Civilinės teisenos srityje nebaigtos procedūros ir procesai, pradėti iki pereinamojo laikotarpio pabaigos, bus tęsiami pagal ES teisę. Remiantis abipusiu susitarimu su Jungtine Karalyste, atitinkama su Jungtine Karalyste susijusi informacija E. teisingumo portale bus saugoma iki 2024 m. pabaigos.

Time limits on procedures

Šiaurės Airija

1 What are the types of deadlines relevant for civil procedures?

Time for responding to a claim – In High Court proceedings, the defendant if he resides in NI should enter an appearance within 14 days after service of the writ (Order 10) (including the day of service), though he may enter a late appearance at any time before judgment is entered against him. An appearance after judgment requires leave (or permission) (Order 12 of the Rules of the Court of Judicature (Northern Ireland) 1980). The defendant should serve a defence within 6 weeks after delivery of the statement of claim, 6 weeks after his appearance or 6 weeks after being given leave to defend, whichever is the latest (Order 18) In County Court proceedings, the defendant should serve notice of intention to defend within 21 days after service upon him of a civil bill (Order 12 of the County Court Rules (Northern Ireland) 1981).

Time to enforce a judgment – Under Article 16 of the Limitation (Northern Ireland) Order 1989, an action cannot be brought upon any judgment after six years from the date on which the judgment became enforceable.

Limitation periods – In general, a limitation period of six years applies and is applicable, for example, for:

the time limit for actions on tort (Article 6 of the Limitation (Northern Ireland) Order 1989);

the time limit for cases of successive conversions and extinction of title of owner and converted goods (Article 17 of the Limitation (Northern Ireland) Order 1989).

The limitation periods vary for other types of cases. For example:

the time limit for actions in respect of personal injuries is three years (Article 7 of the Limitation (Northern Ireland) Order 1989).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Order 3 of the Rules of the Court of Judicature (Northern Ireland) 1980 together with section 5 of the Interpretation Act 1978 and Order 43 of the County Court Rules (Northern Ireland) 1981 together with section 39 of the Interpretation Act (Northern Ireland) 1954 deal with the application and interpretation of the Rules of the Supreme Court and the County Court Rules respectively in terms of the calculation of time periods.

Apart from Saturday and Sunday, non-working days in Northern Ireland include the following public holidays:

New Year's Day: 1 January

St Patrick's Day : 17 March

Easter Monday: Monday after Easter

Easter Tuesday: Tuesday after Easter

Early May Bank Holiday: First Monday in May

Spring Bank Holiday: Last Monday in May

July Bank Holidays: 12 and 13 July

Summer Bank Holiday: Last Monday in August

Christmas Day: 25 December

Boxing Day: 26 December

Where Christmas Day, Boxing Day or New Year's Day falls on a weekend the next weekday becomes a public holiday. For example if 25 and 26 December are Saturday and Sunday respectively the following Monday and Tuesday are public holidays.

In addition all courts are closed for an extra day at Christmas and also on Good Friday.

3 What are the applicable general rules on time limits for the various civil procedures?

Limitation (Northern Ireland) Order 1989 – This stipulates several time limits for the initiation of proceedings and sets out other periods within which, for example, a judgment has to be enforced and other actions have to be taken by the parties. Further information is given in the answer to question 1 above.

The Foreign Limitation Periods (Northern Ireland) 1985 - This provides for any law relating to the limitation of actions to be treated, for the purposes of cases in which effect is given to a foreign law or to determinations by foreign courts, as a matter of substance rather than as a matter of procedure. It applies both to arbitral proceedings and legal proceedings in the courts in Northern Ireland, whenever the law of another country is to be taken into account.

The Rules of the Court of Judicature (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981 – These are the procedural rules for the civil courts in Northern Ireland and include time limits for different actions.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date for the period for defending an action generally runs from the date of service of the proceedings – see answer to question 1 above. Under the Limitation (Northern Ireland) Order 1989 the starting date from which the period runs is usually the date of the relevant event, for example, the starting time for the 6-year-period to enforce a judgment is the date on which the judgment became enforceable.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Yes - where a writ is served by post or by insertion in the letter box it is deemed to have been served on the seventh day (including weekend) after doing so (Order 10, rule 1 of the Rules of the Court of Judicature (Northern Ireland) 1980), although if posted on a Sunday it would probably be deemed to be served on the Monday eight days after posting. Similarly, if a civil bill is served by a solicitor by first class post it is deemed to be served on the seventh business day after it was posted (excluding the day of posting) but unlike the High Court rule the seven day period excludes Saturday, Sunday and public holidays (Order 43, rule 19A of the County Court Rules (Northern Ireland) 1981).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 applies to any period of time fixed by the Rules or by any judgment, order or direction for doing any act. Where an act is required to be done within a specified period after or from a specified date, the period usually begins immediately

