

## SCHEDULE 1

### RSC ORDER 114

#### REFERENCES TO THE EUROPEAN COURT

##### **Interpretation**

**Rule 1** In this Order—

“the Court” means the court by which an order is made and includes the Court of Appeal;

“the European Court” means the Court of Justice of the European Communities; and

“order” means an order referring a question to the European Court for a preliminary ruling under article 177 of the Treaty establishing the European Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community or for a ruling on the interpretation of any of the Brussels Conventions (within the meaning of s.1 (1) of the Civil Jurisdiction and Judgments Act 1982<sup>(1)</sup>) or any of the instruments referred to in s.1 of the Contracts (Applicable Law) Act 1990<sup>(2)</sup>.

##### **Making of order**

**Rule 2.**—(1) An order may be made by the Court of its own initiative at any stage in proceedings, or on application by a party before or at the trial or hearing thereof.

(2) Where an application is made before the trial or hearing, it shall be made by claim form.

(3) In the High Court no order shall be made except by a judge in person.

##### **Schedule to order to set out request for ruling**

**Rule 3** An order shall set out in a schedule the request for the preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

##### **Stay of proceedings pending ruling**

**Rule 4** The proceedings in which an order is made shall, unless the Court otherwise orders, be stayed until the European Court has given a preliminary ruling on the question referred to it.

##### **Transmission of order to the European Court**

**Rule 5** When an order has been made, the Senior Master shall send a copy thereof to the Registrar of the European Court; but in the case of an order made by the High Court, he shall not do so, unless the Court otherwise orders, until the time for appealing against the order has expired or, if an appeal is entered within that time, until the appeal has been determined or otherwise disposed of.

##### **Appeals from orders made by High Court**

**Rule 6** On an appeal to the Court of Appeal from an order made by the High Court the period within which a notice of appeal must be served under Order 59, rule 4 (1) shall be 14 days.

---

(1) 1982 c. 27.

(2) 1990 c. 36.

**Status:** *This is the original version (as it was originally made).*