

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION

PRACTICE NOTE No 3 - 2004

Ex parte applications before the Masters in the Queen's Bench Division

Commencing on 1 March 2004, and with the aim of encouraging improved practice on ex parte applications before the Masters, applicants will be required to complete the annexed checklist when lodging papers in the Writ Office. This will ensure that the papers are in order and that the procedures laid down in the Rules of the Supreme Court have been followed.

The current practice whereby the deficient papers are returned with a note as to the correct procedure, will be discontinued: instead, such applications will be dismissed. The Masters may direct that the costs of any application so dismissed for deficiency are not to be borne by the client.

J W WILSON
Master (Queen's Bench and Appeals)

C J McCORRY
Master (High Court)

5 January 2004

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QUEEN'S BENCH DIVISION

EX PARTE CHECKLIST

To be completed by the applicant when ex parte papers are lodged in the Writ Office.

(This checklist is not intended as a guide to practice. Applicants should have regard to the provision in the Rules of the Supreme Court relevant to the application which is being made).

1. The order sought is clearly set out on the ex parte docket.

2. The ex parte docket shows, either:
 - (a) the provision in the Rules of the Supreme Court on which the application is based;

 - or

 - (b) that the application is based on the inherent jurisdiction of the court.

3. (*Having regard to the provision of the Rules of the Supreme Court relevant to the application*). The papers lodged include:
 - (a) a grounding affidavit;

 - and/or

 - (b) an original signed consent;

 - and/or

 - (c) a letter of consent

4. (*Applications for leave to amend only*). The papers lodged include a copy of the draft proposed amended Writ of Summons or pleading.

5. (*Applications under Order 15, rule 7 substituting as Plaintiff as the executor or administrator of the estate of a deceased claimant*). The papers include a copy of the Grant of Probate or Letter of Administration.

