
STATUTORY RULES OF NORTHERN IRELAND

1981 No. 225

County Court Rules (Northern Ireland) 1981

ORDER 13

Hearing of proceedings together and selected actions

Generally

1. Actions or matters pending in the same, court may be heard together by order of the judge of his own motion or on the application of any party on notice.

Selected action where several plaintiffs

2.—(1) Where several actions by different plaintiffs against the same defendant are proceeding in the same court in respect of causes of action arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound, so far as his liability in the several actions is concerned, by the decision in such, one of the actions as may be selected by the judge, apply to the judge for an order to stay the actions, other than the one selected, until a decree is given in the selected action.

(2) An application under this Rule shall be made on notice to the plaintiffs who would be affected by any order made thereon.

Where a decree given in favour of defendant in selected action

3.—(1) If a decree in a selected action under Rule 2 is given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every plaintiff whose action is stayed, unless any such plaintiff gives notice to the chief clerk to enter his action for hearing.

(2) On a decree in the selected action being given in favour of the defendant, the defendant shall send to every plaintiff a notice in Form 60 and, if any such plaintiff gives notice to the chief clerk to enter his action for hearing, the chief clerk shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

Where decree given against defendant in selected action

4.—(1) If a decree in a selected action is given against the defendant, the plaintiff in any action stayed shall be at liberty to proceed for the purpose of ascertaining and recovering his debt or damages and costs.

(2) On a decree in the selected action being given against the defendant, the chief clerk shall send to each plaintiff a notice in Form 61, and a plaintiff desiring to proceed shall, within one month from the date of the notice, give to the chief clerk notice to enter his action for hearing, and on receipt thereof the chief clerk shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

Selected action where several defendants

5.—(1) Where several actions by the same plaintiff against several defendants are proceeding in the same court and the event of the action depends on the finding of the judge on some question common to all of them, the judge may at any time select one of them for hearing and stay proceedings in all the others until a decree is given in the selected action.

(2) After a decree is given in the selected action, unless the plaintiff and the defendant in the other actions or any of them submit to a decree in accordance therewith, the other actions shall proceed.

(3) On receipt of notice from the plaintiff or defendant in any such action to enter it for hearing, the chief clerk shall appoint a day for the hearing and shall send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

Time for giving notice to enter action for hearing after decree in selected action

6. A notice under Rule 3, Rule 4 or Rule 5 to enter an action for hearing shall be given to the chief clerk within one month from the date on which the plaintiff or defendant giving the notice receives notice of the decree in the selected action or, where an appeal is made against the decree, of the decision given on the appeal.