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STATUTORY INSTRUMENTS

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**1980 No. 397**

**County Courts (Northern Ireland) Order 1980**

**PART I**

**INTRODUCTORY**

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“action” includes any proceedings which may be commenced as prescribed by civil bill or petition, or which have been remitted from the High Court to a county court;

<sup>F1</sup> .....

[<sup>F2</sup>“capital value” means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order;]

[<sup>F3</sup>“capital value list” has the meaning given by Article 40(1)(b) of the Rates (Northern Ireland) Order 1977;]

[<sup>F4</sup>“chief clerk” means an officer of the Department designated as such by the Department;]

“costs” includes witnesses' expenses;

“court” means a county court held <sup>F5</sup>... under this Order;

“decree” includes a dismiss, a decree on a counter-claim and any order, decision or determination made by a county court in any civil proceedings instituted by virtue of any statutory provision, and any judgment registered under the Inferior Courts Judgments Extension Act 1882, and any decree or dismiss which is affirmed, reversed or varied on appeal;

“defendant” includes a defendant in a counter-claim;

[<sup>F6</sup>“the Department” means the Department of Justice;]

[<sup>F7</sup>“division” means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for any purposes of a county court;]

“judge” means, subject to paragraph (3)( d), a county court judge, that is to say a judge appointed under section 102 of the County Courts Act (Northern Ireland) 1959 ;

“matter” means any proceedings in a county court other than an action;

[<sup>F8</sup>“NAV list” has the meaning given by Article 40(1)(a) of the Rates (Northern Ireland) Order 1977;]

[<sup>F9</sup>“net annual value” means net annual value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Articles 39 and 39A of that Order;]

“order” includes any decree or other order whatsoever of a county court;

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“Office” in relation to any proceedings, means the office of the chief clerk <sup>F10</sup> ...;

“plaintiff” includes every person seeking any relief (otherwise than by way of counter-claim as defendant) by any form of civil proceeding;

“prescribed” means prescribed by county court rules or as the context may require by rules of court;

“proceedings” includes all actions, matters and proceedings whatsoever (whether civil or criminal);

“representative” includes any person to whom a grant of representation of the estate of a deceased person has been made;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954 .

(3) In this Order—

(a) a reference to a sum of money in relation to a decree, includes a reference to any costs or interest awarded by the decree, or any interest payable on foot of the decree;

(b) a reference to a party to any proceedings includes a reference to any solicitor (or, as the case may require, any counsel) acting for that party in those proceedings;

(c) a reference to a deceased person includes a reference to a person whose death may be presumed or has been presumed in accordance with law;

(d) a reference to a county court judge shall, for the purposes of or in relation to any proceedings in a county court, be construed as including a reference to a deputy judge appointed under section 107 of the County Courts Act (Northern Ireland) 1959.

(4) In determining for the purposes of any provision of this Order whether an amount exceeds, or is less than, a sum specified in that provision, no account shall be taken of <sup>F11</sup> Article 45A or of anything done under it].

(5) Any power conferred by this Order <sup>F12</sup> . . . to give directions includes power to vary or revoke any directions so given.

(6) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

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| <b>F1</b> | Art. 2(2): definition of "annual value" omitted (1.4.2007) by virtue of Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), <b>Sch. 1 para. 4(a)(i)</b>                 |
| <b>F2</b> | Art. 2(2): definition of "capital value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), <b>Sch. 1 para. 4(a)(ii)</b>                        |
| <b>F3</b> | Art. 2(2): definition of "capital value list" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), <b>Sch. 1 para. 4(a)(ii)</b>                   |
| <b>F4</b> | Words in art. 2(2) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), <b>Sch. 1 para. 80(1)(a)</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)               |
| <b>F5</b> | Words in art. 2(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(1)(b), <b>Sch. 9 Pt. 1</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3) |
| <b>F6</b> | Words in art. 2(2) inserted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), <b>Sch. 1 para. 80(1)(c)</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)                  |
| <b>F7</b> | Words in art. 2(2) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), <b>Sch. 1 para. 80(1)(d)</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)               |
| <b>F8</b> | Art. 2(2): definition of "NAV list" inserted (1.4.2004) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), <b>Sch. 1 para. 4(a)(ii)</b>                             |
| <b>F9</b> | Art. 2(2): definition of "net annual value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), <b>Sch. 1 para. 4(a)(ii)</b>                     |

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- F10** Words in art. 2(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(1)(e), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F11** 1982 c. 53
- F12** Words in art. 2(5) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 49, Sch. 18 Pt. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 12(a), 29, 30(c)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)