STATUTORY RULES OF NORTHERN IRELAND

1981 No. 225

COUNTY COURTS

County Court Rules (Northern Ireland) 1981

Made *2nd July 1981*

Coming into operation *12th October 1981*

ARRANGEMENT OF RULES

Order No. *Subject*

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(a) Order 6A inserted by S.R. 1983 No. 14 with effect from 14.3.83
(b) Order 12 substituted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Order 23A inserted by S.R. 1999 No. 490 with effect from 17.1.00
(d) Title substituted by S.R. 2002 No. 255 with effect from 4.11.02

Order No. — *Subject*

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(**a**) Order inserted by S.R. 2009 No. 176 with effect from 18.5.09
(**b**) Title substituted by S.R. 1989 No. 211 with effect from 1.9.89
(**c**) Title substituted by S.R. 1988 No. 234 with effect from 1.7.88
(**d**) Order 50 revoked by S.R. 2003 No. 272 with effect from 1.6.03
(**e**) Title substituted by S.R. 1988 No. 112 with effect from 1.4.88
(**f**) Order 52 inserted by S.R. 1986 No. 218 with effect from 1.9.86
(**g**) Order 53 inserted by S.R. 1989 No. 306 with effect from 1.9.89
(**h**) Order 54 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(**i**) Word substituted by S.R. 2002 No. 255 with effect from 4.11.02

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby makes the following rules:—

ORDER 1

Where proceedings may be commenced

Actions generally

1.—(1) Except as otherwise provided by any enactment including Order 26 Rule [(**b**)29,][(**c**) Order 27 Rule 8,][(**d**) Order 30 rule 3 and Order 52 rule 17], an action may, irrespective of the place of residence of any defendant, be commenced—

(*a*) in a court for the division in which the defendant or one of the defendants resides or carries on business; or

(*b*) subject to the succeeding paragraphs of this Rule, in a court for the division in which the cause of action wholly or in part arose.

(2) Where the plaintiff sues as the assignee of a debt or other legal thing, in action, the action may be commenced in any court in which, but for the assignment, the action might have been commenced, but in no other court.

(3) Where a plaintiff relies on paragraph (1)(*b*) he shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

Actions for recovery of, and in relation to, land

2.—(1) Proceedings (not being proceedings to which paragraph (2) applies)—

(*a*) for the recovery of land (whether with or without a claim for rent or mesne profits); or

(*b*) in which the title to any land comes in question; or

(*c*) for the redemption of any mortgage upon any land; or

(*d*) for enforcing any mortgage, charge or lien upon any land; or

(*e*) for the recovery of money secured by any mortgage, charge or lien upon any land; or

(*f*) otherwise relating to land (not being proceedings for the recovery only of rent or mesne profits),

shall be commenced in a court for the division in which the land or any part thereof is situate.

(2) Without prejudice to Rules 3, 4, 5, 7 and 8, proceedings specified in those Rules and relating wholly or partly to land may be commenced in a court for the division in which the land or any part thereof is situate.

Proceedings in relation to trusts

3. Proceedings in relation to any trust (including a charitable trust) or arising under the Trustee Act (Northern Ireland) 1958(**e**) may be commenced in a court for the division in which the persons instituting the proceedings, or the trustees or any one of such persons or of the trustees, reside or resides or in the court in which any fund to which the proceedings relate has been lodged.

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) Reference substituted by S.R. 2002 No. 255 with effect from 4.11.02
(**c**) Reference inserted by S.R. 2009 No. 176 with effect from 18.5.09
(**d**) Words substituted by S.R. 1999 No. 129 with effect from 12.4.99
(**e**) 1958 c. 23 (N.I)

Proceedings in relation to the estate of a deceased person

4. Proceedings for the administration of or otherwise in relation to the estate of a deceased person may be commenced in a court for the division in which that person last resided or carried on business, or in which his executors or administrators or any one of them reside or resides.

Partnership proceedings

5. Proceedings for the taking of a partnership account for the dissolution or winding-up of a partnership may be commenced in a court for the division in which the partnership business was or is carried on or where the defendant or any one of the defendants resides or carries on business.

Proceedings under the Settled Land Acts 1882 to 1890

6. Proceedings under the Settled Land Acts 1882 to 1890 may be commenced in a court for any division in which is situate any part of the land which is to be dealt with by the court from which the capital money to be dealt with by the court arises under those Acts or in connection with which the personal chattels to be dealt with by the court are settled.

Proceedings under the Married Women's Property Act 1882, s.17

7. Proceedings under section 17 of the Married Women's Property Act 1882(**a**) may be commenced in a court for the division in which either party to the proceedings resides.

Proceedings in relation to minors

8. Proceedings relating to the maintenance or advancement or for the protection of the property of minors or for the payment out of court of funds standing to the credit of minors may be commenced in a court for the division in which the minors or any one of them reside or resides or in the court in which any money to which the proceedings relate has been lodged as may be appropriate.

Probate proceedings

9. Proceedings relating to the grant or revocation of probate or letters of administration in respect of the state of a deceased person shall be commenced in a court for the division in which that person was ordinarily resident at the time of his death.

[(**b**) . . .]

Proceedings for the construction of deeds, wills, etc.

11. Proceedings by way of equity civil bill for the construction of a deed, will or other written instrument and for a declaration of the rights of the persons interested therein may be commenced in a court for the division in which—

(*a*) the defendant or one of the defendants resides or carries on business; or

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(**a**) 1882 c. 75

(**b**) Rule 10 revoked by S.R. 1989 No. 306 with effect from 1.9.89 subject to the saving in Rule 5 of S.R. 1989 No. 306 for any proceedings commenced before 1st September 1989

(*b*) the subject-matter of the application or a substantial part thereof is situate.

Proceedings commenced by petition

12. Where proceedings are required to be by petition and no other provision is made by any enactment as to the court in which the proceedings are to be commenced, Rule 11 shall apply with the necessary modifications.

Proceedings by or against a judge, [(**a**) *district judge*], *circuit administrator or chief clerk*

13.—(1) A Judge, [(**a**) district judge], circuit administrator or chief clerk may sue and be sued in accordance with these Rules, but if the court in which but for this Rule the action would be commenced is a court of which he is [(**b**) the judge], [(**a**) district judge], circuit administrator or chief clerk, the action shall not be commenced in that court but in some other court of which he is not such Judge or officer.

(2) Nothing in this Rule shall effect any alternative right to commence the action in some other court of which [(**b**) the judge], [(**a**) district judge], circuit administrator or chief clerk suing or being sued is not [(**b**) the judge], [(**a**) district judge], circuit administrator or chief clerk.

Proceedings by and against the Crown

14. For the purposes of this Order, the Crown shall be deemed to reside within each county court division.

[(**c**) . . .]

[(**d**) *Proceedings under Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984*

16. Proceedings under Part II of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**e**) shall, subject to Order 29 Rule 3(4), be commenced in a court for the division in which the dwelling house (or any part thereof) which is the subject-matter of the proceedings is situate.]

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**b**) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Rule 15 revoked by S.R. 1998 No. 21 with effect from 20.4.98
(**d**) Rule 16 inserted by S.R. 1989 No. 211 with effect from 1.9.89
(**e**) S.I. 1984/1984 (N.I. 14)

ORDER 2

Joinder of causes of action

Generally

1. Save as otherwise provided in this Order the plaintiff may unite in the same action several causes of action and—

(*a*) claims by or against husband, and wife may be joined with claims by or against either of them separately;

(*b*) claims by or against an executor or administrator as such may be joined with claims by or against him personally provided the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator;

(*c*) claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant.

Assignee in bankruptcy and recovery of land

2. Except by leave of [(**a**) the judge or district judge as the case may be]—

(*a*) claims by an assignee in bankruptcy as such shall not be joined with any claim by him in any other capacity;

(*b*) no cause of action shall be joined with an action for the recovery of land except claims for mesne profits or arrears of rent or double value of the land claimed or any part thereof or for damages for breach of any contract under which it is held or for any wrong or injury to it or for payment of any principal money or interest secured by a mortgage or charge on that land or any part thereof.

Claim for possession in action for sale or redemption of mortgaged property

3. Nothing in this Order shall prevent a plaintiff in an action for sale or redemption of mortgaged property from asking for or obtaining an order against a defendant for delivery of possession of the property on or after the final order for sale or redemption.

Separate hearings may be ordered

4. If, at any time, it appears to [(**a**) the judge or district judge as the case may be] that any causes of action joined in one action cannot be conveniently heard and disposed of together, he may order separate hearings, or may exclude any cause of action and order any consequential amendments to be made and may make such order as to costs as may be just.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 3

Parties to proceedings

PART I

GENERALLY

Who may be joined as plaintiffs

1.—(1) All persons may be joined as plaintiffs in one action in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where, if they brought separate actions, any common question of law or fact would arise but if, on the application of any defendant, it appears that any joinder may embarrass or delay the hearing, [(**a**) the judge or district judge as the case may be] may order separate hearings, or make such other order as he thinks fit.

(2) A decree may be given for any plaintiff for the relief to which he is entitled, without any amendment, but any defendant, though unsuccessful, may be awarded any extra costs caused by joining any person who is not found entitled to relief.

Who may be joined as defendants

2.—(1) All persons may be joined as defendants in one action against whom the right to any relief in respect of or arising out of the same transaction or event or series of transactions or events is alleged to exist, whether jointly, severally or in the alternative, where if separate actions were brought any common question of law or fact would arise.

(2) A decree may be given against such one or more of the defendants as may be found to be liable according to their respective liabilities without any amendment.

(3) Where two or more persons are made defendants, whether as jointly or as severally liable, the plaintiff may have a decree against any one or more of the defendants without prejudice to his right to proceed with the action against any other defendant.

(4) Where a plaintiff proceeds against one or more of several persons jointly liable, the defendant or defendants sued may avail himself or themselves of any set-off or other defence to which he or they would be entitled if all the persons liable were made defendants.

Defendant interested in part of claim

3. It shall not be necessary that every defendant to an action shall be interested as to all the relief claimed, or as to every cause of action, but [(**a**) the judge or district judge as the case may be] may make any order that may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he has no interest.

Persons liable under one contract

4. The plaintiff may at his option join as parties to the same action all or any one of the persons severally or jointly and severally liable on any one contract.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Where plaintiff in doubt whom to sue

5. Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, so that the question is liable, and to what extent, may be determined between the parties.

Misjoinder or non-joinder

6.—(1) No action or matter shall be affected by reason of the misjoinder or non-joinder of parties, and [(**a**) the judge or district judge as the case may be] may in every action or matter deal as justice may require with the real question at issue between the parties actually before him.

(2) Where one or more than one of several persons jointly liable is sued and the other or others so liable and not sued reside out of the jurisdiction or are dead, the fact of the residence of the party or parties not sued being outside the jurisdiction, or the death of such parties, shall appear on the face of the process.

Representative proceedings

7.—(1) Where there are numerous persons having the same interest in one action or matter, one or more of them may be authorised or appointed by [(**a**) the judge or district judge as the case may be] before or at the hearing, to sue or defend on behalf of all persons so interested.

(2) Where a defendant desires to defend on behalf of numerous persons having the same interest, he shall, within five days from the day on which the civil bill is served on him, file in the Office an affidavit stating the facts on which he relies and the names, addresses and occupations or, where appropriate, a collective description of the persons on behalf of whom he desires to defend, and serve on the plaintiff a copy of the affidavit together with a notice of the defendant's intention to apply to [(**a**) the judge or district judge as the case may be] at or before the hearing of the action or matter for leave so to defend.

(3) If an order is made for the defendant so to defend—

(*a*) a collective description sufficient to designate the persons to whom the order relates shall be added to the name of the defendant in the books of the court;

(*b*) notice shall be given to such persons affected by the order and in such manner, in Form 3 or Form 4 or otherwise, as [(**a**) the judge or district judge as the case may be] directs;

(*c*) the hearing of the action or matter may be adjourned to enable any person who is included in the collective description to object to the defendant defending on behalf of all or any of the persons to whom the order relates;

(*d*) where an objection is made under paragraph (c), [(**a**) the judge or district judge as the case may be] shall consider the objection and make such further order as he thinks fit.

Trustees and beneficiaries

8.—(1) Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any person beneficially interested-therein, and shall be considered as representing such person, but [(**a**) the judge or district judge as the case may be] may, at any stage of the proceedings, order any person to be made a party either in addition to or in lieu of the previously existing parties.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(2) This Rule shall apply to trustees, executors and administrators sued in proceedings to enforce a security by sale or otherwise.

[(**a**) *Administration of Estates (Northern Ireland) Order 1979*]

9.—(1) Where any person against whom an action would have lain has died but the cause of action survives, the action may, if no grant of probate or administration has been made, be brought against the estate of the deceased.

(2) Without prejudice to the generality of paragraph (1), an action brought against "the personal representatives of AB deceased" shall be treated for the purposes of that paragraph as having been brought against his estate.

[(**b**) (3) An action purporting to have been commenced against a person shall be treated, if he was dead at its commencement, as having been commenced against his estate in accordance with paragraph (1), whether or not a grant of probate or administration was made before its commencement.]

(4) In any such action as is referred to in paragraph (1) or (3)—

(*a*) the plaintiff shall apply to [(**c**) the judge or district judge as the case may be] for an order appointing a person to represent the deceased's estate for the purpose of the proceedings or, if a grant of probate or administration has been made [(**d**) . . .], for an order, that the personal representative of the deceased be made a party to the proceedings, and in either case for an order that the proceedings be carried on against the person so appointed, or as the case may be against the personal representative, as if he had been substituted for the estate;

(*b*) [(**c**) the judge or district judge as the case may be] at any stage of the proceedings and on such terms as he thinks just and either on his own motion or on application may make such order as is mentioned in sub-paragraph (a) and allow such amendments (if any) to be made and make such other order as he thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(5) Before making an order under paragraph (4) [(**c**) the judge or district judge as the case may be] may notice to be given to any insurer of the deceased who has an interest in the proceedings an such (if any) of the persons having an interest in the estate as he thinks fit.

(6) Where no grant of probate or administration has been made, any decree granted in the proceedings shall bind the estate to the same extent as it would have been bound if a grant had been made and a personal representative of the deceased had been a party to the proceedings.

Actions relating to land

10. In actions brought under Article 12 of the Order, any person not named as a defendant—

(*a*) may appear and defend, on sending by post to the chief clerk and to each plaintiff and defendant [(**e**) at any time before the hearing] a notice claiming that he has an estate or interest in the land to which the action relates or a part thereof;

(**a**) Rule 9 re-entitled by S.R. 1983 No. 164 with effect from 1.9.83
(**b**) Rule 9(3) substituted by S.R. 1983 No. 164 with effect from 1.9.83
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words deleted by S.R. 1983 No. 164 with effect from 1.9.83
(**e**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

(*b*) may, by leave of [(**a**) the judge or district judge as the case may be], appear and defend at the hearing, and [(**a**) the judge or district judge as the case may be] may, if he thinks fit, add the name of such person as a defendant in the action;

and [(**a**) the judge or district judge as the case may be] may deal with such person, both as to costs and allowances, as if he had been originally named as a defendant and served with the civil bill.

PART II

PERSONS UNDER DISABILITY

Minor

11. Without prejudice to Article 39(2)(*c*) of the Order, a minor may sue by his next friend and may defend by his guardian ad litem.

[(**b**) *Patients*]

12. A [(**b**) patient for whom a controller has been appointed] may sue and defend by his [(**c**) controller] and [(**b**) a patient for whom a controller has not been appointed] may sue by his next friend and may defend by his guardian ad litem.

Proceedings by next friend

13. Where—

(*a*) a minor desires to commence proceedings (other than an action in his own name under Article 39(2)(c) of the Order) or is a claimant in interpleader proceedings; or

(*b*) proceedings are to be commenced, or a claim made in interpleader proceedings, on behalf of a [(**b**) patient for whom a controller has not been appointed];

the proceedings or claim shall be in the name of the minor or person by his next friend.

Where judge may appoint next friend

14.—(1) Where proceedings in which a next friend is required are commenced without such next friend [(**a**) the judge or district judge as the case may be] may—

(*a*) on the application of any party or of his own motion appoint as next friend any person who consents to act and gives an undertaking in Form 5; or

(*b*) order the proceedings to be struck out.

(2) Where a next friend is appointed under paragraph (1), Order 4 Rule 2(2) shall apply.

Appointment of guardian ad litem

15.—(1) Where any defendant is a person for whom a guardian ad litem may properly be appointed, the following provisions apply—

(*a*) [(**d**) not later than 21 days after service of the civil bill except with the consent of the other parties or the leave of the court], a guardian ad litem may be appointed by the chief clerk on application made to him on behalf of that defendant, on affidavit in Form 6 together with a written consent of the proposed guardian to act;

(*b*) where the appointment is so made, the order shall be in Form 7 and the chief clerk shall send notice to the plaintiff in Form 8;

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 1988 No. 100 with effect from 1.5.88
(**c**) Word substituted by S.R. 1986 No. 218 with effect from 1.8.86
(**d**) Word substituted by S.R. 1995 No. 151 with effect from 1.9.95

(*c*) where a guardian ad litem has not been appointed under sub-paragraph (*a*) or where the person appointed dies or otherwise becomes unable or unwilling to act, [(**a**) the judge or district judge as the case may be] may appoint, a person to be guardian ad litem.

(2) A guardian ad litem shall not be personally liable for any costs not occasioned by his own personal negligence or misconduct.

PART III

ADMINISTRATION AND EXECUTION OF TRUSTS

Representation of person or class

16. Where any person or class of persons is beneficially interested in any proceedings for the administration of the estate of a deceased person or for the execution of the trusts or the construction of any instrument, [(**a**) the judge or district judge as the case may be] may, whether such person or class has been ascertained or not, appoint any person to represent such person or class, and any order made in the presence of the person so appointed shall be binding on the person or class so represented.

When service unnecessary

17. Any person beneficially interested in the residuary estate or a deceased person or any one of several cestuis que trustent under any instrument, being entitled to an order for the administration of the estate or for the execution of the trust, may have the same without serving notice of the proceedings on all the other persons so interested.

Judge may order parties to be added

18. [(**a**) The judge or district judge as the case may be] may require any person to be made a party to any proceedings, may give the conduct of the proceedings to such person as he thinks fit, and may make such order in any particular case as he thinks just for placing the defendant on the record on the same footing in regard to costs, as other parties having a common interest with him in the matter in question.

When notice of order to be served

19.—(1) Where in any proceedings for—

(*a*) the administration of the estate of a deceased person; or

(*b*) the execution of the trusts of any instrument; or

(*c*) the sale of any property;

an order has been made, [(**a**) the judge or district judge as the case may be] may direct that any persons interested in the estate or under the trust or in the property shall be served with notice of the order.

(2) Any person so served shall be bound by the proceedings as if he had originally been made a party and shall be at liberty to attend the proceedings and may at the next sitting of the court after service, or by leave of [(**a**) the judge or district judge as the case may be] at any subsequent sitting, apply to [(**a**) the judge or district judge as the case may be] to discharge, vary or add to the order.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Service of notice of an order.

20.—(1) Subject to paragraph (2) the notice of an order mentioned in Rule 19 shall be served and endorsed in like manner as a civil bill.

(2) Where it appears to [(**a**) the judge or district judge as the case may be] that service of the notice cannot be effected or ought to be dispensed with, he may wholly dispense with service or may order substituted service.

(3) Where the order is for accounts and inquiries and service of the notice on any person is dispensed with, such person shall, unless [(**a**) the judge or district judge as the case may be] otherwise orders, be bound by the order.

Where no legal representative

21. If, in any proceedings, it appears to [(**a**) the judge or district judge as the case may be] that any deceased person who was interested in the matter in question has no legal personal representative, [(**a**) the judge or district judge as the case may be] may—

(*a*) proceed in the absence of any person representing the estate of the deceased person; or

(*b*) may appoint some proper person to represent the estate for the purpose of the proceedings;

on such notice to such persons, if any as [(**a**) the judge or district judge as the case may be] may think fit, either specifically or generally by public advertisement, and the order made, and any order consequent thereon, shall bind the estate of the deceased person in the same manner in every respect as if a duly constituted legal personal representative of the deceased had been a party to the proceedings.

Only representative to appear on claim of any person not a party

22.—(1) In any proceedings for the administration of the estate of a deceased person, no party other than the representative shall, except by leave of [(**a**) the judge or district judge as the case may be], be entitled to appear either in court or in chambers on the claim of any person not a party to the proceedings against the estate of the deceased person in respect of any debt or liability.

(2) [(**a**) The judge or district judge as the case may be] may direct or give liberty to any other party to the proceedings to appear either in addition to or in place of the representative.

PART IV

CHANGE OF PARTIES

Proceedings on change of plaintiff's or defendant's title before decree

23.—(1) Where, after the commencement of any action and before final decree, there is any assignment, creation, change, transmission or devolution of the interest, estate or title of any plaintiff, [(**a**) the judge or district judge as the case may be] may, upon the *ex parte* application of the person to or upon whom such interest, estate or title has come or devolved or of any party to the action, grounded upon an affidavit setting out the facts of such assignment, creation, change, transmission or devolution, make an order that such person be substituted for or made a joint plaintiff with the plaintiff named in the original civil bill and [(**a**) the judge or district judge as the case may be] may, before making such order, require such notice of the application to be served as he thinks fit.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(2) Where, after the commencement of any action, there is any assignment, creation, change, transmission or devolution of the interest, estate or title of any defendant, [(**a**) the judge or district judge as the case may be] may, on an *ex parte* application grounded upon an affidavit setting forth the facts of such assignment, creation, change, transmission or devolution, make an order that the person to or upon whom such interest, estate or title has come or devolved, be substituted for or made a joint defendant with the defendant named in the original civil bill, and [(**a**) the judge or district judge as the case may be] may, before making such order, require such notice of the application to be served as he thinks fit.

Where person entitled to proceed on death of party fails to do so

24. Where a plaintiff or defendant in an action or matter dies and the cause of action survives but the person entitled to proceed fails to proceed, the defendant (or the person against whom proceedings may be continued) may apply to [(**a**) the judge or district judge as the case may be] for an order directing the plaintiff (or person entitled to proceed) to proceed within such time as may be ordered and in default the action or matter may be struck out, and in a case where it is the plaintiff who has died, execution may be had for any costs awarded to the defendant as if Order 40 Rule 2 applied.

Alteration of records on change of parties

25. Where a party is substituted or added the books of the court shall be altered and all subsequent proceedings shall be carried on accordingly.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 4

Security for costs

Plaintiff not resident in Northern Ireland

1.—(1) Where it appears that the plaintiff does not reside in Northern Ireland, the chief clerk may, on application of a defendant, order security for costs to be given to the satisfaction of the chief clerk and before making such an order the chief clerk shall consider all the circumstances of the case including any right of the defendant to proceed under the [(**a**) Foreign Judgments (Reciprocal Enforcement) Act 1933(**b**) or the Civil Jurisdiction and Judgments Act 1982(**c**)] to recover any costs awarded to him.

(2) A person ordinarily resident out of Northern Ireland may be ordered to give security though he may be temporarily resident in Northern Ireland.

(3) Any party to the action or other proceeding may, on giving at least two days' notice to the other party, appeal to [(**d**) the judge or district judge as the case may be] against any decision or order of the chief clerk under this Rule.

(4) Where an order is made under paragraph (1) the action or other proceeding shall not, without leave of [(**d**) the judge or district judge as the case may be], proceed to hearing until the order has been complied with.

Next friend

2.—(1) A person acting as next friend in any proceedings shall—

(*a*) before the proceedings are commenced; or

(*b*) in the case of interpleader proceedings to which Order 10 applies before the issue of the summons;

deliver at the Office an undertaking in Form 5, witnessed by a solicitor or person by whom affidavits may be taken.

(2) On giving the undertaking, the next friend shall be liable for costs in the same manner and to the same extent as if he were himself a plaintiff, and, if the proceedings fail or are discontinued, an order for payment of costs may be made against the next friend whether an order for costs is or is not made against the person under disability, and proceedings may be taken on the order for the recovery of the costs as for the recovery of any amount payable under a decree.

(3) This Rule does not apply to proceedings under Order 44.

Where proceedings are remitted from High Court

3. Where any proceedings in which a person is suing by a next friend are remitted to a county court, the plaintiff shall lodge with the chief clerk the written authority for the use of the name of the next friend filed in the High Court, or a duplicate or copy thereof, which shall be deemed to be an undertaking within Rule 2.

