

1984 No. 110

SUPREME COURT, NORTHERN IRELAND
PROCEDURE**The Rules of the Supreme Court (Northern Ireland) (Amendment) 1984**

Made 22nd March 1984

Coming into operation

As to rules 1, 5, and 14 1st May 1984

As to rules 2-4, 6-13 and 15 in accordance with rule 1

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation, interpretation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1984 and shall come into operation when section 2 of the Civil Jurisdiction and Judgments Act 1982(b) comes into force, except for rules 1, 5 and 14 which shall come into operation on 1st May 1984.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(c) and, unless the context otherwise requires, a form referred to by number means the form so numbered in Appendix A to those Rules.

Issue of writ

2. Order 6, rule 6, shall be amended as follows:—

(1) By substituting for paragraph (1) the following new paragraph—

“(1) No writ or notice of writ which is to be served out of the jurisdiction shall be issued without the leave of the court unless it complies with the following conditions, that is to say—

(a) each claim made by the writ is either—

(i) one which by virtue of the Civil Jurisdiction and Judgments Act 1982 the Court has power to hear and determine, or

(ii) one which by virtue of any other statutory provision the Court has power to hear and determine notwithstanding that the person against whom the claim is made is not within the jurisdiction of the Court or that the wrongful act, neglect or default giving rise to the claim did not take place within its jurisdiction; and

(b) where a claim made by the writ is one which the Court has power to hear and determine by virtue of the Civil Jurisdiction and Judgments Act 1982, the writ is indorsed before it is issued with a statement that the Court has power under the Act to hear and determine the claim, and that no

(a) 1978 c. 23

(b) 1982 c. 27

(c) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1982 No. 217 and S.R. 1983 No. 5

proceedings involving the same cause of action are pending between the parties in England and Wales, Scotland or another Convention territory.”.

(2) By adding, after paragraph (6) the following new paragraph:—

“(7) For the purposes of this rule, ‘Convention territory’ means the territory or territories of any Contracting State, as defined by section 1(3) of that Act, to which the Conventions as defined in section 1(1) of that Act apply.”

Service of writ in pursuance of contract

3. Order 10, rule 3, shall be amended as follows:—

(1) By substituting in paragraph (2), for the words from “has been granted” to the end, the words—

“has been granted under Order 11, rule 1(1) or service of the writ or notice thereof is permitted without leave under Order 11, rule 1(2).”

(2) By adding after paragraph (2) the following new paragraph:—

“(3) Where a contract contains an agreement conferring jurisdiction to which Article 17 of Schedule 1 or Article 17 of Schedule 4 to the Civil Jurisdiction and Judgments Act 1982 applies and the writ or notice thereof is served under Order 11, rule 1(2) the writ or notice thereof shall be deemed to have been duly served on the defendant.”

Service of process out of the jurisdiction

4. Order 11 shall be amended as set out in Schedule 1 hereto.

Application to set aside writ, etc.

5. Order 12, rule 8 shall be amended by substituting for the words, “within 14 days after entering the appearance”, the words “within the time limited for service of a defence”.

Proof of service of writ and of jurisdiction

6. Order 13 shall be amended by inserting after rule 7A the following new rule:—

“Judgments under the Civil Jurisdiction and Judgments Act 1982

7B.—(1) Where a writ or notice of a writ has been served out of the jurisdiction under Order 11, rule 1(2)(a) or has been served within the jurisdiction on a defendant domiciled in England and Wales or Scotland or in any other Convention territory the plaintiff shall not be entitled to enter judgment under this Order except with the leave of the Court.

(2) An application for leave to enter judgment may be made *ex parte* and shall be supported by an affidavit stating that in the deponent’s belief—

- (a) each claim made by the writ is one which by virtue of the Civil Jurisdiction and Judgments Act 1982 the Court has power to hear and determine,
- (b) no other court has exclusive jurisdiction within the meaning of Schedule 1 or under Schedule 4 to that Act to hear and determine such claim, and
- (c) where the writ or notice thereof is served out of the jurisdiction under Order 11, rule 1(2)(a), such service satisfied the requirements of Schedule 1 or, as the case may require, of Article 20 of Schedule 4 to that Act,

and giving in each case the sources and grounds of such belief.

