

2005 No. 449

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court (Northern Ireland)
(Amendment No. 5) 2005**

Made - - - - - 11th October 2005

Coming into operation 4th November 2005

Laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 5) 2005 and shall come into operation on 4th November 2005.

(2) In these Rules, any reference to an Order by number or an Appendix by letter means the Order so numbered or the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(b).

Amendment of Order 1

2. Order 1, rule 12 shall be amended as follows—

(a) in paragraph (a), after sub-paragraph (iii), there shall be added the following new sub-paragraph—

“(iv) dissolution or annulment of a civil partnership, legal separation of civil partners, a presumption of death order and any matters arising therefrom or connected therewith;”;

(b) in paragraph (b), after sub-paragraph (xii), there shall be added the following new sub-paragraphs—

“(xiii) sections 6 and 8 of the Gender Recognition Act 2004(c);

(xiv) section 181 of, and Schedule 17 to, the Civil Partnership Act 2004(d);

(a) 1978 c. 23

(b) S.R. 1980 No. 346 to which the most recent relevant amendments were made by S.R. 1996 No. 212 and S.R. 1999 No. 19

(c) 2004 c. 7

(d) 2004 c. 33

- (xv) Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, so far as that Regulation relates to jurisdiction, recognition and enforcement in parental responsibility matters;”.

Amendment of Appendix A

3. Appendix A shall be amended as follows—

- (a) for Form 24, there shall be substituted the new Form 24 set out in the Schedule to these Rules; and
(b) for Form 25, there shall be substituted the new Form 25 set out in the Schedule to these Rules.

Brian Kerr

Paul Girvan

Patrick Coghlin

J. M. Nicholson

Anthony Campbell

Caroline A. McGonagle

Dated 7th October 2005

Signed by the authority of the Lord Chancellor

I concur

Bridget Prentice

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 11th October 2005

SCHEDULE

Rule 3

No. 24

Writ of subpoena

(O.38 r.12)

[Headings as in cause or matter]

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith:

To [names of witnesses]

We command you to attend [at the sittings of the _____ Division of Our High Court of Justice in Northern Ireland at the Royal Courts of Justice, Chichester Street, Belfast, on the day fixed for the trial of the above-named cause, notice of which will be given to you, and from day to day thereafter until the end of the trial, to give evidence on behalf of the [plaintiff] or [defendant].*

Witness _____ Lord Chief Justice of Northern Ireland the _____ day of _____ 20 .

An application to set aside this subpoena may be made to the court.

* *If duces tecum add:* And we also command you to bring with you and produce at the place aforesaid on the day notified to you [here describe the documents or things to be produced].

[Note: - If the writ is to be served in England and Wales or Scotland in pursuance of an order of the Court insert after We command you the words wherever you shall be within the United Kingdom, and add at the foot of the writ the following:- Take notice that this writ is issued by the special order of the High Court of Justice in Northern Ireland dated the _____ day of _____ 20 , pursuant to section 67 of the Judicature (Northern Ireland) Act 1978.]

No. 25

Writ of subpoena: proceedings in chambers

(O.38 r.12)

[Heading as in cause or matter]

ELIZABETH THE SECOND [as in No. 24]

To [names of witnesses]

We command you to attend before [the Judge [or Master]] in chambers, Royal Courts of Justice, Chichester Street, Belfast, on the _____ day of _____ 20 at _____ a.m./p.m. and so from day to day until your evidence shall have been taken, to give evidence on behalf of the [plaintiff] or [defendant] in the above-named cause [and we also command you to bring with you and produce at the time and place aforesaid describe the documents or things to be produced.]

Witness [as in No. 24]

An application to set aside this subpoena may be made to the court.

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Rules of the Supreme Court (Northern Ireland) 1980 as follows:

Rule 2 amends Order 1, rule 12 to assign to the Family Division:

- all causes and matters in relation to dissolution or annulment of a civil partnership, legal separation of civil partners, a presumption of death order and related matters;
- proceedings under sections 6 (errors in certificates) and 8 (appeals etc.) of the Gender Recognition Act 2004;
- proceedings under section 181 (declarations) of, and Schedule 17 (financial relief after overseas dissolution etc. of a civil partnership) to, the Civil Partnership Act 2004; and
- proceedings under Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, so far as that Regulation relates to jurisdiction, recognition and enforcement in parental responsibility matters.

Rule 3 provides for a new Form 24 (Writ of subpoena) and a new Form 25 (Writ of subpoena: proceedings in chambers) to be inserted in Appendix A of the Rules. These forms notify the recipient of a subpoena of the right to apply to the court to have the subpoena set aside.

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