(**a**) Words substituted by S.R. 1986 No. 347 with effect from 1.1.87
(**b**) 1933 c. 13
(**c**) 1982 c. 27 amended by 1991 c. 12
(**d**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 5

Commencement of proceedings

Commencement of civil bill

1.—(1) Except as otherwise provided by an enactment or these Rules, proceedings in a county court shall be commenced by a civil bill in such one of the Forms 9 to 32 as may be appropriate.

(2) Every civil bill shall be signed by the plaintiff or by his solicitor or a partner or duly authorised employee of his solicitor.

(3) A civil bill commencing proceedings in a title action or for ejectment on the title shall be headed with the words "Title Jurisdiction".

(4) A civil bill commencing proceedings within the equity jurisdiction of the court (in these Rules referred to as an "equity civil bill") shall be headed with the words "Equity Civil Bill".

(5) An ordinary or ejectment civil bill shall bear an endorsement in Form 10 or Form 13, as may be appropriate.

Particulars of claim

2.—(1) The plaintiff shall set out in his civil bill particulars of his claim.

[(**a**) (1A) Where the plaintiff claims interest under Article 45A of the Order or otherwise the particulars of claim set out in his civil bill shall contain a statement to that effect] [(**b**) and shall specify the amount claimed as interest with the degree of particularity required by [(**c**) Rule 1A of Order 33].]

(2) In an action for the recovery of or in relation to land, the plaintiff shall give a full description of the land and in such an action or in an action for the recovery of rent or mesne profits the plaintiff shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

(3) A plaintiff suing as the assignee of a debt or other legal thing in action shall set out in his civil bill the name and description of the assignor and the date of the assignment.

(4) A plaintiff suing for the recovery of a book or shop debt or other running account shall [(**d**) set out full particulars of his demand in the civil bill]; but [(**e**) the judge or district judge as the case may be] may dispense with his requirement if in any case he is satisfied that it is unnecessary.

(5) A plaintiff alleging a breach of statutory duty shall set out in his civil bill particulars of the enactment on which he relies.

(6) Where a plaintiff desires to abandon, under Article 10(1) of the Order, the excess of his claim over [(**f**) £30,000], the abandonment of the excess shall be entered at the end of the particulars.

(7) An equity civil bill shall set out as concisely as may be the facts constituting the plaintiff's claim and the facts upon which the plaintiff relies as giving the court jurisdiction.

(8) Where reference to a sum of money is made in the civil bill or in the particulars the sum must be stated in decimal currency.

(**a**) Paragraph (1A) inserted by S.R. 1983 No. 102 with effect from 1.6.83
(**b**) Words inserted by S.R. 1985 No. 31 with effect from 25.3.85
(**c**) Words substituted by S.R. 1998 No. 21 with effect from 20.4.98
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(**e**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**f**) Figure substituted by S.R. 2013 No. 19 with effect from 25.02.13

[(**a**) (9) Where a claim made in the proceedings is one which the court has power to hear and determine by virtue of the Civil Jurisdiction and Judgments Act 1982 and the civil bill is to be served out of Northern Ireland, the particulars of claim shall contain a statement that the court has power under that Act to hear and determine the claim and that no proceedings involving the same cause of action are pending between the parties in England and Wales, Scotland or another Convention territory.

For the purpose of this paragraph, "Convention territory" means the territory or territories of any Contracting State, as defined by section 1(3) of the Civil Jurisdiction and Judgments Act 1982, to which [(**b**) the Brussels Convention or the Lugano Convention as defined] in section 1(1) of that Act apply.]

[(**c**) *Notice for further particulars*

3.—(1) In any case to which Rule 2(4) does not apply, the defendant may require the plaintiff, by notice in writing served within 14 days after service of the notice of intention to defend, to furnish further particulars of claim within 14 days of service of the notice for particulars.

(2) In any case to which Rule 2(4) does not apply, the plaintiff may require the defendant by notice in writing served within 14 days after service of the particulars of claim or where no notice for further particulars of claim has been served, within 14 days of service of the notice of intention to defend, to furnish particulars of any defence, set off or counterclaim within 14 days of service of the notice for particulars.

(3) Where under paragraphs (1) and (2) particulars have been duly required and—

(*a*) have not been furnished within the time specified in the notice; or

(*b*) if furnished, are in the opinion of the judge or district judge insufficient;

the judge or district judge may make such order as he thinks just including, in particular, an order that the proceedings be dismissed or, as the case may be, an order that the notice of intention to defend be struck out and judgment be entered accordingly.

(4) Any costs occasioned by service of a notice under paragraph (1) or (2) shall be at the discretion of the judge or district judge as the case may be.

(5) Where a defendant has served a third party notice this Rule shall, with any necessary modifications, apply as if the third party were a defendant and a plaintiff.

(6) In this Rule the words "plaintiff" and "defendant" respectively shall include a plaintiff and defendant to a counterclaim.]

Proceedings against the Crown

4.—(1) Where civil proceedings are brought against the Crown in accordance with the provisions of the Crown Proceedings Act the Crown may, within three days from the service of the civil bill, serve a notice upon the plaintiff or his solicitor, requiring such information as may be reasonably necessary to show the circumstances in which the alleged liability of the Crown has arisen, and as to any department and officer of the Crown concerned.

(2) The plaintiff or his solicitor shall, within three days from the service of such notice, serve upon the Crown an answer to the notice containing the required particulars, and the plaintiff shall be bound by the statements contained therein unless at the hearing [(**d**) the judge or district judge as the case may be] otherwise directs.

(**a**) Paragraph (9) inserted by S.R. 1986 No. 347 with effect from 1.1.87
(**b**) Words inserted by S.R. 1992 No. 478 with effect from 1.1.93
(**c**) Rule 3 substituted by S.R. 2013 No. 19 with effect from 25.2.13
(**d**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(3) If the plaintiff fails to comply with the requirements of such notice as aforesaid, [(**a**) the judge or district judge as the case may be] shall, subject to paragraph (4), adjourn the hearing and direct the plaintiff to furnish the required particulars within such time as is specified by [(**a**) the judge or district judge as the case may be]. The costs of such adjournment shall be in the discretion of [(**a**) the judge or district judge as the case may be].

(4) If it appears to [(**a**) the judge or district judge as the case may be], on the application of the plaintiff, that the furnishing by the plaintiff of the particulars required by the Crown is not reasonably practicable or is likely to prejudice the plaintiff's case, [(**a**) the judge or district judge as the case may be] shall not direct such particulars to be furnished; and in any such case an answer by the plaintiff which omits such particulars shall be deemed to be a sufficient compliance with the notice; and if such an answer has already been served [(**a**) the judge or district judge as the case may be] may proceed to hear and determine the civil bill without an adjournment.

Commencement of petition

5.—(1) Subject to Order 28, proceedings under paragraphs (i), (k) and (l) of Article 14 of the Order shall be commenced by a petition in such one of Forms 33 to 36 as may be appropriate.

(2) The petition and two copies thereof shall be delivered to the chief clerk at his office and he shall issue same by endorsing on the petition and on a copy a notice in Form 37 and shall file the petition, and return such endorsed copy for service.

(3) The person delivering the petition shall cause such endorsed copy to be served in accordance with Order 6 on the person necessary to be served therewith.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 6

Service

Issue of civil bill

1. A civil bill shall be deemed to have been issued—

(*a*) so soon as it has been received by a process server (or other person authorised by this Order) for service on any defendant; or

(*b*) so soon as service of it has been accepted by a solicitor under Rule 3(4); or

(*c*) without prejudice to paragraphs (a) and (b), so soon as an order for service of a civil bill has been made under Rule 6(2) or so soon as service declared sufficient under Rule 7 has been effected or so soon as service of a civil bill to which Rule 11 applies has been effected in accordance with that Rule; or

(*d*) where service is by post, as soon as it has been posted; or

(*e*) in an action such as is referred to in Rule 9(2) or Order 3 (where a civil bill is issued against "the personal representatives of AB deceased") when a copy thereof is filed in the Office.

Process servers and their duties

2.—(1) The name and address of every person appointed as a process server or removed from or otherwise ceasing to hold the office of process server shall be published in such manner and at such times as [(**a**) the judge or district judge as the case may be] thinks expedient.

(2) Every process server who holds office at the date of coming into operation of these Rules shall at the first sittings after such date of the court for the division in which he acts as process server, and every process server appointed after the conning into operation of these Rules shall on appointment, take the oath set out in Form 38.

(3) Subject to the provisions of this Order, a process server shall serve all civil bills and other documents received by him for service.

(4) Every process server shall keep, in such form as may be approved by [(**a**) the judge or district judge as the case may be], a book in which he shall enter the following particulars in relation to every civil bill or document received by him for service, that is to say—

(*a*) the names of the plaintiff and defendant;

(*b*) the cause of action;

(*c*) the date on which he received the civil bill or document for service;

(*d*) the date on which he served the civil bill or document;

(*e*) the place where and the name or description of the person on or with whom the civil bill or document was served or left; or if the civil bill or document has not been served on or left with any person, the reason why service has not been effected.

(5) A process server shall not accept for service—

(*a*) any copy of a civil bill unless it is accompanied by the original civil bill;

(*b*) any civil bill not duly stamped.

(6) Every process server shall compare with the original copy of each civil bill received by him for service, and before serving such copy shall endorse his name thereon; and after effecting service shall endorse on the original civil bill a statement of the day of the week and the date upon which, the manner in which, and the place where such service was effected, and as to the person (whether the defendant, the husband or wife of the defendant or a relative or employee of his) on whom the civil bill was served, and shall sign such statement.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(7) [(**a**) As soon as practicable after service,] each process server shall return every original civil bill to the solicitor or other person from whom he received it.

[(**b**) . . .]

(9) It shall be the duty of every process server to attend the sittings of the court for the division or part thereof for which he has been appointed and produce his book or books, or in his unavoidable absence to cause such book or books to be so produced.

(10) In the event of the unavoidable absence or of the illness or death of a process server, his book or books shall be so produced and verified by some person who can swear to the handwriting of the process server, and on being so verified shall be prima facie evidence of the matters entered therein.

(11) Where personal service has been effected but the process server does not know of his own knowledge that the person served is the defendant, satisfactory proof of the identity of the person served must be given.

(12) Process servers shall lodge their books in the Office when and so often as [(**c**) the judge or district judge as the case may be] may direct; and books so lodged shall be kept as part of the records of the court.

(13) The oath to be taken by a process server at each sitting of the court shall be in Form 39.

Service of civil bills

3.—(1) A civil bill shall not be served otherwise than in accordance with this Order.

(2) Except where otherwise [(**a**) required by any statutory provision or direction of the court], a civil bill may be served either—

(*a*) by a process server appointed for the division of the court in which proceedings are brought or that specified by paragraph (3); or

[(**d**) (*b*) where service is not required by paragraph (6) or Rule 6(1) of Order 40 to be made on the defendant in person,—

(i) by a solicitor or member of his staff over the age of 16 years sending to the defendant at the address given for the defendant in the civil bill, a copy of the civil bill, by ordinary first class post, (in this Order, first class post means first class post which has been pre-paid or in respect of which prepayment is not required); or

(ii) if there is a letter box at the address given for the defendant in the civil bill by inserting through that letter box a copy of the civil bill enclosed in a sealed envelope addressed to the defendant.]

(3) Subject to paragraph (4) and to Rules 6, 7 and 11, where a person to be served with a civil bill resides outside the division of the court in which the proceedings are to be brought, the civil bill shall, unless served under paragraph (2)(*b*), be served by a process server for the division within which the person to be served resides and proof of such service shall be by affidavit to be filed, [(**e**) together with the certificate of readiness], in the office of the chief clerk for the division in which the proceedings are to be brought.

(**a**) Words substituted by S.R. 1995 No. 282 with effect from 1.9.95
(**b**) Rule 2 (8) revoked by S.R. 1995 No. 151 with effect from 1.9.95
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Paragraph 2(*b*) substituted by S.R. 1998 No. 199 with effect from 1.9.98
(**e**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

(4) Where a solicitor represents that he is authorised to accept service of a civil bill on behalf of any defendant (not being [(**a**) . . .] a civil bill under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981(**b**)), the delivery by any person of a copy of the civil bill to that solicitor shall be good service if that solicitor endorses and signs on the original a memorandum stating that he is so authorised as aforesaid and that he accepts service accordingly.

(5) Except where otherwise directed or permitted under this Order, service of a civil bill shall be effected—

(*a*) by delivering a copy of the civil bill to the defendant personally; or

(*b*) by leaving a copy of the civil bill at the defendant's residence or place of business with the wife or husband of the defendant, or with some relative of the defendant or of the husband or wife of the defendant, or with an employee of the defendant, the relative or employee being apparently over the age of sixteen years.

References in this paragraph to a defendant include references to a person who under the provisions of this Order is to be served with a civil bill.

(6) A civil bill issued under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 shall be served personally on the defendant named therein.

(7) Nothing in paragraphs (5) and (6) shall affect the method of serving documents on a company provided by section 385 of the Companies Act (Northern Ireland) 1960(**c**).

(8) In the absence of any statutory provision regulating service of process, service of a civil bill on a corporation aggregate may be made on the mayor or other head officer, or on the clerk, treasurer or secretary.

(9) Where a defendant keeps his residence or place of business closed, or temporarily abandons either, so as to prevent the ordinary service of a civil bill, it shall be sufficient service to post a copy of the civil bill on the door or other conspicuous part of such residence or place of business.

(10) Where a civil bill is issued in an action such as is referred to in Rule 9(2) or (3) of Order 3 and cannot be served because no grant of probate or administration has been made, a copy of the civil bill shall be filed by delivery to the Office as soon as it appears that the defendant is dead and that it cannot be served otherwise for the purpose of commencing the action.

[(**d**) *Service of Notice of Intention to Defend*

3A. A notice of intention to defend may be served by sending to the plaintiff at the address given for the plaintiff in the civil bill a copy of the notice of intention to defend by ordinary first class post.]

Actions for recovery of land

4.—(1) In any action for the recovery of land—

(*a*) for overholding, the civil bill shall be served—

(i) on the tenant; and

(ii) on any person in actual possession of the land;

(*b*) for non-payment of rent, the civil bill shall be served on any person in actual possession of the land as tenant or under-tenant;

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) S.I. 1981/226 (N.I. 6)
(**c**) 1960 c. 22 (N.I.)
(**d**) Rules 3A inserted by S.R. 1995 No. 151 with effect from 1.9.95

(*c*) on the title, the civil bill shall be served—

(i) on any person in actual possession of the land; and

(ii) on any person who is in receipt of the rents or profits of the land or any part thereof; and

(iii) on such other persons as [(**a**) the judge or district judge as the case may be] may direct;

so, however, that in relation to an application for possession made in accordance with Rule 10 of Order 40 the civil bill shall be served on the judgment debtor instead of on such persons as are referred to in sub-paragraph (ii) above;

(*d*) where at least six months' rent of the land remains unpaid and the tenant has deserted or otherwise abandoned the land leaving the premises thereon unoccupied or the land not farmed in accordance with the rules of good husbandry, the civil bill shall be served—

(i) on the tenant; and

(ii) on any person in actual possession of the land;

(*e*) where any person has been put into possession or occupation of the land by permission, or as a servant or caretaker, or as a tenant strictly at will or on sufferance, the civil bill shall be served on—

(i) the person who has been so put into possession or occupation; or

(ii) any persons being or claiming to be in possession or occupation through or under such person.

(2) Where in any action to which any of the sub-paragraphs (b) to (e) of paragraph (1) applies there is no person in actual possession of the land to which the action relates, a copy of the civil bill shall be affixed on some conspicuous part of the land.

Persons under disability

5.—(1) Where a defendant or party to any proceeding is a minor, the civil bill shall be served on his father or guardian or, if he has no father or guardian, then on the person with whom he resides; but [(**a**) the judge or district judge as the case may be] may order that service effected or to be effected on the minor shall be deemed good service.

(2) Where a defendant or party to any proceeding is a [(**b**) patient] the civil bill shall be served on his [(**c**) controller] or, if he has no [(**c**) controller], on the person with whom he resides or under whose care he is.

Resistance to service; substituted service

6.—(1) Where [(**a**) the judge or district judge as the case may be] is satisfied, on an application made by the plaintiff either in court or chambers, that the process server has been prevented by forcible resistance, or by reasonable apprehension of personal injury, from serving the civil bill upon anyone in person, [(**a**) the judge or district judge as the case may be] may order that a copy of the civil bill be sent by registered post to the person to be served and that a copy be posted on such courthouse as [(**a**) the judge or district judge as the case may be] may direct, together with a notice stating that such copy is respectively sent and posted by order of [(**a**) the judge or district judge as the case may be], and that such sending and posting is good service.

(2) Where [(**a**) the judge or district judge as the case may be] is satisfied, on an application made by the plaintiff either in court or chambers, that for any reason due

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(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Word substituted by S.R. 1988 No. 100 with effect from 1.5.88
(**c**) Words substituted by S.R. 1986 No. 218 with effect from 1.8.86

service of the civil bill cannot be effected promptly, [(**a**) the judge or district judge as the case may be] may make such order for substituted service, or for notice by advertisement in substitution for service, or otherwise as he thinks just.

(3) An order under paragraph (1) or paragraph (2) shall state the day on which the action will be heard, and a copy of the order shall (except where the service is to be by advertisement) be posted or served along with the civil bill.

(4) An application for an order under this Rule may be grounded on an affidavit stating the facts on which the applicant relies.

Service deemed good

7. [(**a**) The judge or district judge as the case may be] may in any case declare the service actually effected sufficient.

8. [(**b**) A process server shall, as soon as possible after he has received a civil bill serve it upon the defendant.]

Service in special circumstances

9.—(1) Where [(**a**) the judge or district judge as the case may be] or chief clerk on the application of a solicitor is satisfied of the existence or imminence of such special circumstances as would render impracticable the service of any civil bill in accordance with the foregoing Rules of the Order, he may direct or authorise such service—

(*a*) to be effected by means of the recorded delivery service; or

(*b*) to be effected in such other manner and by such person and to be proved in such manner as he may direct.

(2) Where it would be impracticable to make such an application as is provided for in paragraph (1) the solicitor for the plaintiff or a partner or apprentice of his may himself serve the civil bill as if he were a duly appointed process server. A solicitor who serves a civil bill or causes a civil bill to be served as aforesaid shall forthwith make and shall file in the Office, [(**c**) together with the certificate of readiness], an affidavit setting forth all relevant facts, and it shall be in the discretion of [(**a**) the judge or district judge as the case may be] to direct that such service be deemed good service.

Application of this Order

10.—(1) Except where otherwise provided by any enactment and subject to paragraph (2), the foregoing Rules of this Order shall apply mutatis mutandis to the service of petitions, summonses, notices or any other documents required or authorised to be served for the purposes of initiating any proceedings in a county court.

(2) Rule 2(5)(*a*), (6) and (7) shall not apply to the service of a petition and such service shall be proved by affidavit of the process server or, where service was by post, by production of the solicitor's certificate of posting.

Proceedings under the Crown Proceedings Act

11.—(1) The provisions of this Order relating to personal service shall not apply to any civil bill or other document required to be served on the Crown. Service of any such civil bill or document shall be in accordance with section 18 of the Crown Proceedings Act 1947 (c.44) and may be effected either—

(*a*) by leaving the civil bill or document at the office of the person to be served; or

(*b*) by sending it by [(**c**) ordinary first class post] addressed to the person to be served.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 8 substituted by S.R. 1995 No. 151 with effect from 1.9.95
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

(2) A civil bill at the suit of the Crown may by leave of [(**a**) the judge or district judge as the case may be] be served out of Northern Ireland in any case in which leave might be granted by the High Court for the service of a writ of summons out of the jurisdiction. Where such leave has been given in any proceedings in a county court, the like leave may be given in respect of documents to be subsequently served in those proceedings.

(3) Where leave is sought to serve a civil bill at the suit of the Crown anywhere in Great Britain, if it appears to [(**a**) the judge or district judge as the case may be] that there may be a concurrent remedy in England or Scotland (as the case may be), [(**a**) the judge or district judge as the case may be] shall have regard to the comparative cost and convenience of proceedings within the jurisdiction of the court, or in the place of residence of the intended defendant, and particularly to the powers and jurisdiction of the country courts in England, and of the sheriff courts or small debt courts in Scotland, respectively.

(4) An application for leave to serve a civil bill at the suit of the Crown on a person outside the United Kingdom shall be supported by affidavit or other evidence—

(*a*) stating that, in the belief of the deponent, the applicant has a good cause of action; and

(*b*) showing—

(i) in what country and place the person to be served is, or may probably be found;

(ii) whether such person is a British subject or not; and

(iii) the grounds on which the application is made;

and where [(**a**) the judge or district judge as the case may be] gives leave for the service of such a civil bill or other document outside the United Kingdom, he shall fix the return day, and in so doing shall have regard to the distance of the country wherein service is to be effected.

(5) Where leave is given under the preceding paragraphs of this Rule for service out of the jurisdiction, such service shall, subject to this paragraph, be effected either—

(*a*) by posting the document to be served together with a copy of the relevant order in a prepaid registered envelope addressed to the person to be served; or

(*b*) by transmitting such document to an agent of the plaintiff for personal service by such agent;

but where the person to be served is outside Her Majesty's dominions there shall be served on him a copy of the relevant order and a notice of commencement of proceedings to which there shall be annexed a copy of the document for the service of which leave has been given.

[(**b**) *Proof of service by post*

12. In any civil bill served by ordinary first class post under Rule 3(2) the plaintiff shall on the face of the civil bill certify that service has been effected by ordinary first class post, and the date when the civil bill was posted.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 12 substituted by S.R. 1995 No. 151 with effect from 1.9.95

[(**a**) ORDER 6A

Service out of Northern Ireland

Interpretation

1. In this Order the following words and expressions have the following meanings, unless a contrary intention appears:—

"originating process" includes a third party notice [(**b**) . . .];

"interlocutory process" means an order, notice or summons made, given or issued in proceedings already commenced in or remitted to a county court;

"process" means an originating process or an interlocutory process;

"country" means a foreign country, or any country mentioned in Rule 7(5);

"country of service" means the country in which a process is to be served or is served pursuant to leave granted under this Order;

"convention country" means a foreign country with which a convention has been made in relating to civil procedure including the service documents issued from Northern Ireland in the foreign country and includes a country which is a party to the Hague Convention;

[(**c**) "convention territory" means the territory or territories of any Contracting State, as defined by section 1(3) of the Civil Jurisdiction and Judgments Act 1982 to which [(**d**) the Brussels Conventions or the Lugano Convention as defined] in section 1(1) of that Act apply;]

"Hague Convention" means the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial matters signed at The Hague on 15th November 1965(**e**);

"associated state" has the meaning given to it by the Interpretation Act 1978(**f**);

"colony" has the meaning given to it by the Interpretation Act 1978;

"applicant" means the party applying for or obtaining leave under this Order to serve a process outside Northern Ireland [(**g**) or, where leave is not required, the party serving a process out of Northern Ireland;]

"respondent" means the party on whom the applicant seeks or obtains leave to serve a process [(**g**) or, where leave is not required, the party on whom a process is served out of Northern Ireland.]

