

PRACTICE DIRECTION No. 02/2017

Interlocutory Applications

This **Practice Direction** is made the 22nd November 2017 by the Presiding County Court Judge (Northern Ireland) and the Presiding District Judge (Northern Ireland) and shall come into force on the 1st December 2017 and be known as **County Court 03/17**.

Since the amendments to Order 14, which came in to force on 25 February 2013, the expectation is that most interlocutory applications can be determined by a Judge without the need for an oral hearing.

To encourage uniformity of practice, this Practice Direction sets out how it is expected such applications will be dealt with.

1. The party seeking the interlocutory relief shall serve on the party against whom an Order is sought and on all other parties a Certificate (if the application is made by a Solicitor) or an Affidavit (if the application is made by a Litigant in Person) grounding the application. A suggested form of Certificate (Annex 1) and Affidavit (Annex 2) are attached.
2. After fourteen days has elapsed from the date of service of the Certificate or Affidavit the party seeking the interlocutory relief shall file in the court office an Application, in the form attached (Annex 3), to include all documentation referred to therein.
3. The Judge will thereafter determine the application on the papers filed or shall direct that the application be listed on notice for oral hearing in court.

His Honour Judge McFarland
Presiding County Court Judge

Her Honour District Judge Brownlie
Presiding District Judge

ANNEX 1

Certificate seeking an Interlocutory Order

[Title of the proceedings]

I, (name of applicant's solicitor)
solicitor of (address) hereby certify as follows:-

1. I am the solicitor personally in charge of these proceedings on behalf of the plaintiff/defendant ("this party")
2. I beg leave to refer to true copies of the Civil Bill and other relevant pleadings and correspondence between the parties annexed hereto [*set out in the relevant pleadings and correspondence*].
3. This party seeks [*set out the relief sought from the court*]
4. The circumstances giving rise to the application are [*set out the circumstances*]
5. After fourteen days have elapsed since the date of service of this Certificate it is my intention to seek an Order from the court without a hearing and without further warning or correspondence.

Dated this day of

Signed solicitor

Address

If you wish to object to :-

- **this application being dealt with without a hearing and/or**
- **the relief sought**

you should set out the basis for such objections to me in writing within the said fourteen days and I will include these in the papers to be filed in court.

ANNEX 2

Affidavit seeking an Interlocutory Order

[Title of the proceedings]

I of aged eighteen years and upwards MAKE OATH
and say as follows

1. I am the plaintiff/defendant to these proceedings ("this party")

2. I beg leave to refer to true copies of the Civil Bill and other relevant pleadings and correspondence between the parties annexed hereto [*set out in the relevant pleadings and correspondence*].
3. This party seeks [*set out the relief sought from the court*]
4. The circumstances giving rise to the application are [*set out the circumstances*]
5. After fourteen days have elapsed since the date of service of this Certificate it is my intention to seek an Order from the court without a hearing and without further warning or correspondence.

Sworn etc

If you wish to object to :-

- **this application being dealt with without a hearing and/or**
- **the relief sought**

you should set out the basis for such objections to me in writing within the said fourteen days and I will include these in the papers to be filed in court.

ANNEX 3

Application seeking an Interlocutory Order

[Title of the proceedings]

Take Notice of an Application by the

without hearing/by way of hearing (delete as appropriate)

[*If by way of hearing set out reasons for this*]

For an Order pursuant to Order [*insert number*] Rule [*insert number*] of the County Court Rules (NI) 1981 that [*set out details of order sought*]

The application is grounded upon the Certificate/ Affidavit of _____ dated _____ which is attached.

This application was served on [*insert name*] _____ on [*insert date of service*]

Fourteen days have now elapsed since the date of service of this application on the _____ and no objection to

- The matter being dealt with without a hearing
- The relief sought

has been received save [*insert details of any objections received*] copies of which are attached.

The applicant seeks his/her/its costs in respect of this application [*delete if no costs are sought*]

Signed _____