1982 No. 368

COUNTY COURTS

County Court (Amendment No. 3) Rules (Northern Ireland) 1982

Made	*4th November 1982*
Coming into operation . . .	*6th December 1982*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Court (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following Rules:—

Citation

1. These Rules may be cited as the County Court (Amendment No. 3) Rules (Northern Ireland) 1982.

Amendment of the Rules of 1981

2. The provisions of the County Court Rules (Northern Ireland) 1981(**b**) specified in the first column of the Schedule are hereby amended to the extent specified in the second column.

We, the undersigned members of the County Court Rules Committee having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

J. P. Higgins
John J. Curran
C. Nelson M. Rountree
Timothy T. Ferriss
D. W. R. McAlister
Harold McKee
H. Collen

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 6th December 1982.

Dated this 4th November 1982. *Hailsham of St. Marylebone, C.*

(a) S.I. 1980/397 (N.I. 3)
(b) S.R. 1981 No. 225 as amended by S.R. 1982 No. 120 and S.R. 1982 No. 287

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1981

Provision amended	*Extent of amendment*
Order 9	In Rule 1(1) the words from ", and the proceedings" to the end shall be omitted. In Rule 2 the words from ", and the proceedings" to the end shall be omitted. For Rule 3 there shall be substituted the following rule— *"When amendment may be made* 3.—(1) Any amendment may be made at any stage of the proceedings by the judge of his own motion or at the hearing or on notice before the hearing on the application of any party. (2) When an application for an amendment is made after any relevant period of limitation has expired since the issue of the originating process, the judge may nevertheless allow the amendment if it is such as the High Court would have power to allow in a like case." In Rule 8 the words from "and the proceedings" to the end shall be omitted.
Order 33	In Rule 2 for the figure "15" there shall be substituted the figure "14".
Order 40	In Rule 11 for the words "Master for the enforcement of judgments" there shall be substituted the words "Chief Enforcement Officer".

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the County Court Rules (Northern Ireland) 1981 so as—

(*a*) to remove references in the Rules which are inconsistent with the terms of section 3 of the Statute of Limitations (Northern Ireland) 1958 as substituted by Article 3 of the Limitation Amendment (Northern Ireland) Order 1982 and to provide when proceedings may be amended;

(*b*) to reduce from 15 per cent. to 14 per cent. per annum the rate of interest on the amount awarded by a decree made after the coming into operation of these Rules;

(*c*) to provide that, in applications under section 3 of the Inferior Courts Judgments Extension Act 1882 in which an application for the enforcement of a decree has previously been made to the Enforcement of Judgments Office, the certificate that the decree has not been satisfied shall be signed by the Chief Enforcement Officer or his deputy.