[(**h**) *Cases in which service of originating process out of Northern Ireland is permissible*

2.—(1) Except in proceedings to which paragraph (2) or (3) apply, service of an originating process out of Northern Ireland is permissible with the leave of the Court where—

(*a*) relief is sought against a person domiciled in Northern Ireland;

(*b*) an injunction is sought ordering the defendant to do or refrain from doing anything within Northern Ireland (whether or not damages are also being claimed in respect of a failure to do or the doing of that thing);

(**a**) Order 6A inserted by S.R. 1983 No. 14 with effect from 14.3.83
(**b**) Words deleted by S.R. 2002 No. 255 with effect from 4.11.02
(**c**) Words inserted by S.R. 1986 No. 347 with effect from 1.1.87
(**d**) Words inserted by S.R. 1992 No. 478 with effect from 1.1.93
(**e**) Cmnd. 3986
(**f**) 1978 c. 30
(**g**) Words inserted by S.R. 1986 No. 347 with effect from 1.1.87
(**h**) New Rule substituted by S.R. 1986 No. 347 with effect from 1.1.87

(*c*) the claim is brought against any person duly served within or out of Northern Ireland and a person out of Northern Ireland is a necessary or proper party thereto;

(*d*) the claim is brought to enforce, rescind, dissolve, annul or otherwise affect a contract, or to recover damages or obtain other relief in respect of the breach of a contract being (in either case) a contract which—

(i) was made within Northern Ireland, or

(ii) was made by or through an agent trading or residing within Northern Ireland on behalf of a principal trading or residing out of Northern Ireland, or

(iii) is by its terms, or by implication, governed by the law of Northern Ireland;

(*e*) the claim is brought in respect of a breach committed within Northern Ireland of a contract made within or out of Northern Ireland, and irrespective of the fact, if such be the case, that the breach was preceded or accompanied by a breach committed out of Northern Ireland that rendered impossible the performance of so much of the contract as ought to have been performed within Northern Ireland;

(*f*) the claim is founded on a tort and the damage was sustained, or resulted from an act committed, within Northern Ireland;

(*g*) the whole subject-matter of the proceedings is land situate within Northern Ireland (with or without rent or profits);

(*h*) the proceedings are brought to construe, rectify, set aside or enforce an act, deed, will, contract, obligation or liability affecting land situate within Northern Ireland;

(*i*) the claim is made for the debt secured on immovable property or is made to assert, declare or determine proprietary or possessory rights or rights of security in or over movable property, or to obtain authority to dispose of movable property, situate within Northern Ireland;

(*j*) the claim is brought to execute the trusts of a written instrument, being trusts that ought to be executed according to the law of Northern Ireland and of which the person to be served with the originating process is a trustee, or for any relief or remedy which might be obtained when such a claim is brought;

(*k*) the claim is made for the administration of the estate of a person who died domiciled in Northern Ireland or for any relief or remedy which might be obtained in any such action;

(*l*) the claim is brought to enforce any judgment or arbitral award;

(*m*) the claim is brought against a defendant not domiciled in England and Wales or Scotland in respect of a claim by the Commissioners of Inland Revenue for or in relation to any of the duties or taxes which have been, or are for the time being, placed under their care and management;

(*n*) the claim is brought in respect of contributions under the Social Security (Northern Ireland) Act 1975;

(*o*) the claim is made for a sum to which the Directive of the Council of the European Communities dated 15th March 1976 No.76/308/EEC applies, and service is to be effected in a country which is a member state of the European Economic Community.

(2) Service of originating process out of Northern Ireland is permissible without the leave of the court where each claim made is one which the court has power to hear and determine by virtue of the Civil Jurisdiction and Judgments Act 1982 made in proceedings to which the following conditions apply—

(*a*) no proceedings between the parties concerning the same, cause of action are pending in the courts of any part of the United Kingdom or of any other Convention territory; and

(*b*) (i) the defendant is domiciled in any part of the United Kingdom or of any other Convention territory, or

(ii) the proceedings begun by the originating process are proceedings to which Article 16 of Schedule 1, Article 16 of Schedule 3C or, Article 16 of Schedule 4 that Act refers, or

(iii) the defendant is a party to an agreement conferring jurisdiction to which Article 17 of Schedule 1, [(**a**) Article 17 of Schedule 3C] or Article 17 of Schedule 4 to that Act applies.

(3) Service of originating process out of Northern Ireland is permissible without the leave of the court where each claim made is one which by virtue any other enactment the court has power to hear and determine notwithstanding that the person against whom the claim is made is not within Northern Ireland or that the wrongful act, neglect or default giving rise to the claim did not take place within Northern Ireland.

(4) For the purposes of this Rule domicile is to be determined in accordance with the provisions of sections 41 to 46 of the Civil Jurisdiction and Judgments Act 1982.]

[(**b**) *Service of interlocutory process out of Northern Ireland*

3. Service of an interlocutory process out of Northern Ireland is permissible with the leave of the court on a person who is already a party to the proceedings and, in the case of a defendant, respondent or third party, has been served with the originating process but leave shall not be required for such service in any proceedings in which the originating process may by these Rules or under any enactment be served out of Northern Ireland without leave.]

England and Wales and Scotland

4. [(**c**) Where leave is asked] from the court under Rule 2 to serve a process in England and Wales or in Scotland and it appears to the court that there may be a concurrent remedy in England and Wales or Scotland (as the case may be), the court shall have regard to the comparative cost and convenience of proceeding in the division, or in the place of residence of the respondent, and particularly to the powers and jurisdiction of the county courts in England and Wales and of the sheriff court in Scotland, respectively.

[(**d**) . . .]

Application to be supported by evidence

5.—(1) An application for leave to serve a process on a respondent out of Northern Ireland shall be ex parte to [(**e**) the judge] (or in an action in which the amount claimed or the value of specific chattels claimed does not exceed [(**f**) £10,000], to the [(**g**) district judge] and shall be supported by affidavit or other evidence—

(**a**) Words inserted by S.R. 1992 No. 478 with effect from 1.1.93
(**b**) Rule inserted by S.R. 1986 No. 347 with effect from 1.1.87
(**c**) Words substituted by S.R. 1986 No. 347 with effect from 1.1.87
(**d**) Paragraph (2) revoked by S.R. 1986 No. 347 with effect from 1.1.87
(**e**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**f**) Figure substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**g**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

(*a*) stating that in the belief of the deponent the applicant has a good cause of action; and

(*b*) showing—

(i) in what country and place the respondent is or may probably be found; and

(ii) whether the respondent is a United Kingdom national or not; and

(iii) the grounds on which the application is [(**a**) made, and]

[(**b**) (iv) where the application is made under Rule 2(1)(*c*), the grounds for the deponent's belief that there is between the applicant and the person on whom an originating process has been served a real issue which the applicant may reasonably ask the court to try.]

(2) Leave shall not be granted unless it appears to the court that the case is a proper one for service out of Northern Ireland.

Date of hearing

6.—(1) When giving leave to serve a process out of Northern Ireland, the court shall fix a date on which the proceedings to which it relates will be heard.

(2) When exercising its powers under paragraph (1) of this Rule, the court shall have regard to the distance of the country of service.

[(**b**) (3) Where a process may be served out of Northern Ireland without leave, the date of the hearing to be shown on that process shall be fixed by the chief clerk having regard to the distance of the country of service.]

Modes of service

7.—(1) [(**a**) Where a process is to be served] out of Northern Ireland, service may, subject to the provisions of this Rule, be effected—

(*a*) through the court; or

(*b*) by the applicant or his agent.

(2) Where the country of service is a convention country, service may be effected through the court or, if service by the applicant or his agent is permitted by the Convention, by the applicant or his agent.

(3) Where the country of service is neither a convention country nor a country mentioned in paragraph (5), service may be effected through the court.

(4) Where the country of service is not a convention country but is a country mentioned in paragraph (5), service may be effected by the applicant or his agent, if and so far as the law of the country of service permits.

(5) The countries referred to in paragraphs (3) and (4) are:—

(*a*) England and Wales, Scotland, the Isle of Man and the Channel Islands;

(*b*) any independent Commonwealth country outside the United Kingdom, and any territory administered by the government of such a country;

(*c*) any associated state;

(*d*) any colony;

(*e*) the Republic of Ireland.

(6) Where the respondent is a State, as defined in section 14 of the State Immunity Act 1978(**c**), service shall be effected through the court, except where the State has agreed to some other method of service.

Service by applicant

8. The process, if served by the applicant or his agent, shall be served on the respondent by, delivering it to him personally.

(**a**) Words substituted by S.R. 1986 No. 347 with effect from 1.1.87
(**b**) Paragraph inserted by S.R. 1986 No. 347 with effect from 1.1.87
(**c**) 1978 c. 33

Service through the court

9.—(1) Where service is effected through the court, the applicant shall file a request in that behalf in Form 280, together with a copy thereof and two copies of the process to be served.

(2) The request shall indicate whether the applicant wishes service to be effected—

(*a*) through the authority designated under the Hague Convention,

(*b*) through the foreign judicial authority,

(*c*) through a British consular authority,

(*d*) through the foreign government, where it is willing for service to be effected in that way.

(3) Where the party to be served is a State, as defined in section 14 of the State Immunity Act 1978, the request shall indicate that fact and that the-applicant is willing for service to be effected by whatever method the Secretary of State may choose.

(4) The applicant shall file with the request two copies of a translation of the process in the language of the country of service, certified by or on behalf of the applicant to be a correct translation:

Provided that this paragraph shall not apply where the official language or one of the official languages of the country of service is English, or service is to be effected on a United Kingdom national directly through the British Consul, unless the country of service is a convention country and the convention requires a translation.

[(**a**) (4A) Where the leave of the court is required to serve a process out of Northern Ireland, the applicant shall file with the request a copy of the order of the court granting such leave.]

(5) The chief clerk shall seal the two copies of the process and the translations (if any), and shall forward them and the request to the Lord Chancellor.

(6) An official certificate or declaration upon oath or otherwise of the judicial authority, central authority or government of the country of service or of the British consular authority in that country transmitted by the Lord Chancellor to the chief clerk of the county court, shall be received as evidence of the facts certified or declared with regard to the service or attempted service of the process.

(7) Where the process has been served through the court in accordance with the law of the country of service, the service shall be deemed to be good service.

(8) Where it appears from the certificate or declaration that the process has been duly served upon the respondent, the certificate or declaration shall be an equivalent substitute for any affidavit or certificate of service required by these Rules.

(9) Where, pursuant to an order for substituted service, a document is required to be transmitted through the court to the country of service, the provisions of this Rule shall apply with the necessary modifications.

Proof of service

10. Where the respondent does not indicate that he intends to defend the proceedings the applicant shall, before proceeding, file an affidavit or official certificate or declaration showing that the process has been duly served.

(**a**) Paragraph inserted by S.R. 1986 No. 347 with effect from 1.1.87

Setting aside the service

11. The respondent may apply, on notice, to the court to set aside the service of the process, or to discharge the order giving leave to serve the process, out of the jurisdiction.

Costs

12. Order 55 Rule 19 (which provides for reduced or no costs in certain proceedings before [(**a**) the judge] or the [(**b**) district judge] shall not apply to proceedings in which a process has been served out of Northern Ireland in accordance with this Order.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

ORDER 7

Special defences

Statement of defence

1. A defendant in an equity suit may, [(**a**) within 28 days after service of his notice of intention to defend], serve on the plaintiff a statement in Form 41 disclaiming any interest in the subject matter of the proceedings or admitting or denying any of the statements in the plaintiff's civil bill, or raising any question of law on such statements, without admitting the truth thereof, or he may specify any new fact or document on which he intends to rely as a defence or which he intends to bring to the notice of the court.

[(**b**) . . .]

Defence in action of trespass, etc.

3. Where a defendant in any action of trespass or in any action in which the title to any land comes in question (not being an action for the recovery of the land) intends to rely on a justification of the acts complained of, as having been done in exercise of any alleged right, he may serve a notice to that effect, setting out such alleged right, on the plaintiff [(**a**) within 28 days after service of his notice of intention to defend].

Tender and payment into court

4.—(1) Where the defence is tender, such defence shall not be available unless before or at the hearing the defendant lodges with the chief clerk the amount alleged to have been tendered, together with the costs of the action up to the time of tender if it was made after action brought.

(2) Where in an equity suit a defendant intends to rely upon payment made by him into court, he shall give notice thereof to the plaintiff [(**a**) within 28 days after service of his notice of intention to defend].

Set-off and counterclaim

5.—(1) Where a defendant in any proceedings not being an action for rent intends to rely upon any set-off or counterclaim he shall give notice thereof in writing to the plaintiff and to the chief clerk [(**a**) within 28 days after service of his notice of intention to defend].

(2) Where in any action for rent a defendant intends to rely on a deduction or set-off in respect of debts due by the landlord to the tenant under section 48 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(**c**) the defendant shall give notice in writing of such intention stating particulars of such deduction or set-off to the plaintiff [(**a**) within 28 days after service of his notice of intention to defend] and, where the defendant intends to rely on the provisions of section 40 of that Act, he shall lodge with the chief clerk the money tendered by him as thereby directed and give notice of such lodgment to the plaintiff [(**a**) within 28 days after service of his notice of intention to defend].

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Rule 2 revoked by S.R. 1995 No. 151 with effect from 1.9.95
(**c**) 1860 c. 154

Counterclaim against person other than plaintiff

6. Where a defendant desires to set up a counterclaim against a plaintiff and some other person, he may apply to [(**a**) the judge or district judge as the case may be] for an order that the other person be added as a defendant to the counterclaim and [(**a**) the judge or district judge as the case may be] may make an order accordingly and may give such directions as may be necessary to enable the questions at issue between the parties to be determined at the hearing of the action.

Set-off and counterclaim in proceedings by and against the Crown

7.—(1) In proceedings by the Crown for the recovery of any taxes, duties or penalties, a defendant shall not be entitled to avail himself of any set-off or counterclaim.

(2) In any proceedings by the Crown other than those referred to in paragraph(l), a defendant shall not be entitled to avail himself of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

(3) A defendant shall not be entitled, without the leave of [(**a**) the judge] (to be obtained on application of which notice has been given to the Crown before the beginning of a period of four days ending on the date of the application) to avail himself of any set-off or counterclaim if—

(*a*) the subject matter of the set-off or counterclaim does not relate to the government department in whose name the proceedings are brought; or

(*b*) the proceedings are brought in the name of the Attorney-General.

(4) In proceedings against the Crown, the Crown shall not be entitled, without the leave of [(**a**) the judge or district judge as the case may be] (to be obtained on application of which notice has been given to the plaintiff before the beginning of a period of four days ending on the days of the application), to avail itself of any set-off or counterclaim if—

(*a*) the Crown is sued in the name of a government department and the subject matter of the set-off or counterclaim does not relate to that department; or

(*b*) the Crown is sued in the name of the Attorney-General.

Costs

8. [(**a**) The judge or district judge as the case may be], in the exercise of his discretion as to costs, may take into consideration the extent to which a defendant has or has not availed himself of such of the powers given by the preceding Rules of this Order as were available to him.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 8

Entry and lodgement of civil bills and applications for dismiss

[(**a**) *Entry of civil bills for hearing*

1. In each division for any court held in that division defended civil bills shall be entered for hearing, in accordance with the following Rules.

Notice of intention to defend

2.—(1) Without prejudice to paragraph (2), in any proceedings commenced by civil bill which a defendant intends to defend he shall, within a period of 21 days from the date of service upon him of the civil bill, serve on the other party or parties to the proceedings a notice of intention to defend in Form 42.

(2) A defendant shall not serve a notice of intention to defend after the expiration of a period of 21 days after service upon him of the civil bill except with the consent in writing of the other party or parties or with the leave of the judge or the district judge as the case may be.

(3) Service by a defendant of a notice of intention to defend shall not prevent a defendant from raising any issue or defence which he would otherwise be entitled to raise concerning the civil bill, or issue or service of the civil bill, or the jurisdiction of the court.

Lodging of certificate of readiness

3.—(1) In any proceedings commenced by civil bill in which a notice of intention to defend has been served the plaintiff shall, [(**b**) subject to paragraph (1A) and] after the conclusion of all interlocutory matters, request the chief clerk to enter the proceedings for hearing by delivery to the chief clerk at his office of a certificate of readiness in Form 43 and shall, at the same time, cause to be served on the other party or parties to the proceedings a copy of the certificate of readiness.

[(**c**) (1A) [(**d**) Subject to paragraph (1B),] a certificate of readiness may not be delivered to the chief clerk until the expiry of 21 days following the date of service of the notice of intention to defend.]

[(**e**) (1B) The plaintiff must notify the defendant in writing of his intention to lodge the certificate of readiness no later than 14 days prior to lodging the certificate.]

(2) In any proceedings in which a notice of intention to defend has been served the chief clerk shall, if no certificate of readiness has been delivered to him within a period of 6 months immediately following the date of service of the notice of intention to defend, list the proceedings before the judge [(**f**) or district judge as the case may be] and notify the parties accordingly and the judge [(**f**) or district judge as the case may be] may issue such directions concerning the future conduct of any such proceedings as he considers appropriate [(**g**) including, in particular, an order that the proceedings be stayed or dismissed.]

Documents to be delivered to the chief clerk

4. In every proceedings commenced by civil bill in which the defendant serves a notice of intention to defend the defendant shall also at the same time as he serves the notice of intention to defend on the other party or parties to the proceedings deliver to the chief clerk a copy of the civil bill and of the notice of intention to defend.]

(**a**) Rules 1-4 substituted by S.R. 1995 No. 282 with effect from 1.9.95
(**b**) Words inserted by S.R. 1999 No. 129 with effect from 12.4.99
(**c**) Paragraph inserted by S.R. 1999 No. 129 with effect from 12.4.99
(**d**) Words inserted by S.R. 2013 No. 19 with effect from 25.02.13
(**e**) Paragraph inserted by S.R. 2013 No. 19 with effect from 25.02.13
(**f**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**g**) Words inserted by S.R. 1997 No. 17 with effect from 31.1.97

[(**a**) . . .]

Applications for dismisses

6.—(1) If the plaintiff in any action ordered by the High Court to be heard or remitted by the High Court for hearing in any county court under the provisions of any enactment, omits or refuses to lodge the requisite documents, the defendant may, [(**b**) at any time after a period of 4 months has elapsed from the date of the order for remittal], lodge with the chief clerk a certified copy of the notice or remittal served on him by the proper officer of the Court of Judicature in accordance with Rule 8(*b*) of Order 78 of the Rules of the Court of Judicature (Northern Ireland) 1980(**c**) and the copy of the writ of summons or other originating process served on the defendant verified by affidavit, for the purpose of having the action dismissed by [(**d**) the judge or district judge as the case may be].

[(**a**) . . .]

(3) Where a defendant lodges the documents mentioned in paragraph (1) in accordance with that paragraph, [(**e**) . . .] [(**d**) the judge or district judge as the case may be] shall have the like power, jurisdiction and authority to dismiss the case and to award costs to the defendant as if the plaintiff had lodged the order for hearing and other requisite documents [(**e**) . . .].

(4) In relation to an action to which Order 22 Rule 8(6) applies, paragraphs (1) and (3) shall have effect as if the reference—

(*a*) to the plaintiff or defendant were, as the case may be, to the defendant or plaintiff; and

(*b*) to a copy of the writ of summons or other originating process were to the original thereof together with particulars of the counterclaim.

Entry on record of solicitor for plaintiff and defendant

7. The chief clerk shall enter on record in his book the name of only one person or firm as solicitor for the plaintiff or for any defendant and in the case of a firm of solicitors not more than one member of such firm shall appear or take part in the conduct of any one case without the leave of [(**d**) the judge or district judge as the case may be].

[(**a**) . . .]

(**a**) Rules 5 6(2), 8 and 9 revoked by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Words substituted by S.R. 1995 No. 282 with effect from 1.9.95
(**c**) S.R. 1980 No. 346
(**d**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**e**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

ORDER 9

Amendments

Generally

1.—(1) Subject to paragraph (2), [(**a**) the judge or district judge as the case may be] may at any time—

(*a*) amend any defects or errors in any proceedings whether the defect or error is that of the party applying to amend or not; and

(*b*) add, strike out or substitute any person either as plaintiff or defendant;

and all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties shall be made, if duly applied for.

[(**b**) . . .]

(2) A person shall not be added as a plaintiff without his consent in writing, or in the case of a person under disability, without the consent in writing of the next friend or committee or other person acting on behalf of the person under disability.

Service on added defendant

2. Where any person is ordered to be added or substituted as defendant, except under Rule 8, the amended civil bill or other originating process shall, be served on the added or substituted defendant according to the rules applicable to the service of a civil bill[(**b**) . . .].

[(**c**) *When amendment may be made*

3.—(1) Any amendment may be made at any stage of the proceedings by [(**a**) the judge or district judge as the case may be] of his own motion or at the hearing or on notice before the hearing on the application of any party.

(2) When an application for an amendment is made after any relevant period of limitation has expired since the issue of the originating process, [(**a**) the judge or district judge as the case may be] may nevertheless allow the amendment if it is such as the High Court would have power to allow in a like case.]

Abandonment of part of claim

4. A plaintiff may, at any time before an action is called on for hearing or in opening his case, abandon any part of his claim.

Enlargement of claim

5.—(1) Where, upon the taking of an account or on the evidence given at the hearing, it appears that a plaintiff is entitled to recover an amount larger than that claimed in his civil bill but not beyond the limit of the court's jurisdiction, [(**a**) the judge or district judge as the case may be] may, on payment by the plaintiff of the difference between the court fees paid and those payable on the larger amount, give a decree for the larger amount.

(2) A decree given under this Rule shall show the amount by which the claim has been enlarged.

Amount beyond limit of court's jurisdiction found due on account

6. Where, upon the taking of an account, it appears that a plaintiff is entitled to an amount beyond the limit of the jurisdiction of the court and he has not abandoned the excess, he may abandon it and a decree may be given for so much of that amount as lies within the jurisdiction of the court.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words deleted by S.R. 1982 No. 368 with effect from 6.12.82
(**c**) Rule 3 substituted by S.R. 1982 No. 368 with effect from 6.12.82

Joinder of defendant under Civil Aviation Act 1949

7.—(1) Notice of an application by a defendant to join any other person as a defendant pursuant to sections 40 and 49(2) of the Civil Aviation Act 1949(**a**) shall be served within five days of the service of the civil bill on the defendant.

(2) [(**b**) The judge or district judge as the case may be] may, as a condition of making the order, require the applicant to give an undertaking signed by him to indemnify the plaintiff against—

(*a*) the costs of and occasioned by the joinder of the other person; and

(*b*) any costs which the plaintiff may be ordered to pay to that person.

Change of defendant

8. Where a person other than the defendant appears at the hearing and admits that he is the person whom the plaintiff intended to sue, or ought to have sued, he may, if the plaintiff consents, be substituted for the defendant[(**c**) . . .].

Clerical mistakes and slips

9. Clerical mistakes in [(**d**) an application to make a settlement an order of the court under Order 21 Rule 1A or in] decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by [(**b**) the judge or district judge as the case may be] or, with the consent of the parties, by the chief clerk.

(**a**) 1949 c. 67
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words deleted by S.R. 1982 No. 368 with effect from 6.12.82
(**d**) Words inserted by S.R. 1992 No. 478 with effect from 1.1.93

ORDER 10

Interpleader proceedings

Application for relief

1.—(1) Where a person (in this Order called "the applicant") is under a liability for any debt or other thing in action, money or goods for or in respect of which he is or expects to be sued by two or more persons (in this Part called "the claimants") making adverse claim thereto, he may apply to the court for relief by way of interpleader.

(2) The application shall be made to the court in which the applicant is sued or, if he has not been sued, to the court in which he might be sued.

(3) The applicant shall serve on each of the claimants a summons in Form 44 or Form 45 as appropriate together with an affidavit showing that—

(*a*) he claims no interest in the subject-matter in dispute other than for charges or costs; and

(*b*) he does not collude with any of the claimants; and

(*c*) he is willing to transfer the subject-matter into court or dispose of it as the court may direct; and

(*d*) except where the applicant is a defendant, the subject-matter ices not exceed in value the amount for which the court has jurisdiction;

but, where a claimant has commenced proceedings against the applicant in respect of his claim, a notice in Form 46 in lieu of a summons as aforesaid shall be served on that claimant.

(4) Subject to paragraph (5) the summons shall be served, entered, heard and determined as if it were an ordinary civil bill.

(5) Where the applicant is a defendant the affidavit and summons or notice shall be served within seven days from the date of the service of the civil bill on him.

(6) A claimant may, within six days from the day on which the summons and affidavit are served on him, send a notice to the applicant that he has no claim to the subject-matter in dispute.

Claimants having adverse title, etc.

2. The applicant shall not be disentitled to relief by reason only that the titles of the claimants have not a common origin but are adverse to and independent of each other.

