EXPLANATORY MEMORANDUM TO

The County Court (Amendment No. 2) Rules (Northern Ireland) 2022

S.R. 2022 No. 252

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 47 of the County Courts (Northern Ireland) Order 1980 and is subject to the negative resolution procedure.

2. Purpose

2.1. These rules have two purposes. Firstly, to make additional provision for summary judgments, which are judgments given without a full trial when there is no dispute as to the material facts and, secondly, to provide for provisional damages for personal injuries, which are damages for existing injuries with the right to return to court to apply for further damages if the plaintiff suffers serious deterioration in the future as a result of the original injury.

3. Background

3.1. The County Court Rules previously provided for summary judgment for a plaintiff where no Notice of Intention to Defend (NID) was lodged. If a NID was lodged, there was no procedure for obtaining a summary judgment. The Rules Committee considered that a procedure allowing for judgment to be obtained by a plaintiff on a summary basis for all or part of a claim after a NID has been lodged will help to speed up proceedings. Additionally the rules will provide for costs in respect of the application and any hearing.

3.2. The County Court Rules did not previously provide for provisional damages and, while it was not considered that this prevented the County Court awarding provisional damages, making specific provision will help increase clarity. It makes provision to mirror, as appropriate, the rules on provisional damages which apply in High Court proceedings.

4. Consultation

4.1. The County Court Rules Committee undertook a targeted consultation on the rules with key interested parties.

5. Equality Impact

5.1. Given the technical nature of the rules, no assessment under section 75 of the Northern Ireland Act 1998 was considered necessary.

6. Regulatory Impact

6.1. No Regulatory Impact Assessment was considered necessary. There will be no impact on businesses, charities or voluntary bodies.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that no issues arise regarding section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.