(3) For the purposes of this rule, domicile is to be determined in accordance with the provisions of sections 41 to 46 of the Civil Jurisdiction and Judgments

Act 1982 and "Convention territory" means the territory or territories of any Contracting State, as defined by section 1(3) of that Act, to which the Conventions as defined in section 1(1) of that Act apply."

Issue and service of, and entry of appearance to, third party notice

7. Order 16, rule 3 shall be amended by substituting before the full stop at the end of paragraph (4) a colon, and by adding at the end the words:—

"Provided that in the application of Order 11, rule 1(1)(c) leave may be granted to serve a third party notice outside the jurisdiction on any necessary or proper party to the proceedings brought against the defendant."

Service out of the jurisdiction of an originating summons for leave to enforce an arbitral award

8. Order 73, rule 5 shall be amended by omitting in paragraph 1(a) the words "or for leave to enter an award as a judgment" and shall be further amended by inserting after rule 5(1) the following new paragraph:—

"(1A) Service out of the jurisdiction of an originating summons for leave to enforce an award is permissible with the leave of the court whether or not the arbitration is governed by the law of Northern Ireland."

Admiralty proceedings: Merchant Shipping (Oil Pollution) Act 1971(a) and Merchant Shipping Act 1974(b)

9. Order 75, rule 4 shall be amended as follows:—

(1) Paragraph (1) shall be amended by substituting for the words "in rule 2(1)(i)" the words "in rule 2(1)(a) or (b)".

(2) There shall be inserted after paragraph (1) the following new paragraph:—

"(1A) Service out of the jurisdiction of a writ or notice thereof in an act containing any such claim as is mentioned in rule 2(1)(c) is permissible with the leave of the Court."

(3) paragraph (3) shall be amended by substituting for the words "Paragraph (1)" the words "Paragraphs (1) and (1A)".

10. Order 75, rule 5(8) shall be amended by omitting the full stop at the end of the first sentence and by inserting at that point the words "and in the case of a claim in respect of a liability incurred under section 1 of the Merchant Shipping (Oil Pollution) Act 1971, the facts relied on as establishing that the Court is not prevented from entertaining the action by reason of section 13(2) of that Act".

Partners — application of Order 81 to individual traders

11. Order 81, rule 8 shall be amended by inserting, after the words "may" the words "whether or not he is within the jurisdiction,".

Reciprocal enforcement of judgments

12. Order 71 shall be amended as follows:—

(1) By substituting in the title, for the words:

“I. RECIPROCAL ENFORCEMENT” the words “I. RECIPROCAL ENFORCEMENT: THE ADMINISTRATION OF JUSTICE ACT 1920 AND THE FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT 1933”, and by substituting in the title of Part II, for the words “EUROPEAN COMMUNITY JUDGMENTS” the words “ENFORCEMENT OF EUROPEAN COMMUNITY JUDGMENTS”.

(2) By revoking rule 12 and by adding at the end of Part II the part (“III. RECIPROCAL ENFORCEMENT: THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982”) set out in the Schedule 2 hereto.

Reference to the European Court

13. Order 114, rule 1 shall be amended by inserting, after the words “Coal and Steel Community”, the words “, or for a ruling on the interpretation of the Conventions referred to in section 1(1) of the Civil Jurisdiction and Judgments Act 1982”.

Interest on legacies

14. Order 44, rule 10 shall be amended by substituting, for the figure “£5”, the figure “£6”.

Forms

15. Appendix A shall be amended by the addition of the forms set out in Schedule 3 hereto.

Dated 29th November 1983

Lowry
Donald Murray
J. B. E. Hutton
R. D. Carswell
Owen Catchpole

I concur,
Dated 22nd March 1984

Hailsham of St. Marylebone, C.

