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STATUTORY RULES OF NORTHERN IRELAND

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**1981 No. 225**

**County Court Rules (Northern Ireland) 1981**

**ORDER 11**

**Third party procedure**

**Generally**

1.—(1) where a defendant claims to be entitled to any contribution, indemnity or other relief over against any person not a party to the action (in this Order referred to as a “third party”) he may, before the beginning of a period of seven days ending on the entry day, serve on the third party in like manner as a civil bill a third party notice in Form 49, together with a copy of the civil bill in the action.

(2) A third party notice may be served at any place in Northern Ireland and shall be entered in the same manner as a civil bill.

(3) When the third party notice has been served, a copy thereof shall forthwith be delivered to the plaintiff by post or otherwise and a copy thereof lodged with the chief clerk.

**Effect of service of notice**

2. Subject to any order of the judge, the notice shall have effect as if it were a civil bill served by the defendant on the third party.

**Hearing**

3. The judge at the hearing—

- (a) may give such directions or make such orders as he thinks appropriate for determining the issue between the parties; and
- (b) may pronounce such decree as the nature of the case may require and may make such order as to the costs of the third party proceedings as he considers just.

**Application**

4. The foregoing Rules shall apply *mutatis mutandis* where—

- (a) a defendant claims to be entitled to any contribution, indemnity or other relief over against any other defendant; but a third party notice served on a defendant need not be accompanied by a copy of the civil bill;
- (b) a third party claims to be entitled to any contribution, indemnity or other relief over against another person not a party to the action (who may be known as a “fourth party”); and
- (c) a fourth party or any subsequent party in like case makes a like claim against a person not a party to the action.

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**Status:** *This is the original version (as it was originally made).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

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5. In this Order the words “plaintiff” and “defendant” respectively shall include a plaintiff and a defendant to a counterclaim.