Hearing

3.—(1) On the hearing of the proceedings—

(*a*) where the applicant is a defendant—

(i) if the plaintiff does not appear, the action including the interpleader proceedings shall be struck out; or

(ii) if the claimant does not appear, [(**a**) the judge or district judge as the case may be] shall hear and determine ,the action as between the plaintiff and the defendant and may make an order barring the claim of the claimant; or

(iii) if both the plaintiff and the claimant appear, [(**a**) the judge or district judge as the case may be] shall, whether the defendant appears or not, hear the proceedings and give judgment finally determining the rights and claims of all parties; or

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(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(b) where the applicant is not a defendant—

(i) if any claimant does not appear, [(**a**) the judge or district judge as the case may be] shall make an order finally determining the claim as between the applicant and any claimant who appears and may make an order barring the claim of the absent claimant; or

(ii) if all the claimants appear, [(**a**) the judge or district judge as the case may be] shall, whether the applicant appears or not, hear the proceedings and make an order finally determining the rights and claims of all parties.

(2) An order in Form 47 or Form 48 barring the claim of a claimant shall declare the claimant and all persons claiming under him to be for ever barred as against the, defendant or applicant and all persons claiming under him and also (where the claimant has sent a notice to the applicant that he makes no claim) as against the plaintiff or the other claimant and all persons claiming under him.

(3) Where the claimant has not sent a notice to the applicant that he has no claim, an order barring the claim shall not affect the rights of that claimant and the plaintiff or another claimant as between themselves.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 11

Third party procedure

Generally

1.—(1) Where a defendant claims to be entitled to any contribution, indemnity or other relief over against any person not a party to the action (in this Order referred to as a "third party") he may, [(**a**) within 14 days after service of his notice of intention to defend], serve on the third party in like manner as a civil bill a third party notice in Form 49, together with a copy of the civil bill in the action.

(2) A third party notice may be served at any place in Northern Ireland.

[(**b**) . . .]

(3) When the third party notice has been served, a copy thereof shall forthwith be delivered to the plaintiff by post or otherwise and a copy thereof lodged with the chief clerk.

Effect of service of notice

2. Subject to any order of [(**c**) the judge or district judge as the case may be], the notice shall have effect as if it were a civil bill served by the defendant on the third party.

[(**d**) *Notice of intention to defend*

2A.—(1) Without prejudice to paragraph (2), in any proceedings commenced by a third party notice which the third party intends to defend he shall, within a period of 21 days from the date of service upon him of the third party notice serve on the other party or parties to the proceedings and deliver to the chief clerk a notice of intention to defend in Form 42A.

(2) A third party shall not serve a notice of intention to defend after the expiration of a period of 21 days after service upon him of the third party notice except with the consent in writing of the other party or parties or with the leave of the judge or the district judge as the case may be.

Application for directions

2B.—(1) In any proceedings in which a third party notice has been served under Rule 1 and a notice of intention-to defend that third party notice has been served any party to the proceedings may at any time apply to the district judge for directions in respect of the conduct or disposal of the third party proceedings.

(2) On an application for directions under paragraph (1) the district judge may make such orders and give such directions as he considers appropriate.]

Hearing

3. [(**c**) The judge or district judge as the case may be] at the hearing—

(*a*) may give such directions or make such orders as he thinks appropriate for determining the issue between the parties; and

(*b*) may pronounce such decree as the nature of the case may require and may make such order as to the costs and the third party proceedings as he considers just.

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Words deleted by S.R. 1995 No. 282 with effect from 1.9.95
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Rules 2A and 2B substituted by S.R. 1995 No. 282 with effect from 1.9.95

Application

4. The foregoing Rules shall apply *mutatis mutandis* where—

(*a*) a defendant claims to be entitled to any contribution, indemnity or other relief over against any other defendant; but a third party notice served on a defendant need not be accompanied by a copy of the civil bill [(**a**) (where however, defendants are sued as tort feasors liable in respect of the same damage, they shall be treated as opposite parties and no third party notice need be served under this rule, but any such defendant, if he intends in support of a claim for contribution or indemnity to rely on any contractual right, must furnish particulars thereof in writing to the other parties)];

(*b*) a third party claims to be entitled to any contribution, indemnity or other relief over against another person not a party to the action (who may be known as a "fourth party") and

(*c*) a fourth party or any subsequent party in like case makes a like claim against a person not a party to the action.

5. In this Order the words "plaintiff" and "defendant" respectively shall include a plaintiff and a defendant to a counterclaim.

(**a**) Words inserted by S.R. 1985 No. 31 with effect from 25.3.85

[(a) ORDER 12

Default of Notice of Intention to Defend

PART I

JUDGMENT IN DEFAULT OF NOTICE OF INTENTION TO DEFEND

Claim for liquidated demand

1.—(1) Where a civil bill is endorsed with a claim against a defendant for a liquidated demand only, then if that defendant fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may enter final judgment against that defendant for a sum not exceeding that claimed by the civil bill in respect of the demand and continue with the proceedings against the other defendants if any.

(2) A claim shall not be prevented from being treated for the purpose of this rule as a claim for a liquidated demand by reason only that part of the claim is for interest under Article 45A of the Order at a rate which is not higher than that payable on judgment debts at the date of issue of the civil bill. A claim for interest at a higher rate shall be treated as a claim for interest to be assessed.

(3) Before final judgment is entered under this rule an affidavit must be lodged with the chief clerk specifying the amount then actually due to the plaintiff.

Claim for unliquidated damages

2. Where a civil bill is endorsed with a claim against a defendant for unliquidated damages only, then if the defendant fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may enter interlocutory judgment against that defendant for damages to be assessed and continue with the proceedings against the other defendants if any.

Claim for detention of goods

3.—(1) Where a civil bill is endorsed with a claim against a defendant relating to the detention of goods only, then if that defendant fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill the plaintiff may—

(*a*) at his option enter either—

(i) interlocutory judgment against that defendant for delivery of the goods or their value to be assessed, or

(ii) interlocutory judgment for the value of the goods to be assessed; or

(*b*) apply on notice to the district judge for judgment against that defendant for delivery of the goods without giving him the alternative of paying their assessed value, and in any case continue with the proceedings against the other defendants if any.

(2) An application under paragraph (1)(*b*) must be supported by affidavit and the application and a copy of the affidavit must be served on the defendant against whom judgment is sought.

Claim for possession of land

4.—(1) Where a civil bill is endorsed with a claim against a defendant for possession of land only, then subject to paragraphs (2), (3) and (4), if that defendant

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(a) Order 12 substituted by S.R. 1995 No. 151 with effect from 1.9.95

fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may enter judgment for possession of the land as against that defendant and continue with the proceedings against the other defendants if any.

(2) The plaintiff shall not be entitled, except with the leave of the district judge, to enter judgment under this Rule unless he produces a certificate by his solicitor, or (if he sues in person) an affidavit, stating that the claim does not relate to a dwelling-house.

(3) The plaintiff shall not be entitled, except with the leave of the district judge, to enter judgment under this Rule where the civil bill is endorsed with a claim against a defendant for possession of land for non-payment of rent unless he produces a certificate by his solicitor, or (if he sues in person) an affidavit, stating that the land does not comprise or include a holding agricultural or pastoral or partly agricultural and partly pastoral.

(4) The plaintiff shall not be entitled to enter judgment under this Rule where the civil bill is endorsed with a claim against a defendant for possession of land for non-payment of rent unless he lodges with the chief clerk an affidavit made by the landlord, his agent, receiver or clerk, stating that there was at the date of service of the civil bill at least one year's rent due over and above all just and fair allowances.

(5) An application for leave to enter judgment under paragraph (2) or (3) shall state the grounds of the application, and the application must, unless the district judge otherwise orders be served on the defendant against whom it is sought to enter judgment.

(6) Where there is more than one defendant, any judgment entered under this Rule shall contain a stay of enforcement against any defendant unless and until judgment for possession of the land has been entered against all the defendants.

(7) Where the plaintiff is a superior landlord and he applies under paragraph (3) for leave to enter judgment against a defendant who is an immediate landlord the district judge may, having regard to the provisions of section 12 of the Land Law (Ireland) Act 1896(a):—

(*a*) give such directions as to notice to tenants and otherwise and grant leave subject to such limitations as to enforcement of the judgment and such provisions as to costs as he thinks just;

(*b*) on proof by affidavit that the non-payment of rent by the defendant is due to the non-payment of rent by the tenant of the holding, issue a certificate to that effect.

Mixed claims

5. Where a civil bill served on any defendant is endorsed with two or more of the claims mentioned in Rules 1 to 4, and no other claim, then if that defendant fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may enter against that defendant such judgment in respect of any such claim as he would be entitled to enter under those rules if that were the only claim endorsed on the civil bill and proceed with the claim against the other defendants if any.

Other claims

6.—(1) Where a civil bill is endorsed with a claim of a description not mentioned in Rules 1 to 4, then if any defendant fails to serve a notice of intention to defend in

(a) 1896 c. 47

Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may upon lodging with the chief clerk an affidavit proving due service of the civil bill on that defendant proceed with the claim as if that defendant had served a notice of intention to defend.

(2) Where a defendant has satisfied the claim or complied with the demands thereof or for any other like reason it has become unnecessary for the plaintiff to continue with the proceedings then, if the defendant fails to serve a notice of intention to defend in Form 42 within a period of 21 days after service upon him of the civil bill, the plaintiff may enter judgment with the leave of the district judge against that defendant for costs.

(3) An application for leave to enter judgment under paragraph (2) shall, unless the district judge otherwise orders, be served on the defendant against whom it is sought to enter judgment.

Proof of service of civil bill

7.—(1) Judgment shall not be entered against a defendant under this Order unless—

(*a*) an affidavit is lodged with the chief clerk by or on behalf of the plaintiff proving due service of the civil bill on the defendant; or

(*b*) the plaintiff produces the civil bill endorsed by the defendant's solicitor with a statement that he accepts service of the civil bill on the defendant's behalf.

(2) Where application is made to the district judge or chief clerk for an order affecting a party who has failed to serve a notice of intention to defend, the district judge or chief clerk hearing the application may require to be satisfied in such manner as he thinks fit that the party has failed to serve a notice of intention to defend.

(3) Where, after judgment has been entered under this Order against a defendant purporting to have been served by post under Order 6, Rule 3(2) the copy of the civil bill sent to the defendant is returned to the plaintiff through the post undelivered to the addressee, the plaintiff shall, before taking any step or further step in the proceedings or the enforcement of the judgment, either—

(*a*) make a request for the judgment to be set aside on the ground that the civil bill has not been duly served, or

(*b*) apply to the district judge for directions.

(4) A request under paragraph (3)(*a*) shall be made by lodging with the chief clerk an affidavit stating the relevant facts, and thereupon the judgment shall be set aside and the record of the entry of the judgment and of any proceedings for its enforcement shall be marked by the chief clerk accordingly.

(5) An application under paragraph (3)(*b*) shall be made ex parte by affidavit stating the facts on which the application is founded and any order or direction sought, and on the application the district judge may—

(*a*) set aside the judgment; or

(*b*) direct that, notwithstanding the return of the copy of the civil bill, it shall be treated as having been duly served, or

(*c*) make such other order and give such other direction as the circumstances may require.

Judgment against a State

8.—(1) Where the defendant is a State, as defined in section 14 of the State Immunity Act 1978(a) ("the Act"), the plaintiff shall not be entitled to enter judgment under this Order except with the leave of the district judge.

(a) 1978 c. 33

(2) An application for leave to enter judgment shall be supported by an affidavit—

(*a*) stating the grounds of the application,

(*b*) verifying the facts relied on as excepting the State from the immunity conferred by section 1 of the Act, and

(*c*) verifying that the civil bill has been served by being transmitted through the Foreign and Commonwealth Office to the Ministry of Foreign Affairs of the State, or in such other manner as may have been agreed to by the State, and that the time for serving a notice of intention to defend, as extended by section 12(2) of the Act (by two months) where applicable, has expired.

(3) The application may be made ex parte but the district judge hearing the application may direct an application to be issued and served on that State, for which purpose such a direction shall include leave to serve the application and a copy of the affidavit out of the jurisdiction.

(4) Unless the district judge otherwise directs, an affidavit for the purpose of this Rule may contain statements of information or belief with the sources and grounds thereof, and the grant of leave to enter judgment under this Order shall include leave to serve out of the jurisdiction—

(*a*) a copy of the judgment, and

(*b*) a copy of the affidavit, where not already served.

(5) The procedure for effecting service out of the jurisdiction pursuant to leave granted in accordance with this Rule shall be the same as for the service of the civil bill under Order 6A, rule 6(6), except where section 12(6) of the Act applies and an alternative method of service has been agreed.

Judgments under the Civil Jurisdiction and Judgments Act 1982

9.—(1) Where a civil bill has been served out of the jurisdiction under Order 6A, rule 2(2) or has been served within the jurisdiction on a defendant domiciled in England and Wales or Scotland or in any other Convention territory the plaintiff shall not be entitled to enter judgment under this Order except with the leave of the district judge.

(2) An application for leave to enter judgment may be made ex parte and shall be supported by an affidavit stating that in the deponent's belief—

(*a*) each claim made by the civil bill is one which by virtue of the Civil Jurisdiction and Judgments Act 1982 the judge or the district judge has power to hear and determine,

(*b*) no other court has exclusive jurisdiction within the meaning of Schedule 1 or under Schedule 4 to that Act to hear and determine such claim, and

(*c*) where the civi bill is served out of the jurisdiction under Order 6A, Rule 2(2), such service satisfied the requirements of Schedule 1 or, as the case may require, of Article 20 of Schedule 4 to that Act.

and giving in each case the sources and grounds of such belief.

(3) For the purposes of this rule, domicile is to be determined in accordance with the provisions of section 41 to 46 of the Civil Jurisdiction and Judgments Act 1982 and "Convention territory" means the territory or territories of any Contracting State, as defined by section 1(3) of that Act, to which the Conventions as defined in section 1(1) of that Act apply.

Judgment in default of notice of intention to defend

10.—(1) A party entitled to judgment in default of service of a notice of intention to defend may enter judgment by lodging with the chief clerk the following documents—

(*a*) the original civil bill by which the proceedings were commenced;

(*b*) an affidavit of service or production of a copy of the civil bill endorsed by the defendant's solicitor with a statement that he accepts service of the civil bill on the defendant's behalf;

(*c*) a certificate that a notice of intention to defend those proceedings in Form 42 was not received by him within 21 days after service of the civil bill;

(*d*) any affidavit or certificate filed under Rule 1(3) or 4(1) to (4); and

(*e*) a decree drawn up by the party.

(2) Where this Order enables a party to any proceedings to enter judgment on the production of any documents, the chief clerk shall not enter judgment by signing the decree until the documents which the party is required to produce are produced and the chief clerk is satisfied that they are in order.

Default procedure not to apply to certain proceedings

11.—(1) Judgment under this Order may not be entered against a minor or a patient.

(2) Except with the leave of the district judge, no judgment in default of service of a notice of intention to defend in Form 42 shall be entered:

(*a*) against the Crown; or

(*b*) where in any such proceedings as are mentioned in section 139(1)(*b*) of the Consumer Credit Act 1974(a) the debtor or surety desires to have a credit agreement reopened.

(3) An application for leave under paragraph (2) shall be made on notice to the other parties and must be served not less than seven days before the date fixed by the chief clerk for the hearing of the application for leave.

Setting aside judgment

12. Without prejudice to Rule 7(3) and (4) and to Part III of Order 25, the judge or the district judge may, on such terms as he thinks just, set aside or vary any judgment entered in pursuance of this Order.

PART II

DAMAGES: ASSESSMENT AFTER JUDGMENT

Assessment of damages by the district judge

13.—(1) Where judgment is given for damages to be assessed the damages shall, subject to the provisions of this Order, be assessed by the district judge.

(2) The party entitled to the benefit of the judgment shall:

(i) lodge with the chief clerk a certificate of readiness in Form 43 together with the medical or other reports upon which he will seek to rely at [(b) the assessment]; and

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(a) 1974 c. 39

(b) Words substituted by S.R. 1998 No. 199 with effect from 1.9.98

[(a)(ii) issue a sumons in Form 70 and serve it, together with the medical or other reports upon which he will seek to rely at the assessment, on the other parties to the proceedings at least 7 days before the date fixed for assessment.]

[(b)(2A) Where a party against whom judgment has been entered wishes to be heard at the assessment he shall give notice in writing to the chief clerk and the other parties to the proceedings.]

(3) Without prejudice to the powers of a district judge under Order 25, Part II, the attendance of witnesses and the production of documents before the district judge in proceedings under this Order may be compelled by witness summons in Form 110 in accordance with Order 24, Rule 9, and the provisions of Order 25 shall, with the necessary adaptations, apply in relation to those proceedings as they apply in relation to proceedings at a hearing.

Judgment for amount of damages

14. Where damages are assessed by a district judge or judge, he shall give a decree for the amount of the damage so assessed.

Default judgment against some but not all defendants

15. Where any judgement is entered in default of service of a notice of intention to defend in Form 42 under this Order and the proceedings continue against other defendants, the damages under the judgment entered shall be assessed at the hearing unless the judge or district judge, as the case may be, otherwise orders.

Assessment of value

16. The foregoing Rules in this Order shall apply in relation to a judgement for the value of goods to be assessed, with or without damages to be assessed, as they apply to a judgment for damages to be assessed, and references in those Rules to the assessment of damages shall be construed accordingly.

Assessment of damages to time of assessment

17. Where damages are to be assessed in respect of any continuing cause of action, they shall be assessed down to the time of the assessment.].

(a) Paragraph 2(ii) substituted by S.R. 1998 No. 199 with effect from 1.9.98
(b) New paragraph inserted by S.R. 1998 No. 199 with effect from 1.9.98

ORDER 13

Hearing of proceedings together and selected actions

Generally

1. Actions or matters pending in the same court may be heard together by order of [(**a**) the judge or district judge as the case may be] of his own motion or on the application of any party on notice.

Selected action, where several plaintiffs

2.—(1) Where several actions by different plaintiffs against the same defendant are proceeding in the same court in respect of causes of action arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound, so far as his liability in the several actions is concerned, by the decision in such one of the actions as may be selected by [(**a**) the judge or district judge as the case may be], apply to [(**a**) the judge or district judge as the case may be] for an order to stay the actions, other than the one selected, until a decree is given in the selected action.

(2) An application under this Rule shall be made on notice to the plaintiffs who would be affected by any order made thereon.

Where a decree given in favour of defendant in selected action

3.—(1) If a decree in a selected action under Rule 2 is given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every plaintiff whose action is stayed, unless any such plaintiff gives notice to the chief clerk to enter his action for hearing.

(2) On a decree in the selected action being given in favour of the defendant, the defendant shall send to every plaintiff a notice in Form 60 and, if any such plaintiff gives notice to the chief clerk to enter his action for hearing, the chief clerk shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

Where decree given against defendant in selected action

4.—(1) If a decree in a selected action is given against the defendant, the plaintiff in any action stayed shall be at liberty to proceed for the purpose of ascertaining and recovering his debt or damages and costs.

(2) On a decree in the selected action being given against the defendant, the chief clerk shall send to each plaintiff a notice in Form 61, and a plaintiff desiring to proceed shall, within one month from the date of the notice, give to the chief clerk notice to enter his action for hearing, and on receipt thereof the chief clerk shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

Selected action where several defendants

5.—(1) Where several actions by the same plaintiff against several defendants are proceeding in the same court and the event of the action depends on the finding of [(**a**) the judge or district judge as the case may be] on some question common to all of them, [(**a**) the judge or district judge as the case may be] may at any time select one of them for hearing and stay proceedings in all the others until a decree is given in the selected action.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(2) After a decree is given in the selected action, unless the plaintiff and the defendant in the other actions or any of them submit to a decree in accordance therewith, the other actions shall proceed.

(3) On receipt of notice for the plaintiff or defendant in any such action to enter it for bearing, the chief clerk shall appoint a day for the hearing and shall send notice thereof to both plaintiff and defendant before the beginning of a period, of fourteen days ending on the day so appointed.

Time for giving notice to enter action for hearing after decree in selected action

6. A notice under Rule 3, Rule 4 or Rule 5 to enter an action for hearing shall be given to the chief clerk within one month from the date on which the plaintiff or defendant giving the notice receives notice of the decree in the selected action or, where an appeal is made against the decree, of the decision given on the appeal.

ORDER 14

Interlocutory applications

[(a) PART I – GENERAL]

[(b) *General procedure*

1.—(1) Where by any enactment or by direction of the court any application in the course of an action or matter is expressly or by implication authorised to be made to the court or to the judge or to the district judge or chief clerk, the following provisions shall apply—

(*a*) the application shall be made either in or out of court and either ex parte or on notice in accordance with the terms of the relevant enactment or direction;

(*b*) in the absence of any express provision to the contrary the application shall be determined by the judge (or district judge as the case may be) without a hearing, unless—

(i) either party requests a hearing; or

(ii) the judge (or district judge as the case may be) otherwise directs;

(*c*) where either party requests that the application be dealt with by way of hearing, the party shall specify the reasons;

(*d*) a party may within 14 days of service of the application, object to the application being determined without a hearing, by filing in court, a notice in writing specifying the reasons;

(*e*) an objection made under sub-paragraph (d) shall be served on the other party;

(*f*) unless an objection to the application being dealt with without a hearing is received within 14 days of service of the application on the other party, it will be assumed that the other party consents to the application being determined without a hearing (unless the judge or district judge otherwise directs);

(*g*) where a request for a hearing under sub-paragraph (b) or an objection under sub-paragraph (d) is received, the application or objection shall be placed before the judge or district judge for consideration who may—

(i) determine the application without a hearing and make such order as he considers just; or

(ii) direct that the matter be listed for a hearing;

(*h*) where an application is made on notice—

(i) the notice shall be in writing and shall be served on the other party and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application unless the judge or district judge or chief clerk dispenses with notice or gives leave for shorter notice; and

(ii) the party serving the notice shall be responsible for ascertaining that the judge or district judge or, as the case may be, the chief clerk will be available to hear the application on the day, at the time and in the place for which notice is served;

(*i*) where a district judge or chief clerk has made an order to which this Order applies, any party may make an application to the judge on notice to vary or rescind the order and on determination of the application the judge may—

(i) confirm;

(ii) vary;

(iii) rescind the order; or

(iv) make any other order as he thinks fit.

(a) Words inserted by S.R. 2011 No. 58 with effect from 25.3.11

(b) Rule 1 substituted by S.R. 2013 No. 19 with effect from 25.02.13

(2) The jurisdiction of the court to determine any application in the course of an action or matter—

(*a*) may, by direction or with the consent of the judge, be exercised by the district judge unless there is a provision to the contrary in any enactment;

(*b*) shall, in an action which is within the jurisdiction of the district judge, be exercised by the district judge.]

Power to impose terms

2. [(**a**) The judge] or, where the application is authorised to be made to the [(**b**) district judge] the [(**b**) district judge] may, as a condition of granting any application, impose such terms and conditions as he thinks fit and without prejudice to the generality of the foregoing provisions, may make orders requiring any party to—

(*a*) give security; or

(*b*) give an undertaking; or

(c) pay money into court; or

(d) give a power of re-entry;

and may make such order as to costs as he considers just.

Directions

3. In any action or matter [(**a**) the judge] or, where the application is authorised to be made to the [(**b**) district judge], the [(**b**) district judge] may at any time on the application on notice of any party or of his own motion give such directions as he thinks proper.

Adjournment

4.—(1) [(**a**) The judge], or where the [(**b**) district judge] hears the original application the [(**b**) district judge], may at any time and from time to time upon application or of his own motion, adjourn the hearing of any proceedings or step in the proceedings either generally with liberty to re-enter or for such period not exceeding twelve months as will in his opinion best meet the ends of justice.

(2) Notice of any such adjournment shall be given by the chief clerk to all parties and persons interested who are not present when the order is made.

(3) If the hearing of the action or matter is adjourned generally, any party may apply to have a day fixed for the hearing and the chief clerk shall fix a day for the bearing and give notice to all the parties in Form 62.

(4) If no application is made under the last foregoing paragraph within 12 months after the day on which the hearing of the action or matter was adjourned generally, the chief clerk may give notice to all parties in Form 279 and unless any party applies within 14 days after receipt of the notice to have a day fixed for the hearing or to have the hearing again adjourned and the application is granted, the action or matter shall be struck out.

When defendant entitled to ask for security for costs

5.—(1) Where a defendant neither resides nor carries on business within the division of the court in which an action or matter is commenced, he may apply in Form 63 to the [(**b**) district judge], in accordance with Rule 1, for an order directing the plaintiff to deposit in court a sum of money as security for his costs.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

(2) The application shall be sent to the chief clerk by post or otherwise [(**a**) . . .] within eight days of the service to the civil bill on him;

together with an affidavit showing a defence on the merits and stating the grounds of defence.

