1972. No. 280 [C]

COUNTY COURT RULES

Affidavit of Service of Notices, etc.

RULES, DATED 20TH OCTOBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers me enabling in that behalf do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Citation and commencement

1. These Rules may be cited as the County Court (Affidavit of Service) Rules (Northern Ireland) 1972 and shall come into operation on 15th November 1972.

Form of affidavit used to prove service of certain documents

2.—(1) The form of affidavit prescribed for the purposes of any enactment or otherwise in proving service of any summons, notice or other document in criminal proceedings shall be that in the Schedule and when duly sworn shall be produced in court by the prosecution.

(2) Nothing in these Rules shall derogate from any rule of law or practice whereby oral evidence on oath is required to prove service upon anyone of—

(*a*) a notice requiring him to show cause why he should not be punished for contempt of the court in failing to appear in answer to a summons; or

(*b*) the summons to which that notice refers.

Dated this 20th day of October 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(a) 1959. c. 25. (b) 1972. c. 22.

SCHEDULE

Affidavit of service of summons, document, notice, etc.

I, (*full names and rank or description where applicable*) of , a person entitled to serve a summons [*or* notice] [*or* state other document] under section (*state statutory provision authorising service*), make oath and say as follows:—

I did serve a copy of the summons [*or* notice] [*or* (*state other document*)] dated on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the summons [*or* notice] [*or* (*other document*)] exhibited hereto.

Sworn at in the
County of this .....
day of 19 .

Before me .....
A Justice of the Peace for the said County [Borough]

Address of Justice of the Peace

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Name and address of each witness upon whom the summons [*or* notice] [*or* (*state other document*)] was served.

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EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules prescribe the form of affidavit to be used in proving service of a summons, notice or other document in criminal proceedings before the county court.

It is expressly provided that nothing in the Rules shall affect the present procedure whereby evidence on oath is required in proof of service of a notice on a person who fails to attend in answer to a witness summons requiring him to show cause why he should not be punished for contempt in failing to appear in answer to a summons or affect proof of service of that summons in a case where such a notice has been issued.

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These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.