1979 No. 431

JUDICATURE, NORTHERN IRELAND

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1979

Made . . . . . *7th December* 1979

Coming into operation . . . *2nd January* 1980

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**a**) to make, amend or revoke rules regulating the pleading, practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise these powers and all other powers enabling us in that behalf as follows:

1. Order 5 of the Rules of the Supreme Court (Northern Ireland) 1936(**b**) shall be amended by substituting the following rule for rule 1—

"1(1) Subject to Orders 74 and 75 a writ of summons, originating notice of motion or originating summons by which proceedings assigned to the Chancery Division are begun must be issued out of the Chancery Office.

(2) Subject to paragraph (1) and to rule 10 every writ of summons, originating notice of motion and originating summons shall be issued out of the Central Office."

2. Order 12 rule 2(1)(*b*) shall be amended by deleting the words "Chancery or" and inserting after the words "Belfast 1" the words "or in the case of writs issued in the Chancery Division at the Chancery Office at the same address".

3. Order 16 rule 42 shall be amended by deleting the words "Central Office" and substituting the words "office in which the action is proceeding".

4. Order 16A rule 3(3) shall be amended by deleting the words "Central Office" and substituting the words "office in which the action is proceeding".

5. Order 36 shall be amended as follows—

(1) in rule 23(1) for the words "Central Office" there shall be substituted the words "office in which the action is proceeding".

(2) in rule 24 for the words "Central Office" there shall be substituted the words "office in which the action is proceeding".

(3) in rule 47 for the words "Central Office" there shall be substituted the words "office in which the action is proceeding".

(a) 1978 c. 23
(b) S.R. & O. 1936 No. 70 (II, p. 2559)

6. Order 38 rule 2 shall be amended by inserting after the word "insolvency:" the words "subject to Orders 74 and 75 every affidavit used in any cause or matter in the Chancery Division shall be filed in the Chancery Office.".

7. Order 50 rule 17(ii) shall be amended by deleting the words "Central Office" and substituting the words "the office in which the cause or matter is proceeding".

8. Order 55 shall be amended as follows—

(1) in rule 26 for the words "Central Office" there shall be substituted the words "office in which the cause or matter is proceeding".

(2) in rule 74 for the words "shall be transmitted by the Chief Clerk to the Central Office to be there filed" there shall be substituted the words "shall be filed in the Chancery Office".

(3) rule 78 shall be revoked.

9. Order 64 rule 13 shall be amended by substituting for the word "Central" the word "Chancery".

10. Order 67 rules 1 and 2 shall be amended by substituting for the word "Central" the word "Chancery".

11. Order 95 rule 5 shall be amended by inserting after the words "Central Office" the words "the Chancery Office".

12. In Part I of Appendix A the following amendment shall be made—

In Form No. 1 (General form of Writ of Summons), in the memorandum to be subscribed on a Writ of Summons there shall be substituted for the notification relating to the entering of an appearance the following notification—

"The Defendant may enter an appearance by a solicitor. He may also enter an appearance personally either by handing in the Form of Appearance in triplicate duly completed—

(*a*) in the case of actions in the Queen's Bench Division at the Central Office, Royal Courts of Justice, Chichester Street, Belfast, or

(*b*) in the case of actions in the Chancery Division at the Chancery Office at the same address, or

(*c*) in the case of Probate actions at the Probate and Matrimonial Office at the same address,

or by sending same to the appropriate office by post. The appropriate forms may be obtained at the Government Bookshop, Chichester Street, Belfast 1."

13. In Part II of Appendix A the following amendments shall be made—

(1) For the first two sentences of Form No. 1 (Appearance in General) there shall be substituted the following words—

"THIS AND THE TWO ATTACHED COPIES to be completed and delivered,

(*a*) in the case of actions in the Queen's Bench Division to the Central Office, Royal Courts of Justice, Chichester Street, Belfast 1,

(*b*) in the case of actions in the Chancery Division to the Chancery Office at the same address, and

(*c*) in the case of Probate actions to the Probate and Matrimonial Office at the same address".

(2) For note 7 on the reverse side of Form No. 1 (Appearance in General) there shall be substituted the following words,

"**7.** A defendant who wishes to appear in person may obtain help in completing this form by attending at the appropriate office mentioned overleaf".

14. In Appendix B the following amendment shall be made—

In Form No. 1 (Third Party Notice) there shall be substituted for the paragraph entitled "Directions for Entering Appearance" the following paragraph—

"The person served with this notice may enter an appearance by a solicitor. He may also enter an appearance personally either by handing in the Form of Appearance in triplicate, duly completed—

(*a*) in the case of actions in the Queen's Bench Division at the Central Office, Royal Courts of Justice, Chichester Street, Belfast, or

(*b*) in the case of actions in the Chancery Division at the Chancery Office at the same address,

or by sending same to the appropriate office by post. The appropriate forms may be obtained at the Government Bookshop, Chichester Street, Belfast 1".

15. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1979 and shall come into force on 2nd January 1980.

Dated the 22nd day of November 1979.

Lowry
Donald Murray
J. B. E. Hutton
E. M. Doris
Owen Catchpole

I concur

Hailsham of St. Marylebone, C.

Dated the 7th day of December 1979.

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to indicate their general purport.)

These rules amend those rules which require Chancery writs, summonses, appearances, notices, affidavits, certificates etc. to be issued or filed in the Central Office of the Supreme Court. All such documents are now required to be issued or filed in the Chancery Office. Proceedings under the Companies Acts are however not affected by this instrument.