(3) If the [(**b**) district judge] refuses the application, the chief clerk shall send notice to the defendant in Form 64.

(4) If the [(**b**) district judge] grants the application, he shall fix the amount of the security and the chief clerk shall send to the plaintiff a notice in Form 65.

(5) Where a deposit is ordered—

(*a*) if the deposit is duly made, the chief clerk shall send notice to the defendant in Form 66;

(*b*) if the deposit is not duly made, the chief clerk shall send notice to the parties in Form 67, and the action or matter shall be struck out, and the defendant shall be entitled to recover the costs incurred by him before the receipt of Form 67, and if such costs are not paid within fourteen days after demand made therefor, [(**c**) the judge or district judge as the case may be] may on the application of the defendant give a decree for the amount of such costs together with the costs of the application to him:

Provided that if the deposit is not made in due time, but is made later [(**c**) the judge or district judge as the case may be] may order the action or matter to be reinstated, and the chief clerk shall send notice thereof to the defendant and inform him on what day the action or matter will be heard.

[(**d**) *Application for interim injunction, etc*

6.—(1) Where any party or intending party desires, before the hearing, an immediate order—

(*a*) in the nature of an injunction; or

(*b*) for the appointment of a receiver; or

(*c*) for taking any accounts; or

(*d*) for making any inquiries;

he may apply to the judge or district judge on affidavit setting forth the facts rendering the order immediately necessary and the judge or district judge may make such order as he thinks fit.

(2) Where a district judge makes an interim order under paragraph (1) above, the application must be brought before a judge within 7 days of that interim order being made.]

Recovery of goods where lien claimed

7.—(1) Where in any action the plaintiff claims the recovery of specific property other than land and the defendant admits the title of the plaintiff but claims to retain the property by virtue of a lien or otherwise as security for the payment of a sum of money, [(**c**) the judge or district judge as the case may be] may order than the plaintiff be at liberty to pay into court, to abide the event of the action, the sum of money in respect of which the defendant claims to retain the property and such further sum (if any) for interest and costs as [(**c**) the judge or district judge as the case may be] may think fit, and may order that upon such payment into court the defendant shall return the property to the plaintiff.

(2) This Rule shall with the necessary modifications apply to a counterclaim as it applies to a claim.

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Rule 6 substituted by S.R. 2013 No. 19 with effect from 25.02.13

Preservation, etc. of subject-matter

8. Where a prima facie case of liability under any contract is established, and there is alleged, as a matter of defence, a right to be relieved wholly or partially from that liability, [(**a**) the judge or district judge as the case may be] may make an order for the preservation or interim custody of the subject-matter of the action or may order that the amount in dispute be bought into court or otherwise secured.

Order for detention, etc.

9.—(1) [(**a**) The judge] may, upon the application of any party to an action or matter, make any order for the detention, preservation, inspection, surveying, measuring, weighing or analysing of any property, document or thing, being the subject of the action or matter or as to which any question may arise therein, and may authorise any person to enter upon or into any land or building in the possession of any party to the action or matter, and authorise any samples to be taken, or any observation, plan, photograph or model to be made, or copy of a document or experiment to be made, which may be necessary or expedient for the purpose of obtaining full information or evidence.

(2) Where an order is made for inspecting, surveying, measuring, weighing or analysing any property or making any copy of experiment, or taking any sample, or making any plan, photograph or model, by any person named in the order, the order may authorise the [(**b**) district judge] to examine upon oath and take the deposition of the person so named as to the result, accuracy or fairness of what he has done in pursuance of the order, and may also empower any party to give in evidence the deposition so taken.

Order for sale of perishables, etc.

10. [(**a**) The judge or district judge as the case may be] may, upon the application of any party to an action or matter, order the sale by a person to be named in the order, of any subject-matter of the proceedings which—

(*a*) is of a perishable nature; or

(*b*) incurs charges for food or keep; or

(*c*) ought for any other sufficient reason to be sold at once.

[(**c**) *Application under Article 42A(1) or 42B(3) of the Order*

10A.—(1) An application for an order—

(*a*) under Article 42A(1) of the Order in respect of property which may become the subject matter of subsequent proceedings in a county court or as to which any question may arise in any such proceedings, or

(*b*) under Article 42B(3) of the Order in respect of property which is not the property of or in the possession of any party to the proceedings,

shall be made by notice in writing in Form 70A and the person against whom the order is sought shall be respondent to the application.

(2) The notice shall be filed with the chief clerk and shall be served on the respondent, and in the case of an application under Article 42B(3) on the parties to the proceedings at least 7 days before the date fixed for hearing.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**c**) Rule 10A inserted by S.R. 1996 No. 295 with effect from 2.9.96

(3) The notice shall be supported by an affidavit which must specify or describe the property in respect of which the order is sought and show, if practicable by reference to any civil bill (or other originating process) served or intended to be served in the proceedings or subsequent proceedings, that it is property which is or may become the subject matter of the proceedings or as to which any question arise or may arise in the proceedings.

(4) A copy of the supporting affidavit shall be served with the notice on every person on whom, the notice is required to be served.

(5) An order made under Article 42A(1) or 42B(3) may be made conditional on the applicant giving security for the costs of the person against whom it is made or on such other terms, if any as the court thinks just.

(6) No such order shall be made if it appears to the court—

(*a*) that compliance with the order, if made, would result in the disclosure of information relating to a secret process, discovery or invention not in issue in the proceedings and;

(*b*) that the application would have been refused on that ground if—

(i) in the case of an application under Article 42A(1), the subsequent proceedings had already been begun, or

(ii) in the case of an application under Article 42B(3) the person against whom the order is sought were a party to the proceedings].

[(**a**) *The European Intellectual Property Directive*

10B.—(1) When an application is made to which Directive 2004/48/EC applies, [(**b**) the judge] may grant an interim order making the continuation of an alleged infringement subject to guarantees.

(2) Where [(**b**) the judge] grants an order *ex parte* to which Directive 2004/48/EC applies, such order shall be granted only on terms providing for the issue of the civil bill and such other terms, if any, as [(**b**) the judge] thinks fit.]

Preparation of order, etc.

11.—(1) A draft of an order under [(**c**) Rule 6, 7, 8, 9, 10 or 10A] shall be prepared by the party making the application and shall be settled, signed and sealed by the chief clerk or, where the order is made by [(**b**) the judge or district judge as the case may be] of his own motion, the chief clerk shall prepare, sign and seal the order.

(2) The order when signed and sealed shall be filed by the chief clerk who shall issue a certified copy to the applicant or his solicitor for service.

[(**d**) PART II

Mediation

Interpretation

12. In this Part of this Order—

(*a*) "an ADR process" means mediation, conciliation or another dispute resolution process approved by [(**b**) the judge], but does not include arbitration;

(*b*) "[(**b**) judge]" includes District [(**b**) judge]; and

(*c*) "party" includes the personal representative of a deceased party.

(**a**) Rule 10B inserted by S.R. 2006 No. 521 with effect from 8.1.07
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words substituted by S.R. 1996 No. 295 with effect from 2.9.96
(**d**) Rules 12-15 inserted by S.R. 2011 No. 58 with effect from 25.3.11

Adjournment of proceedings for the purposes of ADR

13.—(1) Without prejudice to rule 4, [(**a**) the judge], on the application of any of the parties or of his own motion, may, when [(**a**) the judge] considers it appropriate and having regard to all the circumstances of the case, order that proceedings or any issue therein be adjourned for such time as [(**a**) the judge] considers just and convenient and—

(*a*) invite the parties to use an ADR process to settle or determine the proceedings or issue; or

(*b*) where the parties consent, refer the proceedings or issue to such process,

and may, for the purposes of such invitation or reference, invite the parties to attend such information session on the use of mediation, if any, as [(**a**) the judge] may specify.

(2) Where the parties decide to use an ADR process, [(**a**) the judge] may make an order extending the time for compliance by any party with any provision of these Rules or any order of [(**a**) the judge] in the proceedings, and may make such further or other orders or give such directions as [(**a**) the judge] considers will facilitate the effective use of that process.

Application for an order under rule 13

14. An application by a party for an order under rule 13 shall be made by notice of motion and shall, unless [(**a**) the judge] otherwise orders, be supported by an affidavit.

Time limit for an application under rule 13

15. Save where [(**a**) the judge] for special reason to be stated in [(**a**) the judge's] order allows, an application for an order under rule 13 shall not be made later than 56 days before the date on which the proceedings are first listed for hearing.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 15

Discovery, inspection and production of documents

Discovery of documents

[(**a**) **1.**—(1) Within 14 days of further particulars being furnished in accordance with Order 5 rule 3(2) there shall, subject to and in accordance with the provisions of this Order, be discovery by any party to any proceedings of the documents which are or have been in their possession, custody or power relating to any matter in question in the proceedings.

(2) Nothing in this Order shall be taken as preventing the parties agreeing to dispense with or limit the discovery of documents which they would otherwise be required to make to each other.

(2A) Subject to the provisions of this rule, the parties to proceedings must make discovery by exchanging lists of documents in Form 68 which are or have been in his possession, custody or power relating to any matter in question between them in the proceedings.

(2B) Without prejudice to any directions given by the district judge under Order 11 rule 2B, paragraph (2A) shall not apply in third party proceedings, including proceedings under that Order involving fourth or subsequent parties.

(2C) Unless the chief clerk, judge or district judge otherwise orders, in any proceedings where liability is admitted or where the proceedings arise out of an accident on land due to a collision or apprehended collision involving a vehicle, discovery shall be limited to disclosure of any documents in relation to special damage.

(2D) Paragraph (2A) shall not be taken as requiring a defendant in proceedings for the recovery of any penalty recoverable by virtue of any enactment to make discovery of any documents.

(2E) Paragraphs (2C) and (2D) shall apply in relation to a counterclaim as they apply in relation to any proceedings.

(2F) On the application to the chief clerk of any party required by this rule to make discovery of documents, the chief clerk, or where the application has been referred to the judge or district judge in chambers, the judge or district judge may—

(*a*) order that the parties to the action or any of them shall make discovery under paragraph (2A) of such documents or classes of documents only, or as to such only of the matters in question, as may be specified in the order; or

(*b*) if satisfied that discovery by all or any of the parties is not necessary, or not necessary at that stage of the action, order that there shall be no discovery of documents by any or all of the parties either at all or at that stage;

and the chief clerk, judge or district judge shall make such an order and so far as he is of the opinion that discovery is not necessary either for disposing fairly of the proceedings or for saving costs.

(2G) An application for an order under paragraph (2F) may be made to the chief clerk ex parte without notice and before the expiration of the period within which, by virtue of this rule, discovery of documents in the action is required to be made.

(3) If any party fails to comply with paragraphs (1) and (2A) the other party may apply to the chief clerk ex parte without notice for an order directing the other party to make discovery.]

[(**b**) . . .]

(**a**) Rule 1 paragraphs (1), (2) and (3) substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 1 paragraph (4) omitted by S.R. 2013 No. 19 with effect from 25.02.13

(5) On the receipt of an application [(**a**) under paragraph (3)] the chief clerk may:

(*a*) make an order directing the other party to make discovery; or

(*b*) refer the application to [(**b**) the judge or district judge as the case may be] in chambers.

(6) The chief clerk, or where the application has been referred to [(**b**) the judge or district judge as the case may be] in chambers, [(**b**) the judge or district judge as the case may be] may order discovery in Form 68 to be verified by affidavit in Form 68C and made either generally or limited to certain classes of documents as he thinks fit, but discovery shall not be ordered if and so far as it appears that it is not necessary either for disposing fairly of the proceedings or for saving costs.

(7) The chief clerk shall notify the applicant of the outcome of his application.

(8) If an order for discovery is made it shall be drawn up by the chief clerk in Form 69, and served by the applicant on the party against whom it is made.

(9) Any party to the proceedings may on giving at least five days' notice in writing to the other party, appeal to [(**b**) the judge or district judge as the case may be] against a decision of the chief clerk to make an order directing discovery, and pending the outcome of the appeal the order made by the chief clerk shall be stayed.

[(**c**) . . .]

(11) Any order made under this Order (including an order made on appeal) may on sufficient cause being shown be revoked or varied by a subsequent order or direction of [(**b**) the judge or district judge as the case may be] made or given at or before the trial of the cause or matter in connection with which the original order was made.

(12) A party who has provided a list of documents in compliance with this rule must allow the other party to inspect the documents included in Part I of Schedule 1 to, such list and to take copies thereof.

(13) Without prejudice to Rule 9, a party who has provided a list of documents in compliance with this rule, shall not afterwards be at liberty to put in evidence any document not included in Part I of Schedule 1 to such list unless he satisfies [(**b**) the judge or district judge as the case may be] that he had some cause or excuse which [(**b**) the judge or district judge as the case may be] deems sufficient for not including such document, in which case [(**b**) the judge or district judge as the case may be] may allow the document to be put in evidence on such terms as to costs or otherwise, as he thinks fit.]

Inspection of documents

2.—(1) Any party to any proceedings may at any time give to the other party notice to produce any document in his possession, [(**d**) custody] or power which is relevant to the issues, [(**d**) and which has not been discovered under Rule 1], for the inspection of the party giving the notice and to permit him to take copies thereof.

(2) Any party not complying with such a notice shall not afterwards be at liberty to put any such document in evidence unless he satisfies [(**b**) the judge or district judge as the case may be] that he had some cause or excuse which [(**b**) the judge or district judge as the case may be] deems sufficient for not complying with the notice, in which case [(**b**) the judge or district judge as the case may be] may allow the document to be put in evidence on such terms as to costs and otherwise as he thinks fit.

(**a**) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Rule 1 paragraph (10) omitted by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words inserted by S.R. 1990 No. 269 with effect from 03.09.90

(3) The party to whom such notice is given shall [(**a**) . . .] within four days from the receipt of the notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof and the place at which the document or such of them as he does not objected produce may be inspected and stating which if any, of the documents he objects to produce and on what grounds.

(4) The inspection shall be given—

(*a*) where a party is not acting by his solicitor, at his residence or place of business; or

(*b*) where a party is acting by a solicitor, at the solicitor's address for service;

but inspection of bankers' books or other books of account or books in constant use for the purposes of any trade or business shall be given at their usual place of custody.

(5) If any party served with a notice under paragraph (1) omits to give notice of a time and place for inspection in accordance with paragraphs (3) and (4), [(**b**) the judge or district judge as the case may be] may on application make an order for inspection at such time and place as he thinks fit.

(6) An application to inspect documents [(**a**) . . .] shall be supported by an affidavit showing—

(*a*) of what documents inspection is sought;

(*b*) the grounds on which inspection of them is sought; and

(c) that they are in the possession or power of the other party;

but [(**b**) the judge or district judge as the case may be] shall not make an order for inspection if and so far as he is of opinion that it is not necessary either for disposing fairly of the proceedings or for saving costs.

Business books

3.—(1) Where inspection of any business books is applied for, [(**b**) the judge or district judge as the case may be] may, if he thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person; who has examined the copy with the original entries, and the affidavit shall state whether or not there are in the original book any and if so what erasures, interlineations or alterations.

(2) Notwithstanding that a copy has been supplied under paragraph (1), [(**b**) the judge or district judge as the case may be] may order inspection or production of the book from which the copy was made.

Privilege

4. Where privilege is claimed for any document, [(**b**) the judge or district judge as the case may be] may inspect the document for the purpose of deciding whether the claim of privilege is valid.

(**a**) Words deleted by S.R. 1990 No. 269 with effect from 03.09.90
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Possession of specified documents

5.—(1) [(**a**) The judge or district judge as the case may be] may, on the application of any party to proceedings at any time and whether [(**b**) a list of] documents has or has not already been ordered or made, make an order requiring any other party to state by affidavit whether any particular document or class of documents, specified or indicated in the application, is or has at any time been in his possession, custody or power, and if not then in his possession, custody or power, when he parted with the document or documents and what has become of it or them.

(2) The application shall be supported by affidavit stating that in the belief of the deponent, the party against whom the application is made has, or at some time has had, possession, custody or power of the particular document or class of documents specified or, indicated in the application, and that it relates to a matter in question in the proceedings.

(**c**) *Application-under Article 42A(2) or 42B(2) of the Order*

5A.—(1) An application for an order

(*a*) under Article 42A(2) of the Order for the disclosure of documents before the commencement of proceedings; or

(*b*) under Article 42B(2) of the Order for the disclosure of documents by a person who is not party to the proceedings,

shall be made by notice in writing in Form 68D and the person against whom the order is sought shall be the respondent to the application.

(2) The notice shall be filed with the chief clerk and shall be served on the respondent and in the case of an application under Article 42B(2) on the parties to the proceedings at least 7 days before the date fixed for hearing.

(3) The notice shall be supported by an affidavit which must—

(*a*) in the case of an application under Article 42A(2) state the grounds on which it is alleged that the applicant and the respondent are likely to be parties to subsequent proceedings in the court in which a claim in respect of personal injuries is likely to be made;

(*b*) in any case, specify or describe the documents in respect of which the order is sought and how, if practicable by reference to any civil bill (or other originating summons) served or intended to be served in the proceedings, that the documents are relevant to an issue arising or likely to arise out of a claim for personal injuries made or likely to be made in the proceedings and that the person against whom the order is sought is likely to have or have had them in his possession, custody or power.

(4) A copy of the supporting affidavit shall be served with the notice on every person on whom the notice is required to be served.

(5) An order under the said Article 42A(2) or 42B(2) for the disclosure of documents shall be in Form 68E; and

(*a*) may be made conditional on the applicant giving security for the costs of the person against whom it is made or on such other terms, if any, as the court thinks just;

(*b*) shall require the person against whom the order is made to make an affidavit stating whether any documents specified or described in the order are, or at any time have been in his possession, custody or power and if not then in his possession, custody or power, when he parted with them and what has become of them.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 1990 No. 269 with effect from 03.09.90
(**c**) Rule 5A inserted by S.R. 1996 No. 295 with effect from 02.09.96

(6) No person shall be compelled by virtue of such an order to produce any documents which he could not be compelled to produce

(*a*) in the case of an application under Article 42A(2), if the subsequent proceedings had already been begun; or

(*b*) in the case of an application under Article 42B(2) if he had been served with a writ of subpoena duces tecum to produce the documents at trial.

(7) In this rule "a claim for personal injuries" means a claim in respect of personal injuries to a person or in respect of a person's death.]

Postponement of discovery

6. [(**a**) The judge or district judge as the case may be] may postpone any application for discovery or inspection of documents until after the determination of any issue or question in dispute.

Security

7.—(1) A party making application for discovery of documents may be ordered to pay into court as security such sum as [(**a**) the judge or district judge as the case may be] thinks fit.

(2) An order for discovery shall state the amount ordered to be paid into court, or that payment into court is dispensed with and, where payment into court is ordered, the party seeking discovery shall within the order for discovery serve a copy of the receipt for the payment into court, and the party from whom discovery is sought shall not be bound to make discovery unless and until the said copy has been served.

Order for production of documents

8. [(**a**) The judge or district judge as the case may be] may at any stage of the proceedings order the production upon oath by any party thereto of any documents in his possession, custody or power, relating to any question in the proceedings, and [(**a**) the judge or district judge as the case may be] may deal with the documents when produced in such manner as he considers just.

Non-compliance with the order

9. Where an order for discovery, inspection or production of documents is not complied with, [(**b**) then [(**a**) the judge or district judge as the case may be] may make such order as he thinks just, including, in particular, an order that the proceedings be dismissed or, as the case may be, an order that the notice of intention to defend be struck out and judgment be entered accordingly.]

Outlay and fees on proceedings under this Order

10. No outlay or fees incurred or paid by any party on or in connection with any proceedings under this Order shall be repaid to that party by any other party to the proceedings unless [(**a**) the judge or district judge as the case may be]—

(*a*) is satisfied that in the circumstances of the case it was necessary or expedient to invoke the provisions of this Order; and

(*b*) makes an order requiring such repayment.

Order to apply to minors

11. This order shall apply to minor plaintiffs and defendants and their next friends and guardians ad litem.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

[(**a**) PART II

INTERROGATORIES

[(**b**) *Discovery by interrogatories*

12.—(1) Any party to any proceedings may in accordance with the following provisions of this Part serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the proceedings which are necessary either—

(*a*) for disposing fairly of the proceedings; or

(*b*) for saving costs.

(2) Without prejudice to the provisions of paragraph (1), a party may apply to the judge or district judge as the case may be on notice for an order giving him leave to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the proceedings.

(3) A proposed interrogatory which does not relate to such a matter as is mentioned in paragraph (1) shall be disallowed notwithstanding that it might be admissible in oral cross-examination of a witness.

(4) Interrogatories shall be answered on affidavit (unless the judge or district judge directs otherwise) and the affidavit shall be delivered to the applicant within the time specified in the—

(a) interrogatories (not being less than 21 days from the date of service); or

(b) order.

(5) In this Part—

"interrogatories without order" means interrogatories served under paragraph (1);

"ordered interrogatories" means interrogatories served under paragraph (2) or interrogatories which are required to be answered pursuant to an order made on an application under rule 12A(2) and, where such an order is made, the interrogatories shall not, unless the judge or district judge orders otherwise, be treated as interrogatories without order for the purposes of rule 12A(1).

(6) Unless the context otherwise requires, the provisions of this Part apply to both interrogatories without order and ordered interrogatories.]

[(**c**) *Interrogatories without order*

12A.—(1) Interrogatories without order may be served on a party not more than twice.

(2) A party on whom interrogatories without order are served may, within 14 days of service of the interrogatories, apply to the judge or district judge for the interrogatories to be varied or withdrawn and, on any such application, the judge or district judge may make such order as he thinks fit (including an order that the party who served the interrogatories shall not serve further interrogatories without order).

(3) Interrogatories without order shall not be served on the Crown.

Ordered interrogatories

12B.—(1) Where an application is made for leave to serve interrogatories, a copy of the proposed interrogatories shall be served with the notice of application and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application.

(**a**) Rules 12-18 inserted by S.R. 1983 No. 164 with effect from 01.09.83
(**b**) Paragraph 12 substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Paragraphs 12A and 12B inserted by S.R. 2013 No. 19 with effect from 25.02.13

(2) In deciding whether to give leave to serve interrogatories the judge or district judge shall take into account any offer made by the party to be interrogated to give particulars or to make admissions or to produce documents relating to any matter in question and whether or not interrogatories without order have been administered.

(3) If an order is made granting leave to serve interrogatories it shall be drawn up by the applicant in Form 69A and shall be signed and sealed by the chief clerk who shall file the order and issue a certificate copy to the applicant or his solicitor for service.]

Interrogatories where party is a body of persons

13. Where a party to any proceedings is a body of persons, whether corporate or unincorporate, being a body which is empowered by law to, sue or be sued whether in its own name or in the name of any officer or other person, [(**a**) the judge or district judge as the case may be] may, on the application of any other party, make an order allowing him to serve interrogatories on such officer or member of the body as may be specified in the order.

Statement as to party, etc., required to answer

14. Where interrogatories are to be served on two or more parties or are required to be answered by an agent or servant of a party, a note at the end of the interrogatories shall state which of the interrogatories each party or, as the case may be, an agent or servant is required to answer, and which agent or servant.

Objection to answer on ground of privilege

15. Where a person objects to answering any interrogatory on the ground of privilege he may take the objection in his affidavit in answer.

Insufficient answer

16. If any person on whom interrogatories have been served answers any of them insufficiently, [(**a**) the judge or district judge as the case may be] may on application make an order requiring him to make a further answer, and either by affidavit or on oral examination as [(**a**) the judge or district judge as the case may be] may direct.

Failure to comply with order

17. If a party against whom an order is made under Rule 12 or 16 fails to comply with it, [(**a**) the judge or district judge as the case may be] may make such order as he thinks just including, in particular, an order that the action be dismissed or, as the case may be, an order than [(**b**) the notice of intention to defend be struck out and judgment be entered accordingly.]

