

## **PRACTICE DIRECTION 1/2013**

### **COURT OF JUDICATURE OF NORTHERN IRELAND**

#### **COURT OF APPEAL**

#### **HIGH COURT**

#### **Purpose**

1. The purpose of this Practice Direction is to provide information and guidance for those who wish to make an application for leave to intervene as a third party in proceedings. It is not a full or binding statement of the law.

#### **Commencement**

2. This Practice Direction shall have effect from 8<sup>th</sup> April 2013 and shall apply to all applications for leave to intervene as a third party filed on or after that date.

#### **Interpretation**

3. In this Practice Direction, 'applicant' means a person or body seeking leave to intervene as a third party in proceedings, except the Attorney General for Northern Ireland to whom this Practice Direction does not apply.

#### **Introduction**

4. A third party intervener is a 'stranger' to a particular case (i.e. neither a party nor a notice party) who has an interest in the outcome. A third party intervener is to be distinguished from an amicus curiae who assists the Court but is disinterested in the outcome of proceedings.

5. The granting of leave to intervene in a case is always a matter of discretion for the Court.

6. Third party interveners may include (but are not limited to) statutory commissions, governments and non-governmental organisations. In some proceedings, more than one party may seek leave to intervene. Bearing in mind that a Court may exercise its discretion to grant leave for a joint intervention, applicants are encouraged to work together wherever possible to ensure proposed interventions are focused and organised.

7. Third party interventions may be made in public or private law proceedings.

### **Procedure for applications for leave to intervene as a third party**

8. An applicant who seeks leave to intervene as a third party in proceedings should file in the relevant court office, at least twenty one working days before the hearing date, a letter which includes the following information:

- a. the name of the case in which the applicant wishes to intervene and the hearing date;
- b. the name and contact details of the applicant;
- c. the nature of the applicant's interest in the proceedings;
- d. an indication of the content of the proposed intervention and how the interests of justice would be promoted by allowing the intervention;
- e. the proposed means of intervention, i.e. written and/or oral submissions and, where relevant, the estimated time required for oral submissions;
- f. whether or not the parties to the proceedings have consented to the application, if known. Copies of relevant correspondence should be included;
- g. details of any previous application(s) by the applicant for leave to intervene in the proceedings, including the result;
- h. confirmation whether or not it is intended to make an application for a protective costs order in the event that leave is granted; and
- i. any other relevant information.

9. The applicant should send a copy of the letter of application to all parties to the proceedings.

10. Letters of application may be filed in the court office by email, post, facsimile or hand delivery. It is for an applicant to satisfy itself that the application has been safely received by the court office.

11. Where an applicant is unsure to which court office an application should be sent, enquiries should be made in the first instance to the Central Office at [centraloffice@courtsni.gov.uk](mailto:centraloffice@courtsni.gov.uk).

12. An application for leave to intervene made in the above form will normally be dealt with by the court within two working days. Should an oral hearing be required, the applicant and the parties will be informed of this by the court office.

13. The applicant and the parties will be informed of the result of the application by the court office unless it has been decided in their presence.

14. The Court may refuse leave or may grant leave to intervene:

- (i) by written submissions only;
- (ii) by written and oral submissions;
- (iii) by written submissions and later determine whether or not to grant leave to the intervener to make oral submissions.

15. Where leave to intervene is granted the intervener's written submissions must be filed in the court office at least thirteen days before the hearing date.

16. Leave for oral submissions may be limited to a specified duration.

17. Time limits in this practice direction are subject to the discretion of the court.

### **Costs**

18. Subject to the discretion of the Court, third party interveners bear their own costs and any additional costs to the other parties resulting from an intervention are costs in the proceedings. Orders for costs will not normally be made either in favour of or against interveners but such orders may be made if the Court considers it just to do so (in particular if an intervener has in substance acted as the sole or principal applicant/plaintiff/appellant or respondent/defendant).

19. A third party intervener may apply for a protective costs order. Any such application should be made as soon as practicable after leave is granted.

Made this 26<sup>th</sup> day of March 2013

Sir Declan Morgan QC

Lord Chief Justice

