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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 129**

**COUNTY COURTS**

**County Court (Amendment) Rules (Northern Ireland) 1999**

*Made* - - - - *16th March 1999*  
*Coming into operation* *12th April 1999*

We, the County Court Rules Committee appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980<sup>(1)</sup>, in exercise of the powers conferred on us by Article 47 of that Order, Articles 81(5) and 81A(11) of the Police and Criminal Evidence (Northern Ireland) Order 1989<sup>(2)</sup>, and all other powers enabling us in that behalf, hereby make the following Rules:—

**Citation and interpretation**

1.—(1) These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1999.

(2) In these Rules, a reference to an Order, Rule or Form by number is a reference to that Order, Rule or Form so numbered in the County Court Rules (Northern Ireland) 1981<sup>(3)</sup>.

**Commencement of proceedings**

2. In Order 1, Rule 1(1), for the words “and Order 30 Rule 3” there shall be substituted the words “, Order 30, Rule 3 and Order 52, Rule 17”.

**Certificate of readiness**

3. Order 8, Rule 3, shall be amended as follows—

(a) in paragraph (1) after the words “the plaintiff shall” there shall be inserted the words “subject to paragraph (1A) and”;

(b) after paragraph (1) there shall be inserted the following new paragraph—

“(1A) A certificate of readiness may not be delivered to the chief clerk until the expiry of 21 days following the date of service of the notice of intention to defend.”.

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(1) S.I.1980/397 (N.I. 3)

(2) S.I. 1989/1341 (N.I. 12); to which the most recent relevant amendments were made by S.I. 1995/757 (N.I. 3) and S.I. 1998/1504 (N.I. 9)

(3) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 1985 No. 102, S.R. 1986 No. 218, S.R. 1995 No. 48, S.R. 1995 No. 282 and S.R. 1996 No. 294

#### **Appeals from magistrates' courts**

4. Order 32 Part IIA shall be amended as follows—
- (a) in paragraphs (1) and (3) of Rule 6B, for the word “juvenile” there shall be substituted the word “magistrates”;
  - (b) in paragraphs (1) and (5) of Rule 6C, for the word “juvenile” there shall be substituted the word “magistrates”.

#### **Amendments to Order 52**

5. Order 52 shall be amended as follows—
- (a) Rule 2 is hereby revoked;
  - (b) after Part V there shall be added the new Part VI set out in Schedule 1.

#### **Forms**

- 6.—(1) After Form 265 there shall be inserted the new Form 265A set out in Schedule 2.  
(2) Forms 293 and 294 are hereby revoked.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

*A. R. Hart  
Hilary Keegan  
Barry Valentine  
T. A. Burgess  
James A. Agnew  
Brian J. Stewart*

Dated 25th February 1999.

After consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 12th April 1999.

Dated 16th March 1999.

*Irvine of Lairg, C.*

SCHEDULE 1

Rule 5(b).

“Part VI

Protection from Harassment (Northern Ireland) Order 1997

**Interpretation**

16. In this Part “the Order” means the Protection from Harassment (Northern Ireland) Order 1997(4).

**Division where proceedings may be commenced**

17. Proceedings under Article 5 of the Order shall be commenced—

- (a) in a county for the division in which the plaintiff resides or carries on business; or
- (b) in a court for the division in which the defendant resides or carries on business.

**Warrants of arrest**

18. An application for the issue of a warrant for the arrest of the defendant under Article 5(3) of the Order shall—

- (a) state that it is an application for the issue of a warrant for the arrest of the defendant;
- (b) set out the grounds for making the application and be supported by an affidavit or evidence on oath;
- (c) state whether the plaintiff has informed the police of the defendant’s conduct on which the application is grounded; and
- (d) state whether, to the plaintiff’s knowledge, criminal proceedings are being pursued.

**Form of warrant**

19. A Warrant of Arrest issued in accordance with Article 5(3) of the Order shall be in Form 265A.

**Proceedings**

20. The court before whom a person is brought following his arrest may—

- (a) determine whether the facts and the circumstances which led to the arrest amounted to disobedience of the injunction, or
- (b) adjourn the proceedings and, where such an order is made, the arrested person shall be released and—
  - (i) may be dealt with within 14 days of the day on which he was arrested; and
  - (ii) be given not less than 2 days' notice of the adjourned hearing.

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(4) S.I. 1997/1180 (N.I. 9)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### Saving

21. This Part shall apply to injunctions granted on or after the date of the commencement of this Part and injunctions granted before that date shall be treated as if this Part had not come into operation.”

## SCHEDULE 2

Rule 6(1)

### FORM 265A

#### Warrant of Arrest

IN THE COUNTY COURT for the Division of \_\_\_\_\_ By the \_\_\_\_\_ County Court Judge/Recorder.  
To the Superintendent of the Royal Ulster Constabulary for \_\_\_\_\_ Division.

Whereas it is alleged that \_\_\_\_\_ of \_\_\_\_\_ has disobeyed an order made by the county court for the Division of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ in the following respects (set out the breaches alleged):—

THIS IS THEREFORE TO COMMAND the said Superintendent of the Royal Ulster Constabulary, and he is hereby required, to cause the said \_\_\_\_\_ to be taken into custody and brought forthwith before this Court that he may be further dealt with according to law and for his so doing this shall be his sufficient Warrant.

By direction of the Judge of the Court for the aforesaid Division.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Chief Clerk

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#### EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules amend the County Court Rules (Northern Ireland) 1981 so as to—

- (a) provide that a certificate of readiness may not be filed before the expiry of 21 days after service of the notice of intention to defend;
- (b) make minor amendments to Order 32 to take account of amendments made to the Police and Criminal Evidence (Northern Ireland) Order 1989 by the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (c) take account of Article 5(3)-(9) of the Protection from Harassment (Northern Ireland) Order 1997 by prescribing the procedure in connection with applications for a warrant of arrest under that Article and the form of such a warrant; and
- (d) revoke obsolete provisions.