Order 11 shall be amended as follows:—

1. By substituting for rule 1 the following rule:—

“Principal cases in which service of writ out of jurisdiction is permissible

1.—(1) Provided that the writ does not contain any claim mentioned in Order 75, rule 2(1) and is not a writ to which paragraph (2) of this rule applies, service of a writ or notice of a writ out of the jurisdiction is permissible with the leave of the Court if in the action begun by the writ—

- (a) relief is sought against a person domiciled within the jurisdiction;
- (b) an injunction is sought ordering the defendant to do or refrain from doing anything within the jurisdiction (whether or not damages are also claimed in respect of a failure to do or the doing of that thing);
- (c) the claim is brought against a person duly served within or out of the jurisdiction and a person out of the jurisdiction is a necessary or proper party thereto;
- (d) the claim is brought to enforce, rescind, dissolve, annul or otherwise affect a contract, or to recover damages or obtain other relief in respect of the breach of a contract, being (in either case) a contract which—
 - (i) was made within the jurisdiction, or
 - (ii) was made by or through an agent trading or residing within the jurisdiction on behalf of a principal trading or residing out of the jurisdiction, or
 - (iii) is by its terms, or by implication, governed by Northern Ireland law, or
 - (iv) contains a term to the effect that the High Court shall have jurisdiction to hear and determine any action in respect of the contract;
- (e) the claim is brought in respect of a breach committed within the jurisdiction of a contract made within or out of the jurisdiction, and irrespective of the fact, if such be the case, that the breach was preceded or accompanied by a breach committed out of the jurisdiction that rendered impossible the performance of so much of the contract as ought to have been performed within the jurisdiction;
- (f) the claim is founded on a tort and the damage was sustained, or resulted from an act committed, within the jurisdiction;
- (g) the whole subject-matter of the action is land situate within the jurisdiction (with or without rents or profits) or the perpetuation of testimony relating to land so situate;
- (h) the claim is brought to construe, rectify, set aside or enforce an act, deed, will, contract, obligation or liability affecting land situate within the jurisdiction;
- (i) the claim is made for a debt secured on immovable property, or is made to assert, declare or determine proprietary or possessory rights or rights of security in or over moveable property, or to obtain authority to dispose of moveable property, situate within the jurisdiction;
- (j) the claim is brought to execute the trusts of a written instrument being trusts that ought to be executed according to the law of Northern Ireland and of which the person to be served with the writ is a trustee, or for any relief or remedy which might be obtained in any such action;
- (k) the claim is made for the administration of the estate of a person who died domiciled within the jurisdiction or for any relief or remedy which might be obtained in any such action;
- (l) the claim is brought in a probate action within the meaning of Order 76;
- (m) the claim is brought to enforce any judgment or arbitral award;
- (n) the claim is brought against a defendant not domiciled in England and Wales or Scotland in respect of a claim by the Commissioners of Inland Revenue for or in relation to any of the duties or taxes which have been, or are for the time being, placed under their care and management;

- (o) the claim is brought under the Nuclear Installations Act 1965(a) or in respect of contributions under the Social Security (Northern Ireland) Act 1975(b);
- (p) the claim is made for a sum to which the Directive of the Council of the European Communities dated 15th March 1976 No. 76/308/EEC applies, and service is to be effected in a country which is a member State of the European Economic Community.
- (2) Service of a writ or notice of a writ out of the jurisdiction is permissible without the leave of the Court provided that each claim made by the writ is either:—
- (a) a claim which by virtue of the Civil Jurisdiction and Judgments Act 1982 the Court has power to hear and determine, made in proceedings to which the following conditions apply—
- (i) no proceedings between the parties concerning the same cause of action are pending in the courts of any other part of the United Kingdom or of any other Convention territory, and
 - (ii) either—
 - the defendant is domiciled in any part of the United Kingdom or in any other Convention territory, or
 - the proceedings begun by the writ are proceedings to which Article 16 of Schedule 1 or Article 16 of Schedule 4 refers, or
 - the defendant is a party to an agreement conferring jurisdiction to which Article 17 of Schedule 1 or Article 17 of Schedule 4 to that Act applies
- or
- (b) a claim which by virtue of any other enactment the High Court has power to hear and determine notwithstanding that the person against whom the claim is made is not within the jurisdiction of the Court or that the wrongful act, neglect or default giving rise to the claim did not take place within its jurisdiction.
- (3) Where a writ or notice of a writ is to be served out of the jurisdiction under paragraph (2) the time to be inserted therein within which the defendant must enter an appearance shall be—
- (a) 21 days where the service is to be effected out of the jurisdiction under paragraph (2)(a) in England and Wales, Scotland or in the European territory of another Contracting State, or
 - (b) 31 days where the service is to be effected under paragraph (2)(a) in any other territory of a Contracting State, or
 - (c) limited in accordance with the practice adopted under rule 4(4) where the service is to be effected under paragraph (2)(a) in a country not referred to in sub-paragraphs (a) or (b) or under paragraph (2)(b).
- (4) For the purposes of this rule, and of rule 9 of this Order, domicile is to be determined in accordance with the provisions of sections 41 to 46 of the Civil Jurisdiction and Judgments Act 1982 and “Convention territory” means the territory or territories of any Contracting State as defined by section 1(3) of that Act, to which the Conventions as defined in section 1(1) of that Act apply.”
2. Rule 2 shall be revoked.
3. For rule 3(1) there shall be substituted the following paragraph and heading:—
- “*Service of notice of writ*
- 3.—(1) Unless service of the writ is to be effected in England and Wales, Scotland, the Isle of Man or the Channel Islands, notice of the writ and not the writ must be served.”
- Application for, and grant of, leave to serve writ out of jurisdiction*
4. Rule 4 shall be amended as follows:—
- (1) The following paragraph shall be substituted for paragraph (1):—

