STATUTORY RULES OF NORTHERN IRELAND

# 2025 No. 4

# COURT OF JUDICATURE, NORTHERN IRELAND

## PROCEDURE

# The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2025

*Made - - - - 20th January 2025*

*Coming into operation in accordance with Rule 1*

The Northern Ireland Court of Judicature Rules Committee(**a**) makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**b**).

### Citation, commencement and interpretation

**1.**—(1) These Rules shall be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment) 2025 and shall come into operation on the date on which the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague enters into force in respect of the United Kingdom(**c**).

(2) In these Rules, a reference to an Order or rule means the Order or rule so numbered in the Rules of the Court of Judicature (Northern Ireland) 1980(**d**).

### Saving provision

**2.**—(1) Where an application for registration of—

(a) a judgment given by a court of a Contracting State; or

(b) a court settlement approved by or concluded before a court of a Contracting State,

was made under section 4B of the Civil Jurisdiction and Judgments Act 1982(**e**) before the date on which these Rules come into operation, Order 71 applies to proceedings relating to that application as if the changes made by the Rules had not been made.

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(**a**) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4).

(**b**) 1978 c.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976); and paragraph 2 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**c**) This date will be determined under Article 28(2)(a) of that Convention and will be notified in the London, Edinburgh and Belfast Gazettes.

(**d**) S.R. 1980 No. 346; The Rules of the Supreme Court (Northern Ireland) 1980 were renamed in accordance with paragraph 3 of Schedule 11 to the Constitutional Reform Act 2005 (c.4). The most recent relevant amendments were made by S.R. 2019 No. 237.

(**e**) 1982 c.27. Section 4B was inserted by S.I. 2015/1644 (regulations 2 and 4). Regulation 25 applies section 4B (with modifications) to judicial settlements as if they were judgments.

(2) In paragraph (1), "Contracting State" means a State bound by the Convention on Choice of Court Agreements concluded on 30th June 2005 at The Hague.

**Amendments to the Rules of the Court of Judicature (Northern Ireland) 1980**

**3.** Order 71 of the Rules of the Court of Judicature (Northern Ireland) 1980 is amended in accordance with rule 4.

**4.**—(1) In rule 22(1)—

(a) for "at the Hague", substitute "at The Hague"; and

(b) after the definition of the 2005 Hague Convention, insert ""the 2019 Hague Convention" means the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague.".

(2) In rules 24, 25(1), 26 and 28, after "4B" insert "or 4C".

(3) In rule 25—

(a) for head (1)(a)(v), substitute—

"(v) where the application is made under section 4B of the Act of 1982, the documents specified in paragraph 1A of this rule; and

(b) after head 1(a)(v) insert—

"(vi)where the application is made under section 4C of the Act of 1982, the documents specified in paragraph 1B of this rule."; and

(c) after paragraph (1), insert—

"**1A.** The documents referred to in rule 25(1)(a)(v) are—

(a) any documents necessary to establish that the judgment—

(i) meets the condition in Article 8(3) of the 2005 Hague Convention; and

(ii) otherwise meets the requirements for recognition or enforcement under the 2005 Hague Convention; and

(b) any other evidence required by Article 13 of the 2005 Hague Convention.

**1B.** The documents referred to in rule 25(1)(a)(vi) are—

(a) any documents necessary to establish that the judgment—

(i) meets the condition in Article 4(3) of the 2019 Hague Convention;

(ii) meets at least one condition in Article 5 or 6 of the 2019 Hague Convention; and

(iii) otherwise meets the requirements for recognition or enforcement under the 2019 Hague Convention; and

(b) any other evidence required by Article 12 of the 2019 Hague Convention.".

(4) For rule 27(1), substitute—

"(1) An order giving leave to register a judgment under section 4B or 4C of the Act of 1982 shall state the period within which an application may be made to set aside the registration and shall contain a notification that no application to enforce the judgment shall be made until after the expiration of that period.".

(5) In the title to rule 28, after "s.4B", insert "or s.4C".

(6) In rule 29(3),

(a) for sub-paragraph (c), substitute—

"(c) the right of the person against whom judgment was given to apply to have the registration set aside, and"; and

(b) for sub-paragraph (d), substitute—

"(d) the period within which an application to set aside the registration may be made.".

(7) For rule 30, substitute—

"*Application to set aside registration*

**30.**—(1) An application under section 6B or 6C of the Act of 1982 to set aside the registration of a judgment shall be made by summons supported by affidavit.

(2) The application shall be made within the period specified in the order for registration.

(3) The court may extend that period at any time before the end of the period as originally fixed or as subsequently extended.

(4) The Court hearing the application may order any issue between the judgment creditor and the judgment debtor to be tried in any manner in which an issue in an action may be ordered to be tried.".

(8) In rule 31—

(a) in paragraph (1), after "Convention" insert "or the 2019 Hague Convention"; and

(b) in paragraph (2), for "of the Act" substitute "or 4C of the Act of 1982".

(9) For rule 32A, substitute—

"***Enforcement of court settlements***

**32A.** This Part applies, subject to any necessary modifications, for the enforcement of court settlements which are subject to Article 12 of the 2005 Hague Convention or Article 11 of the 2019 Hague Convention.".

(10) In rule 32(3), after "Form 63" insert ", or such other form as the judge or master considers appropriate,".

*Siobhan Keegan*
*S Treacy*
*Mark Horner*
*Adrian Colton*
*Donal Lunny*
*Caroline Prunty*

13th January 2025

In exercise of the powers conferred upon me by section 55A(3) of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 20th January 2025

L.S.

*Naomi Long*
Minister of Justice

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980 No. 346) to—

— make procedure rules for the operation of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters ("the 2019 Convention") in Northern Ireland. In particular, the rules make provision relating to the registration of judgments from states which are Contracting States to the 2019 Convention for recognition or enforcement in Northern Ireland, for the issuance of certificates for judgments made in Northern Ireland for the purpose of recognition or enforcement in other Contracting States and for set aside applications for registration decisions; and

— amend the rules which make provision for the operation of the 2005 Hague Convention on Choice of Court Agreements ("the 2005 Convention") to make them consistent with the provisions being adopted for the 2019 Convention and to reflect changes made in The Recognition and Enforcement of Judgments (2019 Hague Convention etc.) Regulations 2024 (S.I. 2024/713). Rule 2 provides that, if an application has been made to register a judgment under the 2005 Convention before these Rules come into force, Order 71 will continue to have effect as though the amendments made by these Rules had not been made in proceedings relating to that application.

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