
STATUTORY RULES OF NORTHERN IRELAND

1981 No. 225

County Court Rules (Northern Ireland) 1981

ORDER 5

Commencement of proceedings

Commencement by civil bill

1.—(1) Except as otherwise provided by any enactment or these Rules, proceedings in a county court shall be commenced by a civil bill in such one of the Forms 9 to 32 as may be appropriate.

(2) Every civil bill shall be signed by the plaintiff or by his solicitor or a partner or duly authorised employee of his solicitor.

(3) A civil bill commencing proceedings in a title action or for ejection on the title shall be headed with the words “Title Jurisdiction”.

(4) A civil bill commencing proceedings within the equity jurisdiction of the court (in these Rules referred to as an “equity civil bill”) shall be headed with the words “Equity Civil Bill”.

(5) An ordinary or ejection civil bill shall bear an endorsement in Form 10 or Form 13, as may be appropriate.

Particulars of claim

2.—(1) The plaintiff shall set out in his civil bill particulars of his claim.

(2) In an action for the recovery of or in relation to land, the plaintiff shall give a full description of the land and in such an action or in an action for the recovery of rent or mesne profits the plaintiff shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

(3) A plaintiff suing as the assignee of a debt or other legal thing in action shall set out in his civil bill the name and description of the assignor and the date of the assignment.

(4) A plaintiff suing for the recovery of a book or shop debt or other running account shall, unless such particulars are adequately set out in the civil bill, furnish full particulars of his demand within a reasonable time before, or at the time of, the service of the civil bill; but the judge may dispense with this requirement if in any case he is satisfied that it is unnecessary.

(5) A plaintiff alleging a breach of statutory duty shall set out in his civil bill particulars of the enactment on which he relies.

(6) Where a plaintiff desires to abandon, under Article 10(1) of the Order, the excess of his claim over £2,000, the abandonment of the excess shall be entered at the end of the particulars.

(7) An equity civil bill shall set out as concisely as may be the facts constituting the plaintiff's claim and the facts upon which the plaintiff relies as giving the court jurisdiction.

(8) Where reference to a sum of money is made in a civil bill or in the particulars the sum must be stated in decimal currency.

Notice for further particulars

3.—(1) In any case to which Rule 2(4) does not apply, any party may, subject to paragraph (3), require any other party, by notice in writing served before the beginning of a period of fourteen days ending on the entry day, to furnish further particulars before the beginning of a period of seven days ending on the entry day.

(2) Where under paragraph (1) particulars have been duly required and—

- (a) have not been furnished within the time specified in the notice; or
- (b) if furnished, are in the opinion of the judge insufficient;

the judge may adjourn the case and order sufficient particulars to be furnished; and any costs occasioned by any such default or insufficiency shall be in the discretion of the judge.

(3) Unless the consent of the chief clerk is obtained for the service of a notice under paragraph (1), any additional costs incurred thereby shall be in the discretion of the judge.

Proceedings against the Crown

4.—(1) Where civil proceedings are brought against the Crown in accordance with the provisions of the Crown Proceedings Act the Crown may, within three days from the service of the civil bill, serve a notice upon the plaintiff or his solicitor, requiring such information as may be reasonably necessary to show the circumstances in which the alleged liability of the Crown has arisen, and as to any department and officer of the Crown concerned.

(2) The plaintiff or his solicitor shall, within three days from the service of such notice, serve upon the Crown an answer to the notice containing the required particulars, and the plaintiff shall be bound by the statements contained therein unless at the hearing the judge otherwise directs.

(3) If the plaintiff fails to comply with the requirements of such notice as aforesaid, the judge shall, subject to paragraph (4), adjourn the hearing and direct the plaintiff to furnish the required particulars within such time as shall be specified by the judge. The costs of such adjournment shall be in the discretion of the judge.

(4) If it appears to the judge, on the application of the plaintiff, that the furnishing by the plaintiff of the particulars required by the Crown is not reasonably practicable or is likely to prejudice the plaintiff's case, the judge shall not direct such particulars to be furnished; and in any such case an answer by the plaintiff which omits such particulars shall be deemed to be a sufficient compliance with the notice; and if such an answer has already been served the judge may proceed to hear and determine the civil bill without an adjournment.

Commencement by petition

5.—(1) Subject to Order 28, proceedings under paragraphs (i), (k) and (l) of Article 14 of the Order shall be commenced by a petition in such one of Forms 33 to 36 as may be appropriate.

(2) The petition and two copies thereof shall be delivered to the chief clerk at his office and he shall issue same by endorsing on the petition and on a copy a notice in Form 37 and shall file the petition and return such endorsed copy for service.

(3) The person delivering the petition shall cause such endorsed copy to be served in accordance with Order 6 on the person necessary to be served therewith.