after that date. Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.
Order 43, rule 17 of the County Court Rules (Northern Ireland) 1981 applies to times fixed by the Rules. Where anything is required to be done within a specified period of or after the happening of a particular event, the period starts at the end of the day of the event, unless expressed to be inclusive of that day.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that where the period in question, being a period of 7 days or less, would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded. Order 3, rule 3 provides that unless the Court otherwise directs the period of the Long Vacation i.e. the summer vacation, shall be excluded in calculating any period prescribed by the Rules or by any order or direction for serving, filing or amending any pleading. Order 3, rule 4 provides that where the time prescribed by the Rules, or by any judgment, order or direction, for doing any act at an office of the Supreme Court expires on a day on which that office is closed, any by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.
Order 43, rule 17 of the County Court Rules (Northern Ireland) 1981 provides that where anything is required by the Rules to be done within a period not exceeding three days, that excludes Saturday, Sunday or other day on which the Office is closed. Where the time prescribed for doing any act expires on a Saturday, Sunday or other day on which the office is closed, the act can be done on the next day when the office is open. The latter provision also extends to time limits prescribed by a decree or order.

8 When such a period is expressed in weeks, in months or in years?

Order 3, rule 1 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that, without prejudice to section 5 of the Interpretation Act 1978 in its application to the Rules, the word ‘month’ where it occurs in any judgment, order, direction or other document, means a calendar month unless the context otherwise requires.
When a period is expressed in years, although there is no explicit rule, by analogy if a ‘year’ is used in any judgment, order, direction or other document, a calendar year is meant.
In relation to county court proceedings, section 39 of the Interpretation (Northern Ireland) Act 1954 is applicable and provides that ‘a year’ means 12 (calendar) months and ‘a month’ means a calendar month.

9 When does the deadline expire if expressed in weeks, in months or in years?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that, if an act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.
In the County Court Rules (Northern Ireland) 1981, by virtue of section 39 of the Interpretation (Northern Ireland) Act 1954, a period expressed to end on or calculated to a particular day, includes that day.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that where the period in question, being a period of 7 days or less, would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded. Order 3, rule 3 provides that unless the Court otherwise directs the period of the Long Vacation i.e. the summer vacation, shall be excluded in calculating any period prescribed by the Rules or by any order or direction for serving, filing or amending any pleading. Order 3, rule 4 provides that where the time prescribed by the Rules, or by any judgment, order or direction, for doing any act at an office of the Supreme Court expires on a day on which that office is closed, any by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?
12 What are the time limits for appeals?

The time limit for appeals against High Court judgments is generally six weeks and for appeals against county court decrees 21 days. Time limits for applying for a judge to review the decision of a body if you are entitled to do so by statute is 21 days unless the statute in question states otherwise.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If the plaintiff thinks there are exceptional reasons, he or she may ask the court to consider an application immediately and without the respondent being served with any documents, i.e. ‘ex parte’ or ‘without notice’. If an ‘ex parte’ or ‘without notice’-order is made by the judge the plaintiff will be given a further appointment to attend at the court. The defendant will be entitled to be present at this appointment so that the judge can then listen to both before deciding whether to make another order.
Further possibilities of extending a period are provided in Part IV to the Limitation (Northern Ireland) Order 1989. For example there can be an extension of the limitation period in cases where the plaintiff is disabled (Article 48 of the Limitation Act 1980).
Unless court rules provide otherwise or the court orders otherwise, the time specified by a rule or by the court for a person to do any act may be varied by the written agreement of the parties. Furthermore, judges have powers to alter time periods.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. The party does not lose the benefit of such foreign legislation.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to defend or acknowledge the proceedings in the required time, a claimant can apply for judgment in default. However, the defendant has still the possibility to appeal against that decision or a court may set aside the judgment.
Other case management-related sanctions are also available. For example where a party is required to submit something, i.e. an expert’s report, by a certain time and fails to do so, the court may order that report inadmissible.
The court also has recourse to sanctions such as contempt.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting parties can go to the court and ask them to extend the deadline. If the expiry of the deadline has resulted in a default judgment, they can appeal or ask for decision to be set aside.

Last update: 01/06/2020

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.