(a) 1965 c. 57
 (b) 1975 c. 15

“(1) An application for the grant of leave under rule 1(1) must be supported by an affidavit stating—

- (a) the grounds on which the application is made,
- (b) that in the deponent’s belief the plaintiff has a good cause of action,
- (c) in what place or country the defendant is or probably may be found, and
- (d) where the application is made under rule 1(1)(c), the grounds for the deponent’s belief that there is between the plaintiff and the person on whom a writ or notice of a writ has been served a real issue which the plaintiff may reasonably ask the Court to try.”

(2) In paragraph (4) the words “or 2” shall be omitted.

Service of originating summons, petition, notice of motion, etc.

5. Rule 9 shall be amended as follows:—

(1) By substituting for paragraph (1) the following new paragraph—

“(1) Subject to Order 73, rule 5, rule 1 of this Order shall apply to the service out of the jurisdiction of an originating summons, notice of motion or petition as it applies to service of a writ.”

(2) Paragraphs (2) and (3) shall be revoked.

(3) There shall be inserted in paragraph (4), after the words “permissible with the leave of the court”, the words “, but leave shall not be required for such service in any proceedings in which the writ, originating summons, motion or petition may by these rules or under any statutory provision be served out of the jurisdiction without leave.”

(4) In paragraph (5) the words “or 2” shall be omitted.

“III. RECIPROCAL ENFORCEMENT: THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982

Interpretation

22.—(1) In this Part of this Order—

“the Act of 1982” means the Civil Jurisdiction and Judgments Act 1982;

“Convention territory” means the territory or territories of any Contracting State, as defined by section 1(3) of the Act of 1982, to which the Conventions as defined in section 1(1) of the Act of 1982 apply;

“judgment” is to be construed in accordance with the definition of “judgment” in section 50 of the Act of 1982;

“money provision” means a provision for the payment of one or more sums of money;

“non-money provision” means a provision for any relief or remedy not requiring payment of a sum of money;

“protective measures” means the protective measures referred to in Article 39 of Schedule 1 to the Act of 1982.

(2) For the purposes of this Part of this Order domicile is to be determined in accordance with the provisions of sections 41 to 46 of the Act of 1982.

Assignment of business and exercise of powers

23. Any application to the High Court under the Act of 1982 shall be assigned to the Queen’s Bench Division and the powers conferred on the Court by that Act shall be exercised in accordance with the provisions of Order 32, rule 11.