Use of answers to interrogatories at trial

18. A party may put in evidence at the trial of the proceedings, or of any issue therein, some only of the answers to interrogatories, or part only of such an answer, without putting in evidence the other answers or, as the case may be, the whole of that answer, but [(**a**) the judge or district judge as the case may be] may look at the whole of the answers and if of the opinion that any other answer or other part of an answer is so connected with an answer or part thereof used in evidence that the one ought not to be so used without the other, [(**a**) the judge or district judge as the case may be] may direct that that other answer or part shall be put in evidence.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

ORDER 16

Sitting in chambers

1. [(**a**) The judge or district judge as the case may be] may sit in chambers at any time and place and before, at or after the ordinary sittings of his court for the despatch of such part of the jurisdiction of his court as can without detriment to the public interest be heard in chambers, or for such matters as [(**a**) the judge or district judge as the case may be] shall from time to time think may be more conveniently disposed of in chambers than in open court.

Adjournment from court to chambers and vice versa

2.—(1) [(**a**) The judge or district judge as the case may be] may when sitting in open court adjourn for consideration in chambers any matter which in his opinion would be more conveniently disposed of in chambers.

(2) [(**a**) The judge or district judge as the case may be] may when sitting in chambers direct any matter to be heard in open court which he thinks ought to be so heard.

Mode of proceeding

3. Unless otherwise provided, every application at chambers not made ex parte shall be made by summons in Form 70.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 17

References, accounts and inquiries

PART I

REFERENCES UNDER ARTICLE 32 OF THE ORDER

Order for reference

1.—(1) An order under Article 32 of the Order for the reference of any proceeding or question or matter of account to the [(**a**) district judge] or other officer (in this Order referred to as "the officer") for inquiry or report may be made at any stage of the proceedings by [(**b**) the judge] of his own motion or on the application of any of the parties.

(2) In making an order for such a reference, [(**b**) the judge] may give all such directions as he thinks fit as to the time and place of the sittings thereof, notices to the parties affected thereby, the summoning of witnesses and the time and place for the consideration of the report thereon.

Conduct of reference

2.—(1) Subject to any order of [(**b**) the judge] as to the conduct of the reference—

(*a*) the officer shall hear any parties entitled to attend, and their counsel or solicitors;

(*b*) the officer may inspect any property or thing concerning which any question arises;

(*c*) the attendance of witnesses may be enforced by summons and the inquiry shall be conducted in the same manner, as nearly as circumstances permit, as if the inquiry were the hearing of an action;

(*d*) subject to the provisions of paragraph (3), the officer shall have the powers of a judge with respect to the administration of oaths, taking of affidavits, discovery and production of documents and in the conduct of the inquiry;

(*e*) the officer may submit or may direct any of the parties to submit for the decision of [(**b**) the judge] any question arising in the inquiry.

(2) Where a matter of account is referred to the officer, the officer, in addition to any powers conferred by paragraph (1), may—

(*a*) direct any accounting party to make out and furnish his account within a time to be stated;

(*b*) give directions as to the manner in which the account is to be taken or the inquiry made and as to the bringing of all necessary parties before the court;

(*c*) direct and settle advertisements to be published for creditors or persons having or claiming an interest in the subject-matter of the proceedings;

(*d*) direct that any books of account, in which any account required to be taken has been kept, shall be taken as *prima facie* evidence of the truth of the matter therein contained;

(*e*) fix a time for adjudicating on claims;

(*f*) give such other directions as he may think proper.

(3) Nothing in this Rule shall authorise the officer to commit any person to prison, or to enforce any order by attachment.

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Application of provisions of Part II

3. [(**a**) The judge] may direct that any of the provisions of Part II which he considers appropriate shall apply to any particular reference under this Part.

PART II

ACCOUNTS AND INQUIRIES IN EQUITY PROCEEDINGS

Form of primary decree

4. A primary decree in equity proceedings directing accounts to be taken or inquiries to be made shall be in such one of Forms 71 to 79 as is applicable to the case.

General account

5. Unless [(**a**) the judge] otherwise orders, every order for a general account of the estate of a deceased person shall direct an inquiry as to what parts (if any) of such estate are outstanding or undisposed of.

Taking of accounts and making, inquiries

6.—(1) Where a primary decree in equity proceedings directs that an account be taken or inquiries made—

(*a*) the account shall be taken and the inquiries shall be made by the [(**b**) district judge] (in this Part referred to as "the officer");

(*b*) the provisions of Rule 2 shall apply; and

(*c*) the officer shall direct the chief clerk to issue a summons to proceed in Form 70 addressed to all parties required or entitled to attend directing their attendance at such courthouse or other place which the officer considers to be convenient to the parties; and such summons shall be prepared and served by the party or solicitor having carriage of the proceedings and shall be returnable not less than fourteen days from the date of issue.

(2) Where an account is directed to be taken––

(*a*) the accounting party shall, unless [(**a**) the judge] otherwise directs, make out his account in writing and verify it by affidavit;

(*b*) the items on each side of the account shall be numbered consecutively; and

(*c*) the account shall be exhibited to the affidavit which shall be lodged in the Office.

Advertisements

7.—(1) Where an advertisement is published for creditors, incumbrancers, next-of-kin or persons having or claiming interests in the subject-matter of the proceedings, the advertisement shall direct the claimants to send to the officer or to the solicitor having carriage within a stated time their names and addresses and full particulars of their claims, and the nature of the security (if any) held by them, and shall fix a date for adjudicating on the claims.

(2) The officer may direct and settle any such advertisement at the time of the issue of any summons to proceed or at any hearing of the reference and such advertisement shall before the beginning of a period of fourteen days ending on the date for adjudication on claims be inserted by the party or solicitor having carriage of the proceedings in such newspapers as the officer shall direct.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

(3) On the expiration of the time fixed by the advertisement the officer may—

(*a*) require an affidavit from the party or solicitor having carriage as to any claims received by him pursuant to the advertisement and as to the result of the investigation by that party or solicitor of any such claim:

(*b*) adjudicate on the claims having regard only to those claims of which he then has notice.

Pedigree and proofs

8. On a request by notice in writing from the officer, every person claiming as heir-at-law, devisee, next-of-kin or legatee shall, within such time as is specified in the notice, produce or transmit to the officer any pedigree or proof mentioned in such notice.

Surcharge

9. A party seeking to charge an accounting party beyond what he has by his account admitted to have received, shall give notice to the accounting party stating the amount sought to be charged and particulars thereof and shall file a copy of such notice in the Office.

Claims of creditors

10.—(1) The officer may in Form 80 require any creditor—

(*a*) to file an affidavit in support of his claim; or

(*b*) to attend at the time appointed for adjudicating on claims; or

(*c*) to produce at any time appointed for adjudicating on claims any, deeds or documents required to prove his claim.

(2) Every secured creditor shall deliver his security at the Office before, or attend and produce his security at, the time appointed for adjudicating on claims.

(3) At the time appointed for adjudicating on the claims, the officer shall take the evidence of the executor, administrator or other accounting party upon the claims, and may—

(*a*) allow any of the claims without further proof,

(*b*) direct an investigation of all or any of the claims not allowed and require such further particulars, information or evidence relating thereto as he may think fit; and

(*c*) require any claimant to attend and prove his claim.

(4) The officer shall give notice in Form 81 to every claimant whose claim has not been allowed.

(5) The officer may allow to a claimant the costs of proving his, claim and any costs so allowed may be added to the claim.

Right of application to [(**a**) *the judge*]

11. Any party may, before the proceedings before the officer are concluded, apply by way of motion on notice to [(**a**) the judge] for his ruling upon any matter arising in the course of the proceedings.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Report to [(**a**) *judge*]

12.—(1) The report of the reference shall be made by the officer by certificate, in writing to [(**a**) the judge] in such one of Forms [(**b**) 82] to 86 applicable, and the certificate shall lie in the Office and may be inspected by any party, and a copy shall be supplied to any party on payment of the prescribed fee.

(2) The party or solicitor having carriage of the proceedings shall, in such manner as the officer directs, give notice in Form 87 to all parties to the proceedings that the certificate may be inspected in the Office by any parties interested therein or affected thereby.

(3) Any party to the proceedings—

(*a*) may apply on not less than eight days' notice for the consideration by [(**a**) the judge] of the officer's certificate;

(*b*) may, on giving at least four days' notice to the chief clerk and the other parties, apply in Form 88 to [(**a**) the judge] on the day fired for the consideration of the certificate for a variation of the certificate or for the remittal of the certificate or any part of it for further inquiry or report.

(4) On the hearing of an application for the variation or remittal of a certificate or any part of it, [(**a**) the judge] may confirm or vary the certificate and may make such order thereon in such one of Forms 89 to 96 or otherwise as he thinks fit or may remit it or any part of it to the officer for further inquiry or report.

(5) Where no application is made to vary the certificate, [(**a**) the judge] shall, unless he otherwise orders, confirm the certificate and may make such order thereon as he thinks fit.

Order on applications for administration or execution of trusts, etc.

13. On an application for the administration of the estate of a deceased person or the execution of a trust or otherwise involving the taking of an account, where no accounts or insufficient accounts have been rendered, without prejudice to any other power, [(**a**) the judge]—

(*a*) may order that the application shall stand over for a certain time, and that in the meantime the accounting parties shall render to the applicant a proper statement of their accounts, and any such order shall contain an intimation that in default of compliance, the accounting parties may be ordered to pay the costs of the proceedings or such part thereof as [(**a**) the judge] may think fit;

(*b*) where necessary to prevent proceedings by other persons, may make an order with a proviso that no proceedings are to be taken thereunder without leave of [(**a**) the judge].

Interpretation

14. In this Part "claimant" includes creditor and person having or claiming an interest in the subject-matter of the proceedings.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Figure substituted by S.R. 1982 No. 287 with effect from 11.10.82

ORDER 18

Receivers

Appointment

1. Where before, at or after the hearing of any proceedings it appears to [(**a**) the judge] expedient that a receiver be appointed, such appointment may be made by [(**a**) the judge] of his own motion or on the application of a party.

Security

2. Every receiver other than an officer of the court shall, unless otherwise ordered, give such security to the [(**b**) district judge] for the faithful discharge of his duties, and the payment over of money, as [(**a**) the judge] shall direct.

Remuneration

3. Every receiver shall receive such reasonable remuneration as [(**a**) the judge] may authorise.

Accounts

4.—(1) Every receiver shall deliver at the Office for examination by the district judge such accounts at such time or times as [(**a**) the judge] or [(**b**) district judge] may direct.

(2) Where the duties of a receiver are continuous, no longer period than one year shall in any case be allowed between each examination of accounts.

(3) Every such account shall, unless otherwise ordered, be verified by affidavit.

(4) When any such account has been delivered, the chief clerk shall fix a time for the passing of the account and shall give notice thereof to the receiver and to the parties.

Passing account

5. At the time appointed for the passing of the account, the receiver and any party may, and if required by the [(**b**) district judge] shall, attend at the Office and the [(**b**) district judge] may require the receiver to produce any vouchers necessary for verifying the account and may disallow any item not proved to his satisfaction.

Certificate of [(**b**) *district judge*]

6. The [(**b**) district judge] shall after examining the account make and sign a certificate stating the result of the examination.

Review by judge

7. The receiver or any person dissatisfied with the allowance or disallowance by the [(**b**) district judge] of any item in the account may within eight days from receiving notice of the signing of the certificate under Rule 6 apply to [(**a**) the judge] on notice for a review of the decision of the [(**b**) district judge], and the judge may make such order on the application as he thinks fit.

Direct payments by receiver

8. [(**a**) The judge] may order the receiver—

(*a*) to pay from time to time out of any sums that may be in or come into his hands the head rents or other outgoings payable in respect of, and the interest upon, any mortgages or other charges upon any lands over which he is acting as receiver;

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

(*b*) to pay over at any time to the party entitled to the beneficial interest or to the guardian of any minor any accruing rents or interest instead of paying them into court;

and may authorise the receiver to take credit for such payments in his accounts.

Payment of balance into court

9. Any balance certified to be due from the receiver shall, subject to any direction given by [(**a**) the judge] on review under Rule 7, be paid into court within fourteen days from the date of the certificate of the [(**b**) district judge].

Default by receiver

10. Where any receiver has failed to deliver or pass any account or to make any payment certified to be due from him, [(**a**) the judge] may require the receiver to attend before him to show cause why such default has been made and may make such order as he thinks fit, including an order for enforcing any bond or security given by the receiver, and a direction to charge the receiver with interest at five per centum per annum on any balance which has remained in his hands for more than fourteen days from the date on which it was certified to be due, or [(**a**) the judge] may discharge the receiver and appoint another, and may make such order as to costs as he thinks just.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

ORDER 19

Assessors

Application for an assessor

1. A party who desires a person of skill and experience in the matter to which the proceedings relate to be appointed as an assessor to assist [(**a**) the judge] shall, before the beginning of a period of eleven days ending on the day fixed for the hearing, on notice to the other party lodge in the Office an application together with the amount of the assessor's fee, and thereupon the chief clerk shall send a copy of the application to [(**a**) the judge].

Appointment of assessor

2.—(1) Before giving his decision on the application, [(**a**) the judge] may hear both parties.

(2) If [(**a**) the judge] grants the application, the chief clerk shall give notice to the parties and shall appoint such person who is willing to act as may be agreed upon by the parties or in default of agreement as may be specified by [(**a**) the judge].

Refusal of application

3. If the application is refused, the chief clerk shall so inform the parties.

Absence of assessor

4. If at the time and place appointed for the hearing the assessor appointed does not attend, [(**a**) the judge] may hear the action or matter without his assistance.

[(**b**) *Remuneration*

5. Every assessor shall receive for each half day's attendance a fee of—

(*a*) £32.96 as from 25 February 2013; or

(*b*) £33.60 as from 25 February 2014

together with such sum for his expenses as the judge or district judge may order.]

Fees for adjourned hearing

6. Where a hearing at which an assessor is in attendance is adjourned, the, party who applied for the appointment of an assessor shall forthwith upon the order of adjournment being made deposit in the Office the assessor's fee for the day to which the hearing is adjourned.

Costs

7. Any sum paid in respect of assessor's fees shall be costs in the proceedings, unless the judge otherwise orders.

Pilotage Act 1913

8. This Order shall not apply to an appeal under section 28 of the Pilotage Act 1913(**c**).

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 5 substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) 1913 c. 31

ORDER 20

Arbitration

Fixing of date

1. Where proceedings are, in accordance with Article 31 of the Order, ordered to be referred to arbitration, the chief clerk shall cause the order to be forthwith lodged with the arbitrator thereby appointed who shall within fourteen days thereafter fix the date of the hearing after consultation with the parties or their solicitors.

Conduct of arbitrations

2. Every such reference shall be conducted as nearly as may be in the same manner and in accordance with the same rules and practice as a hearing by a [(**a**) judge].

Restriction on provision of copies of deeds, etc.

3. Where original deeds or documents are available, copies shall be brought in only by special direction of the arbitrator.

Arbitrator's powers of adjournment, inspection, etc.

4. The arbitrator may hold the hearing at or adjourn it to any place which he may deem most convenient and may have any inspection or view which he may deem expedient for the better disposal of the matter before him.

Report to [(**a**) *judge*]; [(**a**) *judge's*] *powers thereon*

5. The arbitrator to whom any cause or matter or any question or issue of fact arising therein has been referred may by his report submit any question arising out of the reference for the decision of [(**a**) the judge] or state any facts specially with power to [(**a**) the judge] to draw inferences therefrom, and in any such case such order shall be made on the submission or statement as [(**a**) the judge] may direct; and [(**a**) the judge] shall have power to require any explanations or reasons from the arbitrator, and to remit the cause or matter or any part thereof for further consideration to the same or to any other arbitrator; or [(**a**) the judge] may decide the question referred to any arbitrator on the evidence taken at the hearing under such reference either with or without additional evidence as [(**a**) the judge] may direct.

Witnesses' expenses

6. The expenses of witnesses shall be measured by the arbitrator, as nearly as possible in accordance with the scales prevailing in the court from which the arbitration is referred and such expenses shall be set forth in the award and shall be subject to review by [(**a**) the judge].

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 21

Discontinuance [(a), Settlement] and payment into and out of court

Discontinuance by plaintiff

1.—(1) If a plaintiff desires to discontinue wholly or in part any proceedings against all or any of the parties thereto, he shall give notice thereof in writing to the party or parties as to whom he desires to discontinue, and pay or tender therewith the costs incurred by the party or parties up to the giving of the notice.

(2) Where the payment or tender of costs is not made at the time of discontinuance of the proceedings or is insufficient, the defendant may apply to the court at which the proceedings are or would have been heard for a decree against the plaintiff for such costs and for the costs of attending the court to obtain such decree, and [(**b**) the judge or district judge as the case may be] may make such order as to costs as, having regard to any tender made by the plaintiff or other circumstances, he thinks just.

(3) Where proceedings are not wholly discontinued against a party, costs awarded for the discontinued part of the proceedings shall not without leave of [(**b**) the judge or district judge as the case may be] be recovered before the proceedings are disposed of.

(4) Discontinuance under this Rule shall not be a defence to any subsequent proceedings, but if subsequent proceedings are brought for substantially the same cause of action before the payment of the costs of the discontinued proceedings, [(**b**) the judge or district judge as the case may be] may stay the proceedings until the costs have been paid.

[(**c**) *Notice of Settlement*

1A.—(1) This rule applies to proceedings—

(*a*) in which only a debt or liquidated amount is claimed;

(*b*) in which only unliquidated damages are claimed;

but does not apply to any proceedings in which any of the parties is a litigant in person or in which money or damages are claimed by or on behalf of or for the benefit of a minor or patient suing either alone or in conjunction with other parties.

(2) In any proceedings to which this rule applies, if all the parties consent, a solicitor for any of the parties may at any time up to the hearing make application in Form 98A on behalf of his client to the chief clerk to have entered in the order book of the court a settlement reached by the parties in those proceedings.

(3) An application in Form 98A shall be signed by the solicitors retained by each of the parties to the proceedings.

(4) An application in Form 98A shall state—

(*a*) the title to the proceedings;

(*b*) where it is known, the number allocated to the proceedings;

(*c*) the terms of the settlement in respect of the amount to be recovered and by whom it is to be recovered;

(*d*) the terms of the settlement in respect of costs and witness expenses;

(*e*) in any proceedings where a set-off or a counterclaim is alleged, whether the amount of the set-off or counterclaim has been deducted; and

(*f*) to whom any money lodged in court under Order 21 Rule 2 is to be paid.

(**a**) Words inserted by S.R. 1992 No. 478 with effect from 01.01.93
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Rule 1A inserted by S.R. 1992 No. 478 with effect from 01.01.93

(5) Where proceedings have been commenced on behalf of a minor by his next friend and the minor has since the date of the commencement of the proceedings, attained his majority, his birth certificate shall be attached to the application made in Form 98A.

(6) On receipt of an application in Form 98A, if he is satisfied that the application is in order, the chief clerk shall cause the settlement to be entered in the order book of the court.

(7) Where a settlement has been entered in the order book of the court pursuant to an application under paragraph (2) any party to the proceedings may apply to the chief clerk in writing for the issue of a decree or dismiss therein.]

Payment into court

2.—(1) A defendant in any action may, subject to this Rule, [(**a**) [(**b**) upon] giving notice to] the plaintiff in Form 97 lodge in court in accordance with paragraph (2) such sum of money as he thinks sufficient to satisfy the plaintiff's claim, together with an undertaking in writing to pay to the plaintiff such sum in respect of costs and expenses reasonably incurred by the plaintiff up to the date of lodgment as may be agreed upon between the parties, or in default of agreement as may on the application of either party in Form 99, and if necessary after both parties have been heard, be settled by the [(**c**) district judge].

[(**d**) (1A) Where a defendant has withheld an amount from a payment into court in accordance with Article 24 of and paragraph 12(2)(*a*) (i) of Schedule 4 to the Social Security (Northern Ireland) Order 1989, the notice he gives under paragraph (2) of this rule must include the certificate of such deduction referred to in paragraph 12(3)(*a*) of the said Schedule.]

(2) Lodgment in court under paragraph (1) may, [(**e**) subject to paragraph 4], be made—

(*a*) in a remitted action within eight days of the date of the order of remittal [(**f**) . . .]

(*b*) in any other action, [(**a**) within 28 days of service upon him of the plaintiff's medical evidence served in accordance with [(**g**) Rule 39] of Order 24 or, in any case to which that Rule does not apply, within 28 days of service of the notice of intention to defend.]

[(**h**) . . .]

(4) [(**i**) The judge or district judge as the case may be] in [(**j**) . . .] ordering sufficient particulars to be furnished may give leave for the making of any lodgment under this Rule, notwithstanding that the period specified in paragraph (2) has expired, and where such leave is given [(**a**) a lodgment may be made within 14 days of receipt of the further particulars furnished in compliance with the order of [(**i**) the judge or district judge as the case may be].]

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Word substituted by S.R. 1998 No. 199 with effect from 01.09.98
(**c**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**d**) Words inserted by S.R. 1990 No. 278 with effect from 03.09.90
(**e**) Words substituted by S.R. 1995 No. 282 with effect from 01.09.95
(**f**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**g**) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**h**) Paragraph (3) deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**i**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**j**) Words deleted by S.R. 1998 No. 199 with effect from 01.09.98

(5) Where under paragraph (1) the [(**a**) district judge] has settled a sum for costs and expenses, either party, within two days from such settlement may on notice to the other party and the [(**a**) district judge] appeal to [(**b**) the judge] against such settlement; and on such appeal [(**b**) the judge] may affirm or vary the sum so settled.

(6) Money shall be paid into court by lodging it at the county court bank to the credit of the civil bill account in accordance with Order 45 Part I and where any money is so lodged a copy of the notice sent to the plaintiff under paragraph (1) shall be lodged [(**c**)...] with the bank, such [(**c**)...] copy being headed with the additional words "Civil Bill Account".

(7) Money paid into court shall remain in court subject to further order unless [(**d**) a notice of settlement under Rule 1A has been entered in the order book of the court or] the plaintiff elects to take it out as hereinafter provided.

Payment out of court

[(**e**) **3.**—(1) Where money is paid into court under Rule 2 the plaintiff may (subject to any order made by [(**b**) the judge or district judge as the case may be] [(**f**) . . .] such as is referred to in Rule 2(4) and to Rule 3A) within 28 days of receiving notification in accordance with Rule 2(1) that the defendant has made a payment into court, or subsequently with the consent of the defendant, sign and serve on the defendant and lodge with the chief clerk a notice in Form 98 accepting the amount in satisfaction of his claim.]

(2) Subject to paragraphs (4) and (5), where money is accepted under paragraph (1) all proceedings in the action as between the plaintiff and the defendant who has paid the money into court shall be stayed, and the money paid into court shall be paid out to the plaintiff without the necessity of any decree or order of the court, and the said defendant shall not be liable to any further costs other than those payable under the undertaking given under Rule 2(1).

(3) Within seven days from the day on which the parties agree on, or the [(**a**) district judge] settles, the amount due for costs and expenses under an undertaking given under Rule 2(1), or within seven days from the determination by [(**b**) the judge] of any appeal under Rule 2(5), the defendant shall pay that amount to the plaintiff, and in default the chief clerk may, on the application of the plaintiff of which at least seven days' notice has been given to the defendant, issue a decree in Form 100. The costs of the application and the decree shall be in the discretion of the [(**a**) district judge].

(4) Where notice of acceptance under paragraph (1) is served by or on behalf of a plaintiff under legal disability—

(*a*) the money paid into court shall not be paid without an order of [(**b**) the judge or district judge as the case may be];

(*b*) a notice of intention to apply to [(**b**) the judge or district judge as the case may be] for approval of such acceptance shall also be served on the defendant and lodged in the Office;

(*c*) the application to [(**b**) the judge or district judge as the case may be] shall be made at the time when the action would, if no notice of acceptance has been served, have been heard by [(**b**) the judge or district judge as the case may be]; and

(*d*) the plaintiff shall be entitled to his costs of the application unless [(**b**) the judge or district judge as the case may be] otherwise directs.

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words deleted by S.R. 2004 No. 216 with effect from 31.05.04
(**d**) Words inserted by S.R. 1992 No. 478 with effect from 01.01.93
(**e**) Paragraph (1) substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**f**) Words deleted by S.R. 1998 No. 199 with effect from 01.09.98

(5) A plaintiff in an action for libel or slander who takes money out of court may apply for leave to make in open court a statement in terms approved by [(**a**) the judge or district judge as the case may be] in chambers. The chief clerk shall after consultation with [(**a**) the judge or district judge as the case may be] fix a time for the hearing of the application by [(**a**) the judge or district judge as the case may be] in chambers and shall give at least three days' notice of the hearing to the plaintiff and the defendant and a copy of the proposed statement shall be sent with the notice to the defendant. The application shall be heard by [(**a**) the judge or district judge as the case may be] in private. The costs of and in connection with any such application and of the making of the statement in open court shall be in the discretion of [(**a**) the judge or district judge as the case may be].

