

2011 No. 421

COUNTY COURTS

**The County Court (Amendment No. 3) Rules (Northern Ireland)
2011**

Made - - - - - *9th December 2011*

Coming into operation - *1st January 2012*

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Court (Northern Ireland) Order 1980(a).

Citation and Commencement

1. These Rules may be cited as the County Court (Amendment No. 3) Rules (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Amendment to the County Court Rules (Northern Ireland) 1981

2. The County Court Rules (Northern Ireland) 1981(b) are amended as follows—

(1) in Order 32—

(a) after rule 6E (Discharge or variation of a special measures direction), insert—

“Application to disapply or disapply in part the primary rule

6EA.—(1) An application to disapply or disapply in part the primary rule under Article 9(4)(ba) of the 1999 Order shall be made in writing and shall include such information as the court requires to make a determination.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the witness has expressed that wish.

(3) Paragraphs (6) to (12) of Rule 6B shall apply to an application to disapply or disapply in part the primary rule as they apply to an application for a direction.”; and

(b) in rule 6G, —

(i) in paragraph (2), omit “Subject to paragraph (3),”; and

(ii) omit paragraphs (3) and (4).

(2) in Appendix 1, in Form 137A, in PART 2, after “State why it is believed that this person should accompany the witness” insert “(include the witness’ views)”.

(a) S.I. 1980/397 (N.I.3); to which the most recent relevant amendments was made by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I.2010 No. 976)

(b) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 2003 No. 295, S.R. 2003 No. 485 and S.R. 2004 No. 463

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Department of Justice.

*T.A. Burgess
Corinne E Philpott
A.E. Wells
Barry Valentine
B Walker
B.J. Stewart
Nigel Elliott
Nigel McCombe*

Dated 9th December 2011

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980 and after consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 1st January 2012.

Sealed with the Official Seal of the Department of Justice on 9th December 2011



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make a number of amendments the County Court Rules (Northern Ireland) 1981 (S.R. 1981 No.225) (“the principal Rules”) which take account of the amendments made to Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 (“the 1999 Order”) (‘special measures relating to child witnesses’) by the Justice Act (Northern Ireland) 2011. Specifically,

- Rule 2(1) inserts new rule 6EA to Order 32 of the principal Rules to provide the procedure for an application to disapply or disapply in part the primary rule in Article 9 of the 1999 Order.
- Rule 2(2) amends rule 6G of Order 32 of the principal Rules.
- Rule 2(3) amends Form 137A in the principal Rules to ensure a witness’ views are given when considering the identity of a specified person to accompany the witness while the witness is giving evidence by live link.

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