
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 49

**The Rules of the Court of Judicature
(Northern Ireland) (Amendment) 2010**

Amendments to the Rules of the Court of Judicature (Northern Ireland) 1980

6. In Order 82 —
- (a) after rule 3(6), insert—
 - “(6A) Where the defendant relies on an offer to make amends made under section 2 of the Defamation Act 1996⁽¹⁾, (referred to in this Order as “the 1996 Act”), by way of defence, the defence must—
 - (a) state that the defendant is relying on the offer in accordance with section 4(2) of the 1996 Act;
 - (b) state that the offer has not been withdrawn or accepted; and
 - (c) have a copy of the offer attached to it.”;
 - (b) in the heading of rule 8, omit “under s. 4 of Defamation Act (Northern Ireland) 1955”;
 - (c) in rule 8(1), for “section 4 of the Defamation Act (Northern Ireland) 1955”, substitute “section 3 of the Defamation Act 1996”;
 - (d) after rule 8(2), insert—
 - “(3) The application must include—
 - (a) a copy of the offer to make amends;
 - (b) details of the steps taken to fulfil the offer to make amends;
 - (c) a copy of the text of any correction and apology;
 - (d) details of the publication of the correction and apology;
 - (e) a statement of the amount of any sum paid as compensation;
 - (f) a statement of the amount of any sum paid as costs; and
 - (g) why the offer to make amends is unsatisfactory.
 - (4) Where any step specified in section 2(4) of the 1996 Act has not been taken, the application must state—
 - (a) what steps are proposed by the party to fulfil the offer to make amends and the date or dates on which each step will be fulfilled; or
 - (b) that no proposal has been made to take that step to fulfil the offer to make amends.”; and
 - (e) after rule 8, insert—

“Summary disposal under the Defamation Act 1996

- 9.—**(1) This rule applies to proceedings for summary disposal under sections 8 and 9 of the 1996 Act.
- (2) The Court may, at any stage of the proceedings—
- (a) treat any application, pleading or other step in the proceedings as an application for summary disposal; or
 - (b) make an order for summary disposal without any such application.
- (3) The Court may, on any application for summary disposal, direct the defendant to elect whether or not to make an offer to make amends under section 2 of the 1996 Act.
- (4) When it makes a direction under paragraph (3), the Court will specify the time by which and the manner in which—
- (a) the election is to be made; and
 - (b) notification of the election is to be given to the Court and other parties.
- (5) An application for summary disposal must be supported by an affidavit which—
- (a) states that it is an application under section 8 of the 1996 Act;
 - (b) verifies the facts on which the application is based;
 - (c) identifies concisely any point of law on which the application relies;
 - (d) states that in the deponent’s belief the claim or the defence has no realistic prospect of success and that there is no reason why the claim should be tried; and
 - (e) states whether or not the defendant has made an offer to make amends and whether or not the offer has been withdrawn.
- (6) An application for summary disposal may be made at any time after the service of the statement of claim.
- (7) Where the Court makes an order for summary disposal, the order will specify the date by which the parties should reach agreement about the content, time, manner, form and place of publication of the correction and apology.
- (8) Where the parties cannot agree on the content of any correction and apology within the time specified in the order of the Court, the plaintiff must—
- (a) prepare a summary of the judgment by the Court; and
 - (b) serve it on all the other parties within 3 days of the date specified in the order.
- (9) Where the parties cannot agree the summary of the judgment prepared by the plaintiff, they must within 3 days of receiving the summary—
- (a) lodge with the Court and serve on all the other parties a copy of the summary showing amendments they wish to make to it; and
 - (b) apply to the Court for the Court to settle the summary.
- (10) An application to settle the summary will be heard by the judge who gave the judgment.”.