

Guidance Note - Civil Proceedings in the County Court

Following a recent meeting of the County Court Civil Justice Liaison Group, HHJ Gilpin, the Principal Civil Judge and DJ Duncan, the Presiding District Judge, wish to highlight a number of matters to the Bar and the Law Society to assist in the disposal of civil proceedings in the County Court.

1. Where an action has been remitted from the High Court, Order 22 Rule 8 of the County Court Rules (NI) 1981 requires the Plaintiff to lodge the Original Writ or other originating process with the County Court within 14 days from the date of the Order of Remittal.
2. When drafting a Certificate of Readiness careful consideration must be given to ensure an accurate estimate of the time required for hearing is stated thereon.
3. When a Certificate in lieu of an Affidavit is submitted by a solicitor in support of an Interlocutory Application pursuant to Order 14 the Certificate must be signed by the solicitor personally and not in the name of the solicitor's firm.
4. If a lodgement has been made it is the responsibility of the Plaintiff to ensure the Notice of Lodgement is drawn to the attention of the judge when the court is notified of any settlement or when

judgment is handed down. Late applications to uplift a lodgement require a formal application and payment of the relevant fee.

5. It is the Plaintiff's responsibility to ensure an agreed, paginated trial bundle is lodged with the court at least 5 working days before the date listed for hearing.
6. It is the responsibility of the Plaintiff's solicitors to apply the test for discovery and thereafter only to provide those parts of medical notes and records properly discoverable.
7. Where on review the County Court is informed a case is subject to an application for Removal to the High Court an estimate of the length of time until the outcome of the Removal application is known should be given to the judge.
8. The following documents will be accepted by the court office by way of email:-
 - Certificates of Readiness
 - Forms 98a
 - Notices of Intention to Defend

The court office does not require hard copies if the acceptable documents are lodged via email and arrangements for the appropriate fee payment has been made.

9. The following documents will only be accepted by the court office in hard copy:-

- Civil Bills
- Injunctions
- Trial Bundles
- Interlocutory Applications
- Minor Petitions
- Ancillary Relief Applications
- Applications to extract a Decree
- Applications seeking an Order for Discovery

The court office does not require copies of these to be duplicated via email.

10. All Minor Petitions fall solely within the equity jurisdiction of the County Court Judge. The title on a Minor Petition must reflect this.
11. Care must be taken in drafting a Civil Bill if it falls within the equity jurisdiction of the County Court to ensure the Civil Bill is entitled to reflect this.
12. Care must be taken to ensure the title to the proceedings reflects whether, given the damages claimed, the matter falls within the jurisdiction of the County Court Judge or the District Judge.
13. The staff of the Northern Ireland Courts and Tribunals Service are not in a position to provide legal advice and should not be asked to do so.