for payment; or
- (iii) appears and consents to the jurisdiction of the circuit registrar.

(3) Any action listed for hearing by the circuit registrar in which no defence is entered in accordance with the provisions of Rule 4 of Order 8, where the defendant appears at the hearing to dispute the claim and where the claim exceeds £500 or is the subject of excepted proceedings shall be transferred by the circuit registrar for hearing by the judge.

(4) Any action listed for hearing by the judge in which the defendant fails to appear at the hearing may be directed by the judge to be heard by the circuit registrar.

Hearing by circuit registrar

16. Any action intended for hearing by the circuit registrar shall, subject to the provisions of Order 26, be heard and determined in like manner as actions are heard and determined by the judge.

17. Where by reason of death or unavoidable absence the circuit registrar is not present at the hearing of any action to which this Part applies the chief clerk or other officer of the court present shall open and adjourn or as the case may be, adjourn the hearing to such day as he thinks convenient.

Decree where defendant does not appear

18.—(1) If the defendant (not being the Crown) does not appear, the circuit registrar, upon proof of service and of facts entitling the plaintiff to relief, may, subject to paragraphs (2) to (4), give such decree or make such order as he considers just.

(2) If the Crown does not appear on the hearing of any civil bill in which it is a defendant, the civil bill shall be adjourned to a date fixed by the circuit registrar, on such terms as to him may seem just.

(3) Notice of the date fixed shall be served upon the Crown in a manner to be directed by the circuit registrar and shall set out that the case will be heard on the date named and such decree given or order made as may seem just, the Crown's absence notwithstanding.

(4) If the Crown does not appear on the adjourned hearing the circuit registrar may, upon proof of service of such notice, proceed to hear and determine the case and may give such judgment or make such other order as to him may seem just.

Records, costs and court fees

19. Subject to Order 26 proceedings heard before the circuit registrar shall for all purposes; including records, costs and court fees, be treated in like manner as if they had been heard before the Judge, save that as regards costs, Rule 19(1)(a) of Order 55 shall not apply.