[(**b**) [(**a**)*Judge or district judge as the case may be] may permit payment in or out of court out of time*

3A. Without prejudice to Order 43, Rule 10, [(**a**) the judge or district judge as the case may be] may, on the application of any party, make an order permitting the defendant to make a payment into court or increase a payment made into court under Rule 2 or permitting a plaintiff to accept a payment or increased payment made into court notwithstanding the fact that the period for making a payment into court under Rule 2(2) or accepting a payment made into court under Rule 3(1) has expired.]

Costs

4.—(1) Where money has been paid into court by any defendant and the plaintiff does not serve notice of acceptance under Rule 3 and does not obtain a decree against that defendant for an amount, exclusive of costs and expenses, greater than that paid into court, then—

[(**c**) (*a*) where the plaintiff is not under legal disability and subject to sub-paragraph (c), he shall be entitled to recover from the defendant 75% of his solicitor's costs and outlays (other than his counsel's fee), calculated in accordance with the scale fee on the amount decreed; and he shall be liable for 25% of the defendant's solicitor's costs and outlays (other than the defendant's counsel's fee) and for 100% of the defendant's counsel's fee, both as calculated in accordance with the scale fee on the amount claimed.]

(*b*) where the plaintiff is under legal disability, costs shall be in the discretion of [(**a**) the judge or district judge as the case may be].

[(**d**) (*c*) the division of responsibility for costs specified in sub-paragraph (*a*) may be varied in the discretion of [(**a**) the judge or district judge as the case may be].]

(2) Where a defendant becomes entitled to costs under this Rule such costs shall be paid to him out of the money paid into court before any payment out of the said money is made to the plaintiff.

Payments into court not to be communicated to [(**a**) judge or district judge as the case may be]

5. Where money has been paid into court under Rule 2 that fact shall not be communicated to [(**a**) the judge or district judge as the case may be] before the determination of all questions of liability and the amount of debt or damages.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 3A inserted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Sub-paragraph (a) substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Sub-paragraph (c) inserted by S.R. 1995 No. 151 with effect from 01.09.95

Decree

6. Where money has been paid into court by any defendant and the plaintiff does not serve notice of acceptance, a decree in favour of the plaintiff shall be in such one of Forms 101, 102, 103, 104 or 105 as may be appropriate.

Payment into court by defendant to counterclaim

7. Rules 2 to 6 shall apply *mutatis mutandis* in relation to payment into court by a defendant to a counterclaim.

Application

8. Rules 2 to 7 shall not apply—

(*a*) to an action where the defence is that of tender before action brought; or

(*b*) to actions in which the title or any corporeal or incorporeal hereditament comes in question.

ORDER 22

Transfer, remittal and removal of proceedings

PART I

TRANSFER OF PROCEEDINGS FROM ONE COUNTY COURT TO ANOTHER

Generally

1.—(1) Where an action has, in accordance with the provisions of Order 1, been duly commenced in a county court against a defendant who does not reside or carry on business within the division of that court and the defendant desires the action to be transferred to the court for the division in which he resides or carries on business, he may apply ex parte in writing without fee to the court in which the action was commenced for an order transferring the action to the other court, and [(**a**) the judge or district judge as the case may be] of the court in which the action was commenced may, if after considering the application and the question whether the claim is disputed he thinks that it would be a hardship on the defendant for the action to proceed in the court in which it was commenced, order the action to be transferred to the other court.

(2) [(**a**) The judge or district judge as the case may be] may, if he thinks fit, before dealing with an application under paragraph (1), cause notice to be given to the plaintiff that the application has been made and of the day and hour when the plaintiff may attend and be heard, and may if necessary adjourn the hearing of the action.

Where Judge has interest in subject-matter

2. If [(**a**) the judge or district judge as the case may be] of a court has an interest in the subject-matter of any proceedings in that court, he may, and if so requested by any party shall, order them to be transferred to some convenient court of which he is not [(**a**) the judge or district judge as the case may be].

Where officer of court is a party

3. Where any party to proceedings is an officer of the court, [(**a**) the judge or district judge as the case may be] may, and on the application of the opposite party shall, direct the hearing to take place at some convenient court of which such party is not an officer.

Where proceedings commenced in wrong court

4. Where proceedings are commenced in the wrong court, [(**a**) the judge or district judge as the case may be] may either—

(*a*) transfer the proceedings to the court in which they ought to have been commenced; or

(*b*) with the consent of the parties order that the proceedings shall continue in the court in which they were commenced; or

(*c*) order the proceedings to be struck out, and, if it appears to [(**a**) the judge or district judge as the case may be] that the plaintiff knew or ought to have known that the proceedings should have been commenced in another court, may make such an order as to costs as he might have made if the proceedings had been heard and determined in favour of the defendant.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Transfer with or without an application

5.—(1) Any transfer of proceedings from one county court to another authorised by the Order or Rules 2 to 4 may be made by [(**a**) the judge or district judge as the case may be] of his own motion, or on the application of any party on not less than three days' notice to the chief clerk and all parties who may be affected.

(2) The order shall be in Form 106.

Procedure on transfer

6. Where a transfer is ordered, the chief clerk of the court in which the proceedings are pending shall send to the chief clerk of the other court a certified copy of all the entries in the books of the first mentioned court together with all the documents in his custody relating to the proceedings and the chief clerk of the court to which the proceedings are transferred shall appoint a day for the hearing and send notice of hearing in Form 107 to all parties interested; and all subsequent proceedings shall be taken in that court.

Costs

7. The costs of the certified copies of the entries in the books of the court and of transmission shall be paid in the first instance by the party on whose application the transfer has been made, or if made by [(**a**) the judge or district judge as the case may be] of his own motion, by the plaintiff, without prejudice to the question how they will ultimately be borne.

PART II

PROCEEDINGS REMITTED FROM THE HIGH COURT

Lodgment of documents in and entry of remitted actions

8.—(1) Where under the provisions of any enactment an action is ordered by the High Court to be heard, or remitted by the High Court for hearing in a county court, the plaintiff shall lodge the original writ of summons or other originating process [(**b**) and all other pleadings] with the chief clerk of the court for the division named in the order for hearing.

[(**c**) (2) The original writ of summons or other originating process and all other pleadings shall be lodged with the chief clerk in accordance with paragraph (1) within 14 days from the date of the order for remittal.]

[(**d**)...]

(6) Before lodging the writ of summons or other originating process in accordance with this Rule, the plaintiff shall ascertain that the chief clerk has received a copy of the order of remittal and all documents filed in the proceedings in the High Court in accordance with [(**e**) Rule 8] of Order 78 of the Rules of the Court of Supreme Court (Northern Ireland) 1980(**f**) and shall at the time of such lodgment attach to the summons or other process a certified copy of the notice of remittal served on him by the proper officer of the Court of Judicature in accordance with [(**e**) Rule 8(*a*)] of that Order.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words inserted by S.R. 1982 No. 287 with effect from 11.10.82
(**c**) Paragraph (2) substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Paragraphs (3), (4) and (5) deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Words substituted by S.R. 1982 No. 120 with effect from 01.06.82
(**f**) S.R. 1980 No. 346

(7) Where the only issue in the action remitted for hearing in a county court arises solely on a counterclaim by a defendant, this Rule shall apply as if for references to the plaintiff and to the original writ of summons or other originating process there were substituted references to the defendant and to a copy of such writ or other process together with particulars of the counterclaim, as the case may be.

Costs payable out of money received

9. Where an order has been made by the High Court for payment of any costs to a solicitor out of the money recovered, the amount of such costs, if not paid before the money was received by the county court in accordance with Article 21 of the Order, shall, on the application of the solicitor, supported by the certificate of the taxing master or other appropriate officer of the High Court, be paid out of the money received, and any investments may be sold for that purpose if [(**a**) the judge or district judge as the case may be] or, in his absence, the chief clerk thinks fit.

Judge may require production of writ, etc.

10. [(**a**) The judge] may at any time require a next friend, guardian ad litem, [(**b**) controller] or widow to obtain and produce the writ, pleadings and any other document used in the proceedings in the High Court.

PART III

REMOVAL OF PROCEEDINGS TO THE HIGH COURT

Procedure on removal

11.—(1) Where an order is made by the High Court for the removal of any proceedings from a county court to the High Court, the chief clerk shall—

(*a*) make and certify copies of all entries in the books of the court relating to the proceedings and send them to the proper officer of the High Court, together with all documents filed in the proceedings;

(*b*) the costs of removal shall be paid as provided in Rule 7.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Word substituted by S.R. 1988 No. 100 with effect from 01.05.88

ORDER 23

References to the European Court

Interpretation

1. In this Order—

"the European Court" means the Court of Justice of the European Communities; and

"order" means an order referring to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

Making of order

2.—(1) The court may make an order at any stage in the course of an action or matter whether of its own motion or on application by a party before or at the hearing thereof.

(2) Where an application for an order is made before the hearing nothing in Rule 1 of Order 14 shall be construed as authorising the hearing of the application other than by [(**a**) the judge] in person and that Rule shall apply accordingly.

Schedule to order to set out request for ruling

3. An order shall be in Form 109 and shall set out in a schedule the request for the preliminary ruling of the European Court and the court may give directions as to the manner and form in which the schedule is to be prepared.

Stay of proceedings pending ruling

4. The proceedings in which an order is made shall, unless the court otherwise orders, be stayed until the European Court has given a preliminary ruling on the question referred to it.

Transmission of order to the European Court

5. When an order has been made the chief clerk shall send a copy thereof to the parties and to the Registrar of the European Court; but, where there is a right of appeal against the order he shall not do so, unless the court otherwise orders, until the time for appealing has expired or, as the case may be, until any appeal has been decided or disposed of.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(a) ORDER 23A

Devolution issues under Schedule 10 to the Northern Ireland Act 1998

Interpretation

1. In this Order—

"the appropriate Minister or department" means—

(*a*) the First Minister and the deputy First Minister acting jointly; or

(*b*) where they, acting jointly, determine under paragraph 36 of Schedule 10 that any power conferred on them by that Schedule in relation to any specified proceedings may be exercised by a specified Minister or Northern Ireland department, that Minister or department; and for this purpose "specified" means specified in a determination under that paragraph;

"devolution issue" has the same meaning as in Schedule 10;

"the Judicial Committee" means the Judicial Committee of the Privy Council;

"originating process" means a civil bill, petition, notice of application or any other method of commencing proceedings in a county court;

"Schedule 10" means Schedule 10 to the Northern Ireland Act 1998.

Specification of devolution issue

2.—(1) A party raising a devolution issue shall specify—

(*a*) if he is a plaintiff, petitioner or applicant, in the originating process;

(*b*) if he is an appellant, in the notice of appeal;

(*c*) if he is a defendant or a respondent to a petition, application or appeal, or in any other case, on a notice in Form 109A,

the facts and circumstances and points of law on the basis of which it is alleged that the devolution issue arises in sufficient detail to enable the court to determine whether a devolution issue arises in the proceedings.

(2) A notice in Form 109A shall be delivered to the chief clerk and served on each of the other parties to the proceedings—

(*a*) at the same time as any notice of intention to defend is so delivered and served; or

(*b*) in a case where there is no notice of intention to defend, as soon as practicable after notice of the proceedings has been received.

Notice of devolution issue

3.—(1) Where a devolution issue has been raised in accordance with Rule 2, the chief clerk shall as soon as is practicable cause the matter to be drawn to the attention of the court for the making of an order under paragraph 5 of Schedule 10 requiring notice of the devolution issue to be given to the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department.

(2) The notice to the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department shall be in Form 109B and specify 14 days, or such longer period as the Court may direct, as the periods within which he or it shall give notice of his or its intention to appear as a party in the proceedings so far as it relates to the devolution issue as mentioned in paragraph 6 of Schedule 10.

(a) Order 23A inserted by S.R. 1999 No. 490 with effect from 17.01.00

Response to notice of devolution issue

4. Where the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department intends to appear as a party to the proceedings he or it shall give notice by lodging Form 109C with the chief clerk and serving a copy on each of the other parties.

Reference of devolution issue to Court of Appeal

5.—(1) The court may, of its own motion at any stage in the proceedings or on application by a party before or at the trial or hearing thereof, make an order in Form 109D referring a devolution issue to the Court of Appeal in accordance with paragraph 7 of Schedule 10.

(2) Notwithstanding anything in Order 14, Rule 1, no order under this Rule shall be made except by [(**a**) the judge] personally.

(3) An order referring a devolution issue to the Court of Appeal shall set out in a schedule the devolution issue, which shall be settled by [(**a**) the judge] after such directions to the parties as he may think desirable as to its manner and form.

(4) The chief clerk shall send the order to the Master (Queen's Bench and Appeals).

Reference of devolution issue to the Judicial Committee

6.—(1) Where the court in accordance with paragraph 33 of Schedule 10 is required by the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department to refer a devolution issue to the Judicial Committee it shall make an order in Form 109E referring the issue to the Judicial Committee.

(2) Notwithstanding anything in Order 14, Rule 1, no order made under this Rule shall be made except by [(**a**) the judge] personally.

(3) An order referring a devolution issue to the Judicial Committee shall set out in a schedule the devolution issue, which shall be settled by [(**a**) the judge] after such directions to the parties as he may think desirable as to its manner and form.

(4) The chief clerk shall send the order to the Registrar of the Judicial Committee.

Stay of proceedings pending reference

7. The proceedings in which a reference is made shall, unless the court otherwise orders, be stayed until the Court of Appeal, or, as the case may be, the Judicial Committee has determined the devolution issue.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 24

Evidence

PART I

GENERALLY

Admission by any party

1. Any party to an action or matter may give notice to any other party that he admits the truth of the whole or any part of the case of the other party, and no expenses incurred after the receipt of the notice in respect of the proof of any matters admitted therein shall be allowed.

Evidence to be taken orally

2.—(1) Save as otherwise provided by these Rules, the evidence of witnesses at the hearing of any action or matter shall be taken orally on oath, and where by these Rules evidence is required or permitted to be taken by affidavit, it shall nevertheless be taken orally on oath if [(**a**) the judge or district judge as the case may be], on any application before or at the hearing, so directs.

[(**b**) (2) The court may allow a witness to give evidence through a video link or by any other method of direct communication.]

[(**c**) *Evidence of plans, photographs etc.*

2A.—(1) Unless, at or before the hearing [(**a**) the judge or district judge as the case may be] for special reasons otherwise orders, no map, plan or other drawing, photograph or model shall be receivable in evidence-at the hearing of any proceedings unless at least 3 weeks before the commencement of the hearing the parties, other than the parties producing it, have been given an opportunity to inspect it and to agree to its admission without further proof.

(2) Any order under this Rule (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order of [(**a**) the judge or district judge as the case may be] made at or before the hearing.

Medical reports, maps, plans etc may be given in evidence

2B.—(1) Unless [(**a**) the judge or district judge as the case may be] otherwise orders and subject to paragraph (2), [(**d**) any report or other accompanying or supplemental document served or disclosed pursuant to the provisions of Part III or rule 2D of this Order] or any map, plan, drawing, photograph or model produced pursuant to the provisions of Rule 2A by any party to proceedings to the other parties may be given in evidence without further proof at the hearing or an assessment of damages by the party who has disclosed or produced it.

(2) Any other party may, on giving sufficient notice to the party making the disclosure or production specified in paragraph (1), require the maker of any such [(**e**)…] report to give oral evidence or require any such map, plan, drawing, photograph or model to be proved, and in any such case paragraph (1) shall not apply.

(3) Where a medical witness or other expert witness is, unable to attend court to give oral evidence at the hearing or an assessment of damages [(**a**) the judge or district judge as the case may be] may direct that his written report or reports may be given in evidence or that any such map, plan, drawing, photograph or model may be admitted in evidence without further proof thereof, and in such case paragraph (2) shall not apply.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Paragraph inserted by S.R. 2007 No. 500 with effect from 07.01.08
(**c**) Rules 2A-2C inserted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**e**) Word omitted by S.R. 2013 No. 19 with effect from 25.02.13

Number of expert witnesses

2C. Unless [(**a**) the judge or district judge as the case may be] otherwise orders, the number of expert witnesses who may be called by any party to give oral evidence in any proceedings shall be limited to two medical experts and one expert of any other kind.]

[(**b**) *Disclosure of evidence in clinical negligence actions*

2D.—(1) For the purposes of this rule—

(*a*) "clinical negligence" means negligence in connection with the diagnosis of any illness, or the care or treatment of any patient, in consequence of any act or omission to act by a person employed or engaged for such purposes; and

(*b*) "medical evidence" means—

(i) the evidence contained in any medical report or other accompanying or supplemental document emanating from the maker of the report which is intended by him to accompany or supplement such report and includes surgical and radiological evidence and any ancillary expert or technical evidence; and

(ii) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the trial by means of oral testimony.

(2) In actions grounded on an allegation of clinical negligence—

(*a*) where the plaintiff proposes to adduce at the hearing evidence (other than medical evidence) obtained from any expert for the purpose of assisting the judge or district judge as the case may be in assessing damages, he shall—

(i) insofar as he then has in his possession or power that evidence, disclose it to the other party or parties within 14 days after service upon him of the defendant's notice of intention to defend; and

(ii) insofar as he thereafter obtains any such evidence before the date of hearing, disclose it to the defendant and any other party or parties within 21 days of receiving it and in any case before the hearing.]

Petitions

3. Evidence in support of or in opposition to a petition may be by affidavit unless [(**a**) the judge or district judge as the case may be] otherwise directs.

Power to order proof by affidavit

4.—(1) Subject to paragraphs (2) and (3), [(**a**) the judge or district judge as the case may be] may at any time order that—

(*a*) any particular fact or facts may be proved by affidavit; or

(*b*) the affidavit of any witness may be read at the hearing on such conditions as [(**a**) the judge or district judge as the case may be] thinks reasonable; or

(*c*) any witness whose attendance in court ought for some sufficient cause to be dispensed with be examined by interrogatories or before an examiner.

(2) Where it appears to [(**a**) the judge or district judge as the case may be] that any party bona fide desires the production of a witness for cross-examination and that the witness can without undue expense be produced, an order shall not be made authorising his evidence to be given by affidavit.

(3) Nothing in any order made under paragraph (1) shall affect the power of [(**a**) the judge or district judge as the case may be] at the hearing to refuse to admit evidence tendered in accordance with any such order if in the interests of justice he thinks fit to do so.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 2D inserted by S.R. 2013 No. 19 with effect from 25.02.13

Use of affidavit without order

5. Where a party desires to use at the hearing an affidavit by any witness as to particular facts as to which no order has been made, he may, before the beginning of a period of six days ending on the day of the hearing, give notice, accompanied by a copy of the affidavit, to the party against whom it is to be used, and unless the last mentioned party, before the beginning of a period of three days ending on the day of the hearing, gives notice to the other party that he objects to the use of the affidavit, he shall be taken to have consented to the use thereof and the affidavit may be used at the bearing unless [(**a**) the judge or district judge as the case may be] otherwise orders.

Use of affidavits, etc.

6. Where an affidavit or deposition is used in evidence by or on behalf of a party, the whole affidavit or deposition shall be put in by that party.

Evidence in mitigation of damages for libel or slander

7. In an action for libel or slander, the defendant shall not, without leave of [(**a**) the judge or district judge as the case may be], give evidence in chief, with a view to mitigation of damages, as to the circumstances in which the libel or slander was published or as to the character of the plaintiff, unless before the beginning of a period of seven days ending on the day of the hearing he furnishes particulars to the plaintiff of the matters as to which he intends to give evidence.

Notice of conviction, etc.

8.—(1) Any party to proceedings who intends, in reliance on section 7 or 8 of the Civil Evidence Act (Northern Ireland) 1971(**b**), to adduce evidence of a conviction, finding of adultery or an adjudication of paternity shall serve on every party to the proceedings notice in Form 118 of such intention with particulars of—

(*a*) the conviction, finding or adjudication and the date thereof;

(*b*) the court or court-martial which made the conviction, finding or adjudication; and

(*c*) the issue in the proceedings to which the conviction, finding or adjudication is relevant.

(2) Where the plaintiff or any party initiating proceedings serves such notice he shall annex it to the civil bill or other process and to any copy served on any other party.

(3) Where a defendant or party other than the plaintiff or a party initiating the proceedings serves such notice, it shall be served within ten days of service of the civil bill or other process upon him.

(4) If a party upon whom notice is served under this Rule—

(*a*) denies the conviction, finding or adjudication; or

(*b*) alleges that it was erroneous; or

(*c*) denies that it is relevant to any issue in the action;

he shall, within ten days of service of the notice, serve a counter-notice in Form 119 on the party by whom the notice was served and on any other party to the proceedings.

(5) Nothing in this Rule shall apply to evidence intended solely to impeach the credit of a party or witness and which is not otherwise relevant to any issue in the proceedings.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) 1971 c. 36 (N.I.)

Witness summons

9.—(1) Subject to paragraph (2), where any party to any action or other proceedings desires a person to be summoned as a witness to give oral evidence at the hearing in court or to produce at the hearing in court a document in his possession or control, a chief clerk for any county court division, or other officer of the court authorised by him for the purpose, shall, on the application of the party, issue a witness summons in Form 110 together with a copy thereof.

(2) Where the chief clerk has reason to believe that any application for a witness summons, not being an application by a party through his solicitor, is frivolous or vexatious, he may refer the application to [(**a**) the judge or district judge as the case may be] and [(**a**) the judge or district judge as the case may be] may thereupon direct the issue of the summons or otherwise deal with the matter as to him seems just.

(3) The applicant shall, if the chief clerk or other such officer as aforesaid so requests, produce the civil bill or other originating process.

(4) Each original summons shall bear a stamp of the prescribed amount and each such summons and each copy thereof shall be entitled as in the civil bill or other originating process to which it relates and shall contain the name of one witness only but, where the application is made by a party through his solicitor, may as regards the name of the witness be issued in blank.

(5) Unless [(**a**) the judge or district judge as the case may be] otherwise directs, the summons shall, a reasonably time before the day fixed for the hearing, be served by the delivery of a copy thereof to the witness personally by—

(*a*) a process server for the district in which the witness resides; or

(*b*) the solicitor for the party issuing the summons or a solicitor acting as an agent for such solicitor or some person over sixteen years of age employed by either solicitor to serve the document.

(6) Where the summons is to be served by a process server, any money to be paid or tendered under paragraph (7) shall be sent to him together with the summons and the copy thereof.

[(**b**) (7)(*a*) Subject to sub-paragraph (*b*) there shall be paid or tendered to the witness at the time of service of the summons [(**c**) the fee set out in paragraph (7A)] for a police officer or [(**d**)…] for any other person and, in addition, a sum reasonably sufficient to cover his expenses in travelling to and from the court,

(*b*) in proceedings under Rule 4 or 5 of the Order 40 there shall be paid or tendered to the defendant at the time of service of the summons a sum reasonably sufficient, to cover his expenses in travelling to and from the court.]

[(**e**) (7A) The sum to be paid or tendered under paragraph (7)(*a*) to–

(*a*) a police officer is—

(i) £12.90 as from 25 February 2013; or

(ii) £13.16 as from 25 February 2014; and

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 9(7) substituted by S.R. 1982 No. 120 with effect from 01.06.82
(**c**) Figure substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Figure omitted by S.R. 2013 No. 19 with effect from 25.02.13
(**e**) Rule 9(7A) inserted by S.R. 2013 No. 19 with effect from 25.02.13

(b) any other person is—

(i) £18.18 as from 25 February 2013; or

(ii) £18.53 as from 25 February 2014.]

(8) The endorsement of service of a witness summons shall be in Form 111.

Order for bringing up prisoner to give evidence

10.—(1) The application for an order under Article 44 of the Order for bringing up before a court any person confined in any prison or place under any sentence or under commitment for trial or otherwise to be examined as a witness in any proceedings pending in a county court may be made at any time to the Office.

(2) The order shall be in Form 112.

Notice to admit specific facts

11.—(1) Any party may by notice in Form 113 call on any one or more than one of the opposite parties to admit, for the purpose of the action only, any specified facts mentioned in the notice.

