

**2008 No.**

**COUNTY COURTS**

**The County Court (Amendment) Rules (Northern Ireland) 2008**

*Made* - - - - 2008

*Coming into operation* - 30th May 2008

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(a).

**Citation and Commencement**

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on 30th May 2008.

**Amendments**

2. In Order 30 of the County Court Rules (Northern Ireland) 1981(b) ('the principal Rules')—
- (a) in rule 3(3), for "139(1)(a) (reopening of extortionate agreements)", substitute "140B(2)(a) (unfair relationships)"; and
  - (b) for rule 11 substitute—

**"Unfair relationships**

11.—(1) An application under section 140B(2)(a) for an order under section 140B in connection with a credit agreement shall be made by notice in Form 283.

(2) Paragraph 5 of rule 9 shall apply to a notice of application under paragraph (1) of this rule.

(3) Where in county court proceedings of a type specified in section 140B(2)(b) or (c) a debtor or surety desires an order under section 140B in connection with a credit agreement he shall, not less than 28 days before the date fixed for the hearing, serve notice of motion in Form 281 that he so desires on the chief clerk and on the other party or parties to the proceedings or their solicitors.

(4) Paragraph (3) shall not apply where notice has been served under paragraph (5).

(5) Where a defendant in accordance with section 140B(2)(b) or (c) desires an order under section 140B in connection with a credit agreement he shall serve notice that he so desires on the chief clerk and on the plaintiff's solicitor or, where the plaintiff is suing in person, on the plaintiff within 21 days from the date of service upon him of the civil bill."

3. In Appendix 1 to the County Court Rules (Northern Ireland) 1981(c)—

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(a) S.I. 1980/397 (N.I. 3) to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c. 4).  
(b) S.R. 1981 No. 225 to which the most relevant amendments were made by S.R. 2007 No. 500.  
(c) S.R. 1981 No. 225 to which the most relevant amendment was made by S.R. 2007 No. 192

- (a) in Form 71, for the words “Probate and Matrimonial Office of the Family Division” substitute “Chancery Office of the Chancery Division”;
- (b) in Form 183, for the words “Probate and Matrimonial Office”, wherever they appear, substitute “Chancery Office”;
- (c) in Form 184, for the words “Probate and Matrimonial Office”, wherever they appear, substitute “Chancery Office”;
- (d) in Form 185, for the words “Probate and Matrimonial Office”, wherever they appear, substitute “Chancery Office”;
- (e) in Form 186, for the words “Probate and Matrimonial Office” substitute “Chancery Office”;
- (f) in Form 187, for the words “Probate and Matrimonial Office” substitute “Chancery Office”;
- (g) in Form 188, for the words “Family Division” substitute “Chancery Division”;
- (h) in Form 191, for the words “Probate and Matrimonial Office” substitute “Chancery Office”; and
- (i) for Form 283 substitute the Form set out in the Schedule to these Rules.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Lord Chancellor.

Signed

Date

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland Order 1980 and after consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 30th May 2008.

Signed by the authority of the Lord Chancellor

Minister of State  
Ministry of Justice

Date

SCHEDULE

Rule 3

“Form 283  
Notice of application under section 140B(2)(a) of the Consumer Credit  
Act 1974 for an order under section 140B  
ORDER 30, RULE 11(1)

Between

of

Applicant

and

of

Respondent(s)

TAKE NOTICE that I intend on the        day of                                20        to apply under section 140B(2)(a) of the Consumer Credit Act 1974 for an order under section 140B in connection with a credit agreement made between the applicant and *(name(s) of other party or parties to the agreement)* dated the        day of                                whereby *(state briefly nature of agreement)* on the grounds that the credit agreement [or the agreement taken with any related agreement] is unfair and for such relief as is specified in section 140B(1) of the Act.

Dated this        day of                                20        .

Applicant/Solicitor for Applicant

To the Chief Clerk at                                (Courthouse)  
and to the Respondent(s).”

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the County Court Rules (Northern Ireland) 1981 [S.R. 1981 No. 225] so as to:

- amend rules 3 and 11 of Order 30 and substitute a new Form 283 to take account of amendments to the Consumer Credit Act 1974 made by the Consumer Credit Act 2006 in relation to unfair relationships in connection with a credit agreement; and
- amend Forms 71, 183, 184, 185, 186, 187, 188 and 191 in consequence of the transfer of probate business from the Family Division to the Chancery Division of the Supreme Court.