
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART V

**SUPPLEMENTAL PROVISIONS RESPECTING
JURISDICTION OF COUNTY COURTS**

(ii)

PROVISIONS SUPPLEMENTAL TO CIVIL JURISDICTION

Exercise of Civil Jurisdiction

Civil jurisdiction exercisable by circuit registrars

30.—(1) Subject to paragraph (3), any action in which the amount claimed, or the value of specific chattels claimed, does not exceed [^{F1}£10,000] shall, save as otherwise provided by county court rules, be heard and determined by a circuit registrar in accordance with those rules.

[^{F2}(2) Any order, decision or determination made by a district judge under this Article (other than one made in dealing with a claim by way of arbitration under paragraph (3)) shall be embodied in a decree which for all purposes (including the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge.]

(3) Where in any action to which paragraph (1) applies the amount claimed, or the value of specific chattels claimed, does not exceed [^{F3}£5,000] the circuit registrar shall, save as otherwise provided by county court rules, deal with the claim by way of arbitration in accordance with those rules.

[^{F2}(4) Where in any action to which paragraph (1) applies the claim is dealt with by way of arbitration under paragraph (3)—

(a) any award made by the district judge in dealing with the claim shall be embodied in a decree which for all purposes (except the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge;

[any party may appeal on a question of law to a judge (not being a deputy judge) against
^{F4}(ab) any order, decision or determination;]

(b) the district judge may, and shall if so required [^{F4} by the Court of Appeal, state for the determination of the Court of Appeal any question of law arising out of an award made by the district judge in dealing with the claim unless an appeal on the question has been brought under sub-paragraph (ab);]

(c) except as provided by [^{F4} sub-paragraphs (ab) and (b)], any award so made shall be final; and

(d) except as otherwise provided by county court rules, no costs shall be awarded in connection with the action.

Changes to legislation: County Courts (Northern Ireland) Order 1980, Cross Heading: Exercise of Civil Jurisdiction is up to date with all changes known to be in force on or before 26 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[
^{F4}(4A) An appeal under paragraph (4)(ab) shall be brought within the period of twenty-one days commencing with the date on which the order, decision or determination was made; and on such an appeal the judge—

- (a) has the same powers as the district judge; but
- (b) is not required to hold a hearing;

and his decision shall be final.]

(5) Subject to paragraph (4), county court rules may—

- (a) apply any of the provisions of Part I of the Arbitration Act 1996 to arbitrations under paragraph (3) with such modifications as may be prescribed;
- (b) prescribe the rules of evidence to be followed on any arbitration under paragraph (3) and, in particular, make provision with respect to the manner of taking and questioning evidence.

(5A) Except as provided by virtue of paragraph (5)(a), Part I of the Arbitration Act 1996 shall not apply to an arbitration under paragraph (3).]

(6) References in paragraphs (1) and (3) to an amount claimed include references to a balance claimed in the circumstances mentioned in Article 10(1)(a)(b) and (c).

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| F1 | Word in art. 30(1) substituted (25.2.2013) by The County Courts (Financial Limits) Order (Northern Ireland) 2013 (S.R. 2013/18) , arts. 1, 2(b) (with art. 5) |
| F2 | 1996 c. 23 |
| F3 | Sum in art. 30(3) substituted (3.10.2022) by The County Courts (Financial Limits) Order (Northern Ireland) 2022 (S.R. 2022/158) , arts. 1, 2 |
| F4 | 2002 c. 26 |

Arbitration

31.—(1) The judge may, with the consent of the parties to any civil proceedings, order the proceedings to be referred to arbitration (whether with or without other matters within the jurisdiction of the court in dispute between the parties) to such person or persons and in such manner and on such terms as he thinks just and reasonable.

(2) Where any proceedings are referred to arbitration as aforesaid—

- (a) the arbitrator shall be deemed to be an officer of the court;
- (b) subject to the order, the arbitrator shall conduct the references in the prescribed manner;
- (c) the award shall, unless set aside by the judge, have the like effect as a decree pronounced by the judge and shall be embodied in a decree accordingly;
- (d) the remuneration to be paid to the arbitrator shall be determined by the judge, and, subject to any agreement between the parties or order of the judge, be costs in the proceedings.

Para. (3) rep. by 1996 c. 23

Reference to officer

32.—(1) Subject to county court rules the judge may refer to a circuit registrar or an officer of the court for inquiry and report—

- (a) any proceedings requiring any prolonged examination of documents or any scientific or local examination which cannot, in the opinion of the judge, conveniently be made before him;

- (b) any proceedings where the question in dispute consists wholly or partly of matters of account;
- (c) with the consent of the parties, any other proceedings;
- (d) any question arising in any proceedings.

(2) Subject to county court rules, every such reference shall be conducted in accordance with the directions of the judge.

(3) The judge may remit any report for further inquiry and report, and on the consideration of any report or further report may give such judgment or make such order as may seem just.

(4) The judge may, after deciding or reserving any question of liability, refer to a circuit registrar or an officer of the court any mere matter of account which is in dispute between the parties and, after deciding the question of liability, may give judgment on the circuit registrar's or officer's report.

Assessors

33.—^{F5}(1) In any proceedings the judge may, if he thinks fit on the application of any party, appoint, in such manner as may be prescribed, a person or persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessor or assessors.

(2) The remuneration of persons for acting as assessors shall be at such rate as may be prescribed and unless otherwise ordered by the judge shall be costs in the proceedings.

(3) Where any person is proposed to be appointed as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

F5 mod. by [1984 c. 12](#)

Modifications etc. (not altering text)

C1 [Art. 33\(1\)](#) applied (with modifications) (1.1.2007) by [Equality Act \(Sexual Orientation\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/439\)](#), [reg. 36\(7\)\(a\)](#) (with regs. 5(4), 16(3)(4), 26, 53)

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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](#)