



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART VIII

#### PROVISIONS RELATING TO NORTHERN IRELAND

**68 Damages for personal injuries etc.**

Schedule 6 to this Act shall have effect.

**69 Interest on debts and damages**

- (1) The section set out in Part I of Schedule 7 to this Act shall be inserted after section 33 of the Judicature (Northern Ireland) Act 1978.
- (2) The Article set out in Part II of that Schedule shall be inserted after Article 45 of the County Courts (Northern Ireland) Order 1980.
- (3) The enactments specified in Part III of that Schedule shall have effect subject to the amendments there specified being amendments consequential on subsections (1) and (2) above.

**70 Amendments of Judicature (Northern Ireland) Act 1978**

The Judicature (Northern Ireland) Act 1978 shall have effect subject to the amendments specified in Schedule 8 to this Act.

**71 Rules of court with respect to expert reports and oral expert evidence**

- (1) Notwithstanding any enactment or rule of law by virtue of which documents prepared for the purpose of pending or contemplated civil proceedings or in connection with the obtaining or giving of legal advice are in certain circumstances privileged from disclosure, provision may be made by rules of court for enabling the court in any civil proceedings to direct, with respect to medical matters or matters of any other class which may be specified in the direction, that the parties or some of them shall each by

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such date as may be so specified (or such later date as may be permitted or agreed in accordance with the rules) disclose to the other or others in the form of one or more expert reports the expert evidence on matters of that class which he proposes to adduce as part of his case at the trial.

- (2) Provision may be made by rules of court as to the conditions subject to which oral expert evidence may be given in civil proceedings.
- (3) Without prejudice to the generality of subsection (2), rules of court made in pursuance of that subsection may make provision for prohibiting a party who fails to comply with a direction given by virtue of rules under subsection (1) from adducing, except with the leave of the court, any oral expert evidence whatsoever with respect to matters of any class specified in the direction.
- (4) Any rules of court made in pursuance of this section may make different provision for different classes of cases, for expert reports dealing with matters of different classes, and for other different circumstances.
- (5) References in this section to an expert report are references to a written report by a person dealing wholly or mainly with matters on which he is (or would if living be) qualified to give expert evidence.
- (6) In this section " rules of court" means—
  - (a) rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978 ; and
  - (b) county court rules made under Article 47 of the County Courts (Northern Ireland) Order 1980,
 and nothing in this section shall prejudice the generality of the said section 55 and Article 47.

## **72 Travelling, subsistence and financial loss allowances for justices of the peace**

- (1) The following section shall be inserted after section 12 of the Magistrates' Courts Act (Northern Ireland) 1964—

### **“12A Travelling, subsistence and financial loss allowances for justices of the peace.**

- (1) Subject to the provisions of this section, a justice of the peace other than a resident magistrate shall be entitled—
  - (a) to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice, and
  - (b) to receive payments by way of financial loss allowance where for that performance there is incurred by him any other expenditure to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under the enactments relating to social security which he would otherwise have made or received.
- (2) Allowances under this section shall be paid at rates determined by the Lord Chancellor with the consent of the Treasury.”.

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- (2) Sums required for the purposes of the section inserted in the Magistrates' Courts Act (Northern Ireland) 1964 by subsection (1) above shall be paid out of money provided by Parliament.