(2) If the party served with the notice does not admit the facts mentioned in the notice by delivering a written admission thereof in Form 114 within three days after receiving the notice, he shall pay the costs of proving such facts, irrespective of the result of the action or matter, unless [(**a**) the judge or district judge as the case may be] otherwise orders.

Provided that—

(*a*) any admission made in pursuance of the notice shall be used only for the purposes of the particular action or matter, and shall not be used against the party making it on any other occasion, or in favour of any person other than the party to whom it is made; and

(*b*) [(**a**) the judge or district judge as the case may be] may for good and sufficient cause and on such terms as to him seem just at any time allow any party to amend or withdraw any admission so made.

Notice to admit documents

12.—(1) Where a party desires to adduce any document in evidence, he may, before the beginning of a period of six days ending on the day of the hearing, give notice to any other party who is competent to make admissions requiring him to inspect and admit the document.

(2) The expenses of proving any document shall not be allowed unless such notice has been given, except in cases where, in the opinion of [(**a**) the judge or district judge as the case may be] at the hearing, the omission to give notice has not substantially increased the expense.

Notice to produce

13. A notice to produce documents may be in Form 115.

Evidence of service of notice to admit or produce

14. An affidavit of a party or his solicitor, or some person in the employment of such solicitor, or his solicitor agent of the service of a notice to admit or produce and of the time when it was served, together with a copy of the notice to admit or produce, shall be sufficient evidence of the fact and time of service.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Documents produced from proper custody and office copies of judgments and decrees of other courts

15.—(1) Where a document which would, if duly proved, be admissible in evidence, is produced to the court from proper custody, it shall be admitted without further proof if—

(*a*) in the opinion of [(**a**) the judge or district judge as the case may be] it appears genuine; and

(*b*) no objection is taken thereto;

and, if the admission of any document so produced is objected to, [(**a**) the judge or district judge as the case may be] may adjourn the hearing for proof of the document and, if it is proved, the party objecting shall pay the costs occasioned by the objection, unless [(**a**) the judge or district judge as the case may be] otherwise orders.

(2) In every proceedings before a county court, an office copy of any judgment decree or order made by or before any court in Northern Ireland and certified to be a true copy by the proper officer of such court shall be deemed and taken as *prima facie* evidence of such judgment, decree or order.

Evidence of court records

16. A copy of any entry in a book or other document prescribed for the purpose of keeping a record of or in relation to any proceedings in a county court shall for the purposes of Article 57 of the Order be authenticated by a certificate endorsed on the copy, which copy shall be signed by the chief clerk.

Proof of valuation of lands

17. Without prejudice to any other enactment regarding proof of the valuation of lands, a copy or extract certified by the Commissioner of Valuation or an officer on his behalf to be a true copy of the latest [(**b**) capital value list or NAV list] relating to the hereditament shall, for the purposes of any proceedings in a county court, be sufficient proof of the valuation of such hereditament until the contrary is shown.

Proof of handwriting

18. In any proceedings [(**a**) the judge or district judge as the case may be] may, upon such terms as he may think proper, receive in evidence proof of the handwriting of any party or of any subscribing witness to any instrument whatsoever.

Practice as to taking evidence

19. The practice with reference to the examination, cross-examination and re-examination of a witness at the hearing of an action shall extend and be applicable to oral evidence taken in any proceedings at any stage.

Order for examination of witnesses out of court

20.—(1) [(**a**) The judge or district judge as the case may be] may, at any stage of any proceedings, make an order for the examination on oath of any person (in this Rule called "the witness") at any place in Northern Ireland.

(2) The examination may be ordered to take place before—

(*a*) any officer of the court making the order; or

(*b*) the [(**c**) district judge] or chief clerk for the division in which the witness resides or carried on business; or

(*c*) in special circumstances such other person as [(**a**) the judge or district judge as the case may be] may appoint.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(**c**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

(3) The order may require the attendance of the witness—

(*a*) for examination; or

(*b*) to produce any document which he could be compelled to produce at the hearing of the proceedings.

(4) The order shall be in Form 116 and shall be served on the witness personally a reasonable time before the day fixed for the examination and at the same time there shall be paid or tendered to the witness the sums prescribed by Rule 9(7).

(5) The party on whose application the order was made shall furnish to the person taking the examination (in this Rule called "the examiner") copies of all documents necessary to inform the examiner of the questions in issue between the parties.

(6) The parties shall be at liberty to attend the examination with or without counsel or solicitors.

(7) The examiner may administer an oath to the witness who may be examined, cross-examined and re-examined as at the hearing of an action.

(8) The deposition shall be taken down in writing—

(*a*) by or in the presence of the examiner; and

(*b*) by question and answer.

(9) The examiner may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination.

(10) The examiner shall not have power to decide upon the materiality or relevancy of any question but, if a question is objected to, he shall take down the question and the answer thereto and make a note of the objection on the deposition.

(11) if the witness objects to any question put to him before an examiner, the question and the objection shall be taken down by the examiner and the validity of the question shall be decided by [(**a**) the judge or district judge as the case may be].

(12) If the witness refuses—

(*a*) to attend; or

(*b*) to be sworn; or

(*c*) to answer any lawful question; or

(*d*) to produce any document;

a certificate of such refusal shall be made and signed by the examiner and filed in the Office, and the party requiring the attendance of the witness may apply to [(**a**) the judge or district judge as the case may be] for an order directing the witness—

(i) to attend; or

(ii) to be sworn; or

(iii) to answer any question; or

(iv) to produce any document;

as the case may be, and [(**a**) the judge or district judge as the case may be] may thereupon make such order as he thinks fit.

(13) The examiner may, and if need be shall, make a special report to [(**a**) the judge or district judge as the case may be] touching the examination and the conduct or absence of the witness, and [(**a**) the judge or district judge as the case may be] may thereupon direct such proceedings or make such order as he thinks fit.

(14) When the examination of the witness has been concluded, the deposition shall be read over to the witness and shall be signed by him in the presence of such of the parties or their representatives as may attend, and shall be signed by the examiner and filed in, the Office.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(15) If the witness refuses to sign the deposition, the examiner shall make a note of the refusal on the deposition, and the deposition shall be admissible in evidence notwithstanding that it is not signed by the witness.

(16) The deposition shall not be admitted in evidence at the hearing unless—

(*a*) the witness is dead or out of Northern Ireland or unable from sickness or other infirmity to attend the court; or

(*b*) the parties consent to its being admitted; or

(*c*) [(**a**) the judge or district judge as the case may be] directs it to be put in;

but, subject as aforesaid, the deposition shall be admissible in evidence, saving all just exceptions, without proof of the signature of the examiner.

(17) Costs, fees and expenses pursuant to an order under this Rule shall be in the discretion of [(**a**) the judge or district judge as the case may be] and shall be of such amount and payable by such party as [(**a**) the judge or district judge as the case may be] shall determine.

Affidavits

21. (1) Subject to any Rule or Form to the contrary all affidavits shall—

(*a*) be expressed in the first person; and

(*b*) be drawn up in paragraphs and numbered; and

(*c*) indicate that the deponent is at lease sixteen years of age; and

(*d*) be made by some person who has knowledge of the facts, stating-

(i) the deponent's residence and occupation; and

(ii) what facts are within his own knowledge, and his means of knowledge; and

(iii) what facts are deposed to on information derived from other sources and what the sources are.

(2) Where a party is a corporate body, and affidavit required or authorised by any enactment (including these Orders) to be made by that party may be made by a director, secretary or other officer authorised by the corporate body for that purpose.

(3) In any affidavit made by two or more deponents the names of all the deponents shall be inserted in the jurat, but if the affidavit of all the deponents is sworn at one time before the same person, it shall be sufficient to state that it is sworn by both or all of the above-named deponents.

(4) Every affidavit shall be intituled in the action or matter in which it is sworn and a note shall be appended to every affidavit stating on whose behalf it is filed, and the note shall be copied on every office or other copy furnished to a party.

(5) An affidavit shall not be filed which has been sworn before a person who, when it was sworn, was a party to the proceedings, the solicitor acting for the party on whose behalf it is to be used, or such solicitor's agent, partner or clerk.

(6) Before any affidavit is used it shall be filed in the Office but in an urgent case [(**a**) the judge or district judge as the case may be] may make a decree upon the undertaking of the party to file any affidavit used by him before it is filed, but the decree shall not be issued until the affidavit has been filed.

(7) Where a party desires to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party the following provisions shall apply—

(*a*) he may serve on the opposite party a notice requiring the production of the deponent for cross-examination at the hearing;

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(*b*) if the party served with the notice does not produce the deponent at the hearing, he shall not be entitled to use the affidavit as evidence without leave of [(**a**) the judge or district judge as the case may be];

(*c*) a witness summons may be issued on the application of the party served with the notice for the purpose of summoning the deponent to attend for cross-examination.

(8) Unless [(**a**) the judge or district judge as the case may be] otherwise orders, no affidavit shall be filed or used in any proceedings—

(*a*) which is blotted so as to obliterate any word; or

(*b*) which is illegibly written; or

(*c*) which is so altered as to be illegible; or

(*d*) which is so imperfect, by reason of having blanks therein or otherwise, that it cannot be easily read or understood; or

(*e*) if there is any interlineation, alteration or erasure in the body of the affidavit or jurat, unless the person before whom the affidavit was sworn has initialled the interlineation or alteration, and in the case of an erasure has re-written and signed in the margin of the affidavit any words or figures written on the erasure.

(9) Where the chief clerk refuses, under paragraph (8), to file an affidavit he shall give notice in Form 117 to the party presenting the affidavit for filing.

(10) Where it appears to the person administering the oath that the deponent is illiterate or blind, he shall certify in the jurat that—

(*a*) the affidavit was read in his presence to the deponent; and

(*b*) the deponent seemed perfectly to understand it; and

(*c*) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in evidence without such a certificate, unless [(**a**) the judge or district judge as the case may be] is otherwise satisfied that it was read over to and appeared to be perfectly understood by the deponent.

(11) [(**a**) The judge or district judge as the case may be] may allow an affidavit to be used in evidence notwithstanding any defect by mis-description of parties or otherwise in the title or jurat or any other irregularity in the form of the affidavit.

(12) An affidavit of service shall state when, where, how and by whom service was affected.

Proceedings by or against the Crown

22. In any proceedings by or against the Crown, [(**a**) the judge or district judge as the case may be] may, where he thinks it necessary, make an order for the examination upon oath before an officer of the court or before any other person, and at any place, of any witness or person, and may empower any party to the proceedings to give such deposition in evidence therein on such terms (if any) as [(**a**) the judge or district judge as the case may be] may direct.

[(**b**) PART II

HEARSAY EVIDENCE ADMISSIBLE UNDER THE CIVIL EVIDENCE (NORTHERN IRELAND) ORDER 1997

Interpretation and application of this Part

23.—(1) In this Part "hearsay evidence" means evidence consisting of hearsay within the meaning of Article 3(3) of the Civil Evidence (Northern Ireland) Order 1997 (NI 21) (in this rule referred to as "the 1997 Order").

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Part II substituted by S.R. 1999 No. 334 with effect from 06.09.99

(2) Expressions used in this Part and in the 1997 Order have the same meaning in this Part as they have in that Order.

(3) This Part applies in relation to the trial or hearing of an issue or question arising in any civil proceedings, and to a reference, inquiry or assessment of damages, as it applies to the trial or hearing of any civil proceedings.

Power to call witness for cross-examination on hearsay evidence

24.—(1) Where a party to civil proceedings adduces hearsay evidence of a statement made by a person but does not call the person who made the statement to give evidence, the court may, on the application of another party, allow that other party to call and cross-examine the person on the statement as if he had been called by the first-mentioned party and as if the hearsay statement were his evidence in chief.

(2) Where the court allows another party to call and cross-examine the person who made the statement, it may give such directions as it thinks fit to secure the attendance of that person as a witness and as to the procedure to be followed.

Credibility

25. If—

(*a*) a party has indicated an intention to adduce hearsay evidence of a statement made by a person who will not be called to give evidence; and

(*b*) another party wishes to attack the credibility of the person who made the statement,

that other party shall, so far as is reasonable in the circumstances, notify the party tendering the hearsay evidence of his intention.]

[(a) PART III

MEDICAL EVIDENCE

I. PRELIMINARY

Application and interpretation

35.—(1) This Part of this Order applies to all actions in respect of personal injury or death.

(2) For the purposes of this Order—

"medical evidence" means—

(a) the evidence contained in any medical report or other accompanying or supplemental document as specified in rule 44 and includes surgical and radiological evidence and any ancillary expert or technical evidence; and

(b) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the hearing by means of oral testimony;

and the expressions "medical expert" and "medical examination" shall be construed accordingly; and

"clinical negligence" means negligence in connection with the diagnosis of any illness, or the care or treatment of any patient, in consequence of any act or omission to act by a person employed or engaged for such purposes.

Restrictions on medical evidence

36. No party shall, except with the leave of the judge or district judge as the case may be or on consent, adduce medical evidence at the hearing the contents of which he has not disclosed to the other parties in accordance with rules.

Failure to comply with rules

37. Where any party fails to comply with any of the provisions of this order, the judge or district judge may stay the action or strike out that party's defence, as the case may be, or make such order as the judge or district judge considers appropriate.

PART IV

GENERAL RULES

Application

38. This Part of this Order applies to all proceedings for damages in respect of personal injury or death except actions grounded on an allegation of clinical negligence.

Medical report to be served on the defendant

39. The plaintiff shall serve on the defendant medical evidence substantiating the personal injuries alleged in the civil bill within 14 days after service upon him of the defendant's notice of intention to defend.

(a) Rules 35-48 substituted by S.R. 2013 No. 19 with effect from 25.02.13

Medical examination of another party; disclosure of report

40. Any party who has been afforded medical examination of another party shall disclose to that other party any medical evidence resulting from such examination within 21 days of receiving it and in any case before the first day of the hearing.

Disclosure of medical evidence

41. Subject to rule 39, where a party proposes to adduce at the hearing medical evidence obtained from any medical expert, he shall disclose all relevant medical evidence obtained at any time from that medical expert to the relevant party or parties in accordance with rule 36 or within 21 days of receiving it and in any case before the first day of the hearing.

Evidence received during the hearing

42. Where a party obtains on or after the first day of the hearing any report of evidence of the kind mentioned in rule 39 or 40, he shall disclose that report or evidence to the relevant party or parties immediately.

Party to furnish name and address of doctor, etc.

43. Any party to an action shall furnish to any other party on demand the name and address of any medical practitioner or the name of any hospital from whom or at which he received any medical or surgical treatment material to the action.

Mode of disclosure

44.—(1) A party serving or disclosing medical evidence under this Part of the Order shall do so by furnishing copies of any relevant medical report or reports, together with any documents emanating from the maker of the report which are intended by him to accompany or supplement any such report, or a document containing a sufficient record of any such evidence as is referred to in the definition of medical evidence in rule 35(2). All such reports or other documents shall be signed and dated by the relevant medical expert and shall specify his professional qualifications.

(2) On the ex parte application of any party bound to serve or disclose any medical report under this Order, the judge or district judge as the case may be may give him leave—

(i) to adduce at the hearing the evidence contained in any report without serving or disclosing the report; or

(ii) to omit or amend any part of any report when serving or disclosing the report.

Variation between evidence disclosed and evidence at hearing

45. Where a party's medical evidence at the hearing varies from the evidence which that party has disclosed to another party, the judge or district judge may on the application of any party adjourn the hearing or make any such order, on such terms as to costs and otherwise, as to the judge or district judge may seem appropriate.

PART V

CLINICAL NEGLIGENCE ACTIONS

Application

46. This Part of this Order applies to proceedings for damages in respect of personal injury which are grounded on an allegation of clinical negligence.

Disclosure of medical evidence on the issue of liability

47.—(1) Where more than one party to such an action proposes to adduce at the hearing medical evidence obtained from any medical expert on the issue of liability, each party shall—

(i) insofar as they then have in their possession or power that evidence, disclose it to the other party or parties simultaneously within 28 days after service of the notice of intention to defend; and

(ii) insofar as any party thereafter obtains any such evidence before the date of the hearing, disclose it to the other party or parties within 21 days of receiving it and in any case before the hearing.

(2) Nothing in paragraph (1) shall be interpreted as imposing an obligation on any party to disclose evidence obtained from any medical expert on liability except where the party or parties to whom disclosure is to be made is also relying on such evidence and simultaneous exchange is to take place.

Disclosure of medical evidence on the issue of damages

48.—(1) Where the plaintiff proposes to adduce at the hearing medical evidence obtained from any medical expert for the purpose of assisting the judge or district judge in assessing damages, he shall—

(i) insofar as he then has in his possession or power that evidence, disclose it to the other party or parties within 14 days after service upon him of the defendant's notice of intention to defend; and

(ii) insofar as he thereafter obtains any such evidence before the date of the hearing, disclose it to the other party or parties within 21 days of receiving it and in any case before the hearing.

(2) Where the defendant or any other party proposes to adduce at the hearing medical evidence obtained from any medical expert for the purpose of assisting the judge or district judge in assessing damages, he shall—

(i) insofar as he then has in his possession or power that evidence, disclose it to the plaintiff and any other party or parties within 28 days after service of the notice of intention to defend; and

(ii) insofar as he thereafter obtains any such evidence before the date of hearing, disclose it to the plaintiff and any other party or parties within 21 days of receiving it and in any case before the hearing.]

ORDER 25

Hearing and re-hearing

PART I

HEARING BY JUDGE

General

1. At the hearing of any action or other proceeding [(**a**) the judge or district judge as the case may be] may hear the whole matter of the action or proceeding and give a decree thereon or grant any relief, redress, or remedy or make any order or give any direction he considers necessary to enable him to give a final decree on a day to which the hearing is adjourned.

Where proper parties are not before the court

2. Where at the hearing it appears to [(**a**) the judge or district judge as the case may be] that there are any claims, estates, titles, rights, duties or liabilities upon which he cannot adjudicate by reason of all the proper parties not being before the court, he may order such parties to be made plaintiffs or defendants upon such terms as to adjournment, notices and costs as he thinks fit.

Where plaintiff does not appear or does not prove his claim

3.—(1) If a plaintiff does not proceed with his civil bill or does not appear at the hearing of an action or other proceedings, the action or other proceedings may be struck out or dismissed without prejudice to the plaintiff's proceeding by a new civil bill or other originating process.

(2) Where a plaintiff appears at the hearing of an action or other proceeding but fails to establish his case to the satisfaction of [(**a**) the judge or district judge as the case may be], [(**a**) the judge or district judge as the case may be] may dismiss the action or other proceeding either without prejudice to the plaintiff's proceeding by a new civil bill or other originating process or on the merits as he thinks just.

(3) Where, an action or other proceeding has been dismissed without prejudice and a subsequent action or other proceeding for the same or substantially the same cause of action is brought before payment of any costs payable under the dismiss, [(**a**) the judge or district judge as the case may be] may stay the subsequent action or other proceeding-until such costs have been paid.

Decree where defendant does not appear

4.—(1) If the defendant (not being the Crown) does not appear, [(**a**) the judge or district judge as the case may be], upon proof of service and of facts entitling the plaintiff to relief, may subject to paragraphs (2) to (4), give such decree or make such order as he considers just, and an endorsement of service or an affidavit of service or, where Order 6 Rule 3(2)(b) or Rule 3(7) applies the solicitor's certificate referred to in Rule 12 of Order 6 may be accepted as proof of service.

(2) If the Crown does not appear on the hearing of any civil bill in which it is a defendant, the civil bill shall be adjourned to a date fixed by [(**a**) the judge or district judge as the case may be], on such terms as to him may seem just.

(3) Notice of the date fixed shall be served upon the Crown in a manner to be directed by [(**a**) the judge or district judge as the case may be], and shall set out that the case will be heard on the date named and such decree given or other order made as to [(**a**) the judge or district judge as the case may be] may seem just, the Crown's absence notwithstanding.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(4) If the Crown does not appear on the adjourned hearing [(**a**) the judge or district judge as the case may be] may, upon proof of service of such notice, proceed to hear and determine the case and may give such judgment or make such other order as to him may seem just.

If proceedings discontinued, etc., counterclaim may proceed

5. Where the defendant sets up a counterclaim and the claim of the plaintiff is discontinued, struck out, stayed or dismissed, the counterclaim may be proceeded with and the defendant, on proof thereof, may have a decree.

Non-appearance on counterclaim

6. If a person, not originally a party to the proceedings, who has been served with a counterclaim does not appear at the hearing, [(**a**) the judge or district judge as the case may be] may proceed with the hearing and may give such decree or make such order as may be just against the person so served, or may adjourn the hearing and give such directions as he thinks fit.

Exclusion of counterclaim

7. Where [(**a**) the judge or district judge as the case may be] is of opinion that a counterclaim would be better disposed of in independent proceedings, [(**a**) the judge or district judge as the case may be] may of his own motion or on the application of any party order the counterclaim to be excluded.

Decree where counterclaim is established

8.—(1) Where a counterclaim is established against the claim of the plaintiff and there is a balance in favour of one of the parties [(**a**) the judge or district judge as the case may be] may grant a decree in Form 139; but such a decree shall not be made in a case where Order 21 Rule 4(1)(*a*) applies.

(2) Subject to Order 21 Rule 4(1)(*a*), nothing in paragraph (1) shall affect the discretion of [(**a**) the judge or district judge as the case may be] to award costs in such proportions as he thinks fit.

Misjoinder of plaintiff not to defeat counterclaim

9. Where any person has been improperly or unnecessarily joined as a plaintiff, a defendant who has set up a counterclaim may proceed with the counterclaim against the other plaintiff.

Vexatious or irrelevant question

10. [(**a**) The judge or district judge as the case may be] may disallow any question put in cross-examination to any party or witness which appears to [(**a**) the judge or district judge as the case may be] to be vexatious or irrelevant.

Decision of questions without general order for execution of trusts, etc.

11. It shall not be obligatory on [(**a**) the judge or district judge as the case may be] in any proceedings—

(*a*) for the administration of the estate of a deceased person; or

(*b*) for the execution of a trust;

to give a decree or make an order for the general administration of the estate or execution of the trust, if the questions between the parties can be properly determined without such decree or order.

Injunctions

12.—(1) In any proceedings in which an injunction has been or might have been claimed, a plaintiff may, before or after decree, apply for an injunction to restrain the defendant from—

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(*a*) the repetition or continuance of the wrongful act or breach of contract complained of, or

(*b*) the commission of any wrongful act or breach of contract of a like kind, relating to the same property or right of arising out of the same contract;

and [(**a**) the judge or district judge as the case may be], in addition to giving a decree for such damages and costs as the plaintiff may be entitled to, may grant the injunction on such terms as may be just.

(2) An application under this Rule may be made—

(*a*) before the hearing of the action or matter in accordance with Order 14 Rule 6; or

(*b*) at or immediately after the hearing, in which case the order shall be included in the decree; or

(*c*) after decree, on notice and supported by affidavit.

Inspection by [(***a***) *judge or district judge as the case may be]*

13. [(**a**) The judge or district judge as the case may be] may inspect any property or thing concerning which any question may arise in any proceedings.

PART II

HEARING BY [(**b**) DISTRICT JUDGE]

General

14. In the hearing of any action to which this Part applies, the [(**b**) district judge] shall have and may exercise all the powers vested in [(**a**) the judge] other than committal for contempt or default.

Proceedings to be heard by the [(**a**) *district judge*]

15. [(**c**)...]

[(**d**)...]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**c**) Paragraph (1) revoked by S.R. 2002 No. 255 with effect from 04.11.02
(**d**) Paragraph (2) revoked by S.R. 1995 No. 151 with effect from 01.09.95

[(**a**)...]

(4) Any action listed for hearing by [(**b**) the judge] in which the defendant fails to appear at the hearing may be directed by [(**b**) the judge] to be heard by the [(**c**) district judge].

[(**d**) (5) The [(**c**) district judge] may refer to [(**b**) the judge] any action which he thinks should properly be decided by [(**b**) the judge] and [(**b**) the judge] may either dispose of the action or refer it back to the district judge with such directions as he thinks fit.]

Hearing by [(**c**) *district judge*]

16. Any action intended for hearing by the [(**c**) district judge] shall, subject to the provisions of Order 26, be heard and determined in like manner as actions are heard and determined by [(**b