1995 No. 471

COUNTY COURTS

County Courts (Amendment No. 4) Rules (Northern Ireland) 1995

Made . . . . . *15th December 1995*

Coming into operation . . *1st January 1996*

We, the County Court Rules Committee appointed by the Lord Chancellor under Article 46 of the County Courts (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 and interpretation

1.—(1) These rules may be cited as the County Court (Amendment No. 4) Rules (Northern Ireland) 1995.

(2) In these rules a reference to an Order, Rule, Appendix or Form is a reference to that Order, Rule, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(**b**).

Arbitration procedure not to apply in certain circumstances

2.—(1) In Order 26 after paragraph (1) of Rule 4 the following paragraphs shall be inserted:

"(2) Where the proceedings are for a debt or liquidated amount and the sum claimed does not exceed £1,000 the proceedings may, subject to paragraph (3), be taken by way of ordinary civil bill provided that the plaintiff includes on the face of the civil bill, immediately after the Warning, an endorsement in Form 10A.

(3) Where a civil bill is issued by the plaintiff in reliance on paragraph (2) and the defendant serves a notice of intention to defend endorsed with a statement that he wishes the action to be dealt with by way of arbitration under Order 26, the claim (and any counter-claim of which the defendant gives due notice) shall be dealt with under the provisions of this Order."

(2) In Order 26 after paragraph (*a*) of Rule 9 the following paragraph shall be inserted:

"(*b*) the proceedings were properly commenced by ordinary civil bill in accordance with Rule 4(2), he may award such costs, not exceeding those specified in Table 3 in Part I of Appendix 2 by reference to the amount decreed and column 1 thereof, and expenses, as he considers just in the circumstances.".

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 1995 No. 151

(3) After Form 10 in Appendix 1 there shall be inserted the new Form 10A set out in the Schedule.

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. F. B. Russell
J. J. Curran
Brian J. Stewart
Hilary Keegan
B. F. Walker
Barry Valentine
T. A. Burgess
Bernard McCloskey
P. J. Kelly

Dated 28th November 1995

After consultation with the Lord Chief Justice, I allow these rules which shall come into operation on 1st January 1996.

Dated 15th December 1995 *Mackay of Clashfern,* C.

New form to be inserted in County Court Rules (Northern Ireland) 1981

"FORM 10A

Endorsement on civil bill for debt or liquidated amount not exceeding £1,000

If you wish to defend this action you have the right to have it dealt with as an arbitration under the small claims procedure. If you wish to have it dealt with in this way you must endorse on the notice of intention to defend the following statement:

"Take notice that I wish this action to be dealt with by way of arbitration under Order 26." ".

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the County Court Rules (Northern Ireland) 1981 so as to allow proceedings for a debt or liquidated amount for less than £1,000 to proceed by way of ordinary civil bill in certain cases and for related purposes.