

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

CHANCERY DIVISION

CHANCERY OFFICE

2003 No 3

PRACTICE DIRECTION

HEARING OF ORIGINATING SUMMONS, SUMMONS OR NOTICE OF MOTION BY JUDGE

1. This Practice Direction replaces and revokes Practice Direction 1987 No 1.
2. When an originating summons, summons or notice of motion has been listed for

hearing by the Judge the solicitor for the applicant must as soon as possible and not less than 4 clear working days before the hearing lodge in the Chancery Office a book

bound or stapled paginated and indexed containing a copy of each of the following documents:

- (1) originating summons, summons or notice of motion;
- (2) (in an action commenced by originating summons) the notice of appointment;
- (3) (in an action commenced by writ of summons) the writ and pleadings;
- (4) the memorandum of appearance or affidavit or service;
- (5) affidavits (with exhibits) filed by the applicant;
- (6) affidavits (with exhibits) filed by other parties;
- (7) any relevant grants of probate or letters of administration;
- (8) minutes of any proposed order unless the terms are clearly set out in the summons or notice of motion;

- (9) the requisite legal aid documents;
- (10) an estimate of the length of the hearing.

3. In applications under: -

- (1) Administration of Estates (Northern Ireland) Order 1979 (O 85)
- (2) Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979 (O99)
- (3) Trustee Act (Northern Ireland) 1958

it is essential that a clear copy of the relevant grant of probate and will, letters of administration or trust deed (as the case may be) should be included in the book of documents. It is not sufficient for the applicant in his affidavit to refer to the document with the words “when produced” without producing it. The original grant of probate or administration or trust deed must be produced to the Court by the party who has custody of it.

4. Where the construction of a will, deed or contract is involved a good typed copy or photocopy, certified by the solicitor for the applicant, should be lodged.
5. Practitioners should follow the Chancery Division Practice Guidance Note on the Preparation of Affidavit and Exhibits (8 September 1999) and Orders 41 and 66 rule 1 with respect to affidavits and their exhibits.
6. Generally, bundles of documents must be (i) firmly secured together; (ii) arranged in chronological order beginning with the earliest; (iii) paginated consecutively at centre bottom, and (iv) fully and easily legible.
7. The solicitor for the applicant must inform the Office immediately:
 - (a) a settlement has been reached between the parties: or

(b) a party proposes to apply for an adjournment, whether on consent or not.

By direction of the Honourable Mr Justice Girvan

Master (Chancery)

2003