

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1981 No. 225**

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

**ORDER 26**

**Arbitration under Article 30**

**Interpretation**

1. In this Order “arbitration” means arbitration under Article 30 of the Order and not under Article 31 of the Order nor Order 20.

**Proceedings to which this Order applies**

2. Subject to Rule 4 any action in which the amount claimed, or the value of specific chattels claimed, does not exceed £200 shall be known as a small claim and shall be commenced and heard in accordance with the provisions of this Order.

**Commencement of proceedings under Article 30**

3. A small claim shall be commenced by an application for arbitration in accordance with Form 125.

**Proceedings to which this Order does not apply**

- 4.—(1) No application for arbitration under this Order shall be made in respect of any claim—
- (a) for damages for personal injuries;
  - (b) made in excepted proceedings within the meaning of Order 25 Rule 15(1).

(2) The provisions of this Order shall not apply to default actions and summary actions under Order 12, except where the amount claimed or the value of the specific chattels claimed does not exceed £200 and the defendant serves notice, in accordance with Order 12, Rule 3 or 9, that he disputes liability or intends to make a counterclaim against the plaintiff and requests the chief clerk to treat the notice to him as an application under Rule 3, in which event the claim and counterclaim shall be dealt with under the provisions of this Order.

**Where proceeding; may be heard**

5. A small claim may be heard—
- (a) in a court within the division in which the applicant or one of the applicants resides or carries on business; or
  - (b) in a court within the division in which the respondent or one of the respondents resides or carries on business.

### **Application of the Arbitration Act (Northern Ireland) 1937**

6.—(1) Subject to the modifications set out in paragraphs (2) to (5) the following provisions of the Arbitration Act (Northern Ireland) 1937(1) shall apply to arbitrations under this Order, that is to say:—

Sections 7(2), 13, 19(1) and 22 and paragraphs 4, 5, 6, 7 and 8 of the First Schedule to that Act.

(2) The strict rules of evidence shall not apply in relation to the arbitration, and the circuit registrar may adopt any method of procedure which he may consider to be convenient and to afford a fair and equal opportunity to each party to present his case. Without prejudice to the generality of the foregoing, the circuit registrar, with the consent of the parties, may decide the case on the basis of statements and documents submitted by the parties.

(3) Any arbitration hearing shall be informal and may be held in private.

(4) Any party to the proceedings who desires a person to be summoned as a witness at the hearing may apply to the court in which the proceedings are to be heard for a witness summons and the provisions of Order 24 Rule 9 shall apply, but the summons may be served not merely as specified in Rule 9(5) of that Order but also by the delivery of a copy thereof to the witness personally by the party issuing the summons.

(5) At any time before giving his decision and either before or after the hearing, the circuit registrar may, at the request of any party or of his own volition, inspect any property or thing concerning which any question may arise or consult any expert or call for an expert report on any matter in dispute or invite an expert to attend the hearing as assessors.

(6) If any party does not appear at the arbitration, the circuit registrar may make an award on hearing any other party to the proceedings who may be present.

### **Issue of application**

7.—(1) The application for arbitration and 3 copies thereof shall be delivered to a court office where, upon payment of the prescribed fee for issue being made by or on behalf of the applicant, a designated officer shall issue the same by endorsing on the application and on all the copies a notice in Form 126 and (subject to paragraph (2)) shall file the application with one copy and return to the applicant one of the endorsed copies and cause another endorsed copy to be served on the respondent by means of the recorded delivery service.

(2) Where the court office at which the application is issued is an office other than the designated office for the division (hereinafter in this Rule referred to as “the designated office”) in which, in accordance with Rule 5, the hearing is to take place, the issuing office shall transmit the application to the designated office and shall retain the third copy.

(3) The office at which the application is issued shall cause a record of issue and of such service to be kept in a recorded delivery postage book and, if Other than the designated office, shall transmit to the designated office a copy of such record certified by the designated officer and this copy or the entry in the recorded delivery postage book shall be accepted as evidence of such service.

(4) If, on the expiration of 14 days from the service of the copy of the application and notice, the designated office has not received notice from the respondent that he intends to appear before the circuit registrar on the date fixed in the notice to dispute his liability for the claim in whole or in part or to allege a counterclaim the office shall refer the application to the circuit registrar as an undisputed application and the circuit registrar may, if he thinks fit, decide the case on the basis of the application and the circuit registrar may, if he thinks fit, decide the case on the basis of the application submitted and make, such award as he thinks proper or require the applicant to attend before him on the date fixed.

---

(1) 1937 c. 8 (N.I.)

(5) If the designated office receives notice from the respondent that he disputes his liability for the claim Or relies upon a counterclaim, the designated officer shall send a copy of such notice to the applicant.

### **Award**

**8.—**(1) The parties to the arbitration shall be notified of any award made by the circuit registrar, which award shall be drawn up by the registrar in form of a certificate signed by him and entered in a book kept for that purpose.

(2) Subject to paragraph 7 of the First Schedule to the Arbitration Act (Northern Ireland) 1937, any award made by the circuit registrar under this Order shall have the like effect as a decree pronounced by the judge.

### **Costs**

**9.** No costs or witness expenses shall be awarded in respect of proceedings brought under this Order.

Provided that, where the circuit registrar is satisfied that—

- (a) there has been misconduct by one of the parties, he may award costs or witness expenses against that party; or
- (b) the proceedings were properly commenced under Order 12, he may award such costs, not exceeding the scale of costs specified in Table 3 in Part I of Appendix 2, as he considers just in the circumstances.

### **Interpretation**

**10.** In this Order “designated” means designated by the Lord Chancellor.