Application for registration

24. An application for registration of a judgment under section 4 of the Act of 1982 shall be made *ex parte*.

Evidence in support of application

25.—(1) An application for registration under section 4 of the Act of 1982 must be supported by an affidavit—

(a) exhibiting—

(i) the judgment or a verified or certified or otherwise duly authenticated copy thereof together with such other document or documents as may be requisite to show that, according to the law of the State in which it has been given, the judgment is enforceable and has been served;

(ii) in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document;

(iii) where it is the case, a document showing that the party making the application is in receipt of legal aid in the State in which the judgment was given;

(iv) where the judgment or document is not in the English language, a translation thereof into English certified by a notary public or a person qualified for the purpose in one of the Contracting States or authenticated by affidavit;

(b) stating—

(i) whether the judgment provides for the payment of a sum or sums of money;

(ii) whether interest is recoverable on the subject or part thereof in accordance with the law of the State in which the judgment was given, and if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue;

(c) giving an address within the jurisdiction of the Court for service of process on the party making the application and stating, so far as is known to the deponent, the name and the usual or last known address or place of business of the person against whom judgment was given;

- (d) stating to the best of the information or belief of the deponent—
 - (i) the grounds on which the right to enforce the judgment is vested in the party making the application;
 - (ii) as the case may require, either that at the date of the application the judgment has not been satisfied, or the part or amount in respect of which it remains unsatisfied.
- (2) Where the party making the application does not produce the documents referred to in paragraphs (1)(a)(ii) and (iii) of this rule, the Court may—
 - (a) fix time within which the documents are to be produced; or
 - (b) accept equivalent documents; or
 - (c) dispense with production of the documents.

Security for costs

26. Notwithstanding the provisions of Order 23 a party making an application for registration under section 4 of the Act of 1982 shall not be required solely on the ground that he is not domiciled or resident within the jurisdiction, to give security for costs of the application.

Order for registration

27.—(1) An order giving leave to register a judgment under section 4 of the Act of 1982 shall state the period within which an appeal may be made against the order for registration and shall contain a notification that no application to enforce the judgment shall be made until after the expiration of that period.

(2) The notification referred to in paragraph (1) shall not prevent any application for protective measures pending final determination of any issue relating to enforcement of the judgment.

Register of judgments registered under s. 4 of the Act of 1982

28. There shall be kept in the Central Office under the direction of the Master (Queen's Bench and Appeals) a register of the judgments ordered to be registered under section 4 of the Act of 1982.

Notice of registration

29.—(1) Notice of the registration of a judgment must be served on the person against whom judgment was given by delivering it to him personally or by sending it to him at his usual or last known address or place of business or in such other manner as the Court may direct.

(2) Service of such a notice out of the jurisdiction is permissible without leave, and Order 11, rules 5, 6 and 8, shall apply in relation to such a notice as they apply in relation to a writ.

(3) The notice of registration must state—

- (a) full particulars of the judgment registered and the order for registration,
- (b) the name of the party making the application and his address for service within the jurisdiction,
- (c) the right of the person against whom judgment was given to appeal against the order for registration, and
- (d) the period within which an appeal against the order for registration may be made.

Appeals

30.—(1) An appeal under Article 37 or Article 40 of Schedule 1 to the Act of 1982 must be made by summons to a judge.

(2) A summons in an appeal to which this rule applies must be served—

- (a) in the case of an appeal under the said Article 37 of Schedule 1, within one month of service of notice of registration of the judgment, or two months of service of such notice where that notice was served on a party not domiciled within the jurisdiction;

(b) in the case of an appeal under the said Article 40 of Schedule 1, within one month of the determination of the application under rule 24.

(3) If the party against whom judgment was given is not domiciled in a Convention territory and an application is made within two months of service of notice of registration, the Court may extend the period within which an appeal may be made against the order for registration.

Application for recognition

31.—(1) Registration of the judgment under these rules shall serve for the purposes of the second paragraph of Article 26 of Schedule 1 to the Act of 1982 as a decision that the judgment is recognised.

(2) Where it is sought to apply for recognition of a judgment, the foregoing rules of this Order shall apply to such application as they apply to an application for registration under section 4 of the Act, with the exception that the applicant shall not be required to produce a document or documents which establish that according to the law of the State in which it has been given the judgment is enforceable and has been served, or the document referred to in rule 25(1)(a)(iii).

Enforcement of High Court Judgments in other Contracting States

32.—(1) An application under section 12 of the Act of 1982 for a certified copy of a judgment entered in the High Court must be ex parte on affidavit to the Court.

(2) An affidavit by which an application under section 12 of the Act of 1982 is made must—

- (a) give particulars of the proceedings in which the judgment was obtained;
- (b) have annexed to it a copy of the writ, originating summons or other process by which the proceedings were begun, the evidence of service thereof on the defendant copies of the pleadings, if any, and a statement of the grounds on which the judgment was based together, where appropriate, with any document under which the applicant is entitled to legal aid or assistance by way of representation for the purposes of the proceedings;
- (c) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;
- (d) show that the judgment has been served in accordance with Order 65, rule 5 and is not subject to any stay of enforcement;
- (e) state that the time for appealing has expired, or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the judgment has been given; and
- (f) state—
 - (i) whether the judgment provides for the payment of a sum or sums of money;
 - (ii) whether interest is recoverable on the judgment or part thereof and if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue.

(3) The certified copy of the judgment shall be an office sealed with the seal of the Supreme Court and there shall be issued with the copy of the judgment a certificate in Form 63, signed by one of the persons referred to in Order 1, rule 3(2) and sealed with the seal of the Supreme Court, having annexed to it a copy of the writ, originating summons or other process by which the proceedings were begun.

Enforcement of United Kingdom judgments in other parts of the United Kingdom: money provisions

33.—(1) An application for registration in the High Court of a certificate in respect of any money provisions contained in a judgment given in another part of the United Kingdom to which section 18 of the Act of 1982 applies may be made by producing at the Central Office, within six months from the date of its issue, a certificate in the appropriate form prescribed under that Act together with a copy thereof certified by the applicant's solicitor to be a true copy.

(2) A certificate under paragraph (1) must be filed in the Central Office and the certified copy thereof, sealed by an officer of the office in which the certificate is filed, shall be returned to the applicant's solicitor.

(3) A certificate in respect of any money provisions contained in a judgment of the High Court to which section 18 of the Act of 1982 applies may be obtained by producing the form of certificate prescribed in Form 64 at the office in which the judgment is entered, together with an affidavit made by the party entitled to enforce the judgment—

- (a) giving particulars of the judgment, stating the sum or aggregate of the sums (including any costs or expenses) payable and unsatisfied under the money provisions contained in the judgment, the rate of interest, if any, payable thereon and the date or time from which any such interest began to accrue;
- (b) verifying that the time for appealing against the judgment has expired, or that any appeal brought has been finally disposed of and that enforcement of the judgment is not stayed or suspended; and
- (c) stating to the best of the information or belief of the deponent the usual or last known address of the party entitled to enforce the judgment and of the party against whom the judgment is enforceable.

Enforcement of United Kingdom judgments in other parts of the United Kingdom non-money provisions

34.—(1) An application for registration in the High Court of a judgment which contains non-money provisions, being a judgment given in another part of the United Kingdom to which section 18 of the Act of 1982 applies, may be made ex parte, but the Court hearing the application may direct the issue of a summons to which paragraphs (2) and (3) of rule 2 shall apply.

(2) An application under paragraph (1) must be accompanied by a certified copy of the judgment issued under Schedule 7 to the Act of 1982 and a certificate which complies with the requirements of paragraphs 3 and 4 of that Schedule issued not more than six months before the date of application.

(3) Rules 27 and 29 of this Order shall apply to judgments registered under Schedule 7 to the Act of 1982 as they apply to judgments registered under section 4 of that Act.

(4) Paragraphs (1) and (2) of rule 8 shall apply to applications to set aside registration of a judgment under Schedule 7 to the Act of 1982 as they apply to judgments registered under the Administration of Justice Act 1920 and the Foreign Judgments (Reciprocal Enforcement) Act 1933.

(5) A certified copy of a judgment of the High Court to which section 18 of the Act of 1982 applies and which contains any non-money provision may be obtained by an ex parte application on affidavit to the Court.

(6) The requirements in paragraph (3) of rule 33 shall apply with the necessary modifications to an affidavit made in an application under paragraph (5) of this rule.

(7) A certified copy of a judgment shall be an office copy sealed with the seal of the Supreme Court to which shall be annexed a certificate in Form 65.

Register of United Kingdom judgments

35. There shall be kept in the Central Office under the direction of the Master (Queen's Bench and Appeals) a register of the certificates in respect of judgments and of the judgments ordered to be registered in the Central Office under Schedule 6, or, as the case may be, Schedule 7 to the Act."

Certificate under section 12 of the Civil Jurisdiction and Judgments Act 1982

(O.71 r: 32(3))

In the High Court of Justice in Northern Ireland 19 , No. Division

Between AB Plaintiff and CD Defendant

I, a of the Supreme Court of Judicature of Northern Ireland hereby certify:—

- 1. That the Writ of Summons [or as the case may be], a copy of which is annexed, was issued out of the High Court of Justice in Northern Ireland on the day of , 19 , by AB the above-named plaintiff against CD, the above-named [or state any other relief claimed].
2. That the said writ [or other originating process as the case may be] was duly served on the day of , 19 , upon the said defendant CD by (state mode of service).
3. [That the said CD entered an appearance to the writ on the day of , 19].
4. That the said plaintiff [or defendant] obtained judgment against the said defendant [or plaintiff] in the Division of the High Court of Justice in Northern Ireland [for payment of the sum of £] [or state any other relief ordered], together with the sum of £ for costs.
5. That [no] objection has been made to the jurisdiction of the Court [on the grounds that state ground of objection],
6. That the judgment carries interest at the rate of per cent per annum calculated on the judgment debt and costs from the date of judgment until payment.
7. That the judgment has been served on the defendant in accordance with the provisions of Order 65, rule 5.
8. [That no application to set the judgment aside] [or to appeal against the judgment] [has been brought within the time prescribed].
9. [That an application to set the judgment aside] [or to appeal against the judgment] [has been finally disposed of].
10. That enforcement of the judgment is not for the time being stayed or suspended and that the time available for its enforcement has not expired.
11. This certificate is issued under section 12 of the Civil Jurisdiction and Judgments Act 1982.

Dated the day of 19 .

(Signed) a of the Supreme Court of Judicature of Northern Ireland

No. 64

Certificate of Money Provisions contained in a Judgment for Registration under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982

(O.71 r. 33(3))

I, a _____ of the Supreme Court of Judicature of Northern Ireland hereby certify:—

1. That AB (*state the name, address and description of plaintiff*) obtained judgment against CD (*state the name, address and description of defendant*) on the _____ day of _____ 19____ in the _____ Division of the High Court of Justice in Northern Ireland for payment of the sum of £ _____ in respect of (*state shortly nature of claim*) together with £..... for costs.
2. That the judgment carries interest at the rate of per cent per annum calculated on the judgment debt and costs from the date of judgment until payment.
3. That the conditions specified in paragraph 3(a) and (b) of Schedule 6 to the Civil Jurisdiction and Judgments Act 1982 are satisfied in relation to the judgment.
4. That enforcement of the judgment is not for the time being stayed or suspended and that the time available for its enforcement has not expired.
5. This certificate is issued under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982.

Dated the _____ day of _____ 19____

(Signed) a _____ of the Supreme Court of Judicature of Northern Ireland

Produced for registration under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982 by AB/CD.

No. 65

Certificate issued under Schedule 7 to the Civil Jurisdiction and Judgments Act 1982 in respect of Non-Money Provisions

(O.71 r. 34(2))

I certify that the annexed copy judgment is a true copy of a judgment obtained in the High Court of Justice in Northern Ireland, that it is issued in accordance with section 18 of the Civil Jurisdiction and Judgments Act 1982 and that the conditions specified in paragraph 3(a) and (b) of Schedule 7 to that Act are satisfied in relation to the judgment.

This certificate is issued under paragraph 4(1)(b) of Schedule 7 to the Civil Jurisdiction and Judgments Act 1982.

Dated the _____ day of _____ 19____

(Signed) a _____ of the Supreme Court of Judicature of Northern Ireland

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Rules of the Supreme Court (Northern Ireland) 1980 so as—

- (a) to make provision for proceedings under the Civil Jurisdiction and Judgments Act 1982 and to make fresh provision for service of process out of the jurisdiction (rules 2 to 11);
- (b) to make provision for the recognition and enforcement of judgments under the Civil Jurisdiction and Judgments Act 1982 (rules 12 and 13 and 15);
- (c) to amend the provision for interest on legacies (rule 14).

**1984 Nos. 111, 112,
113, 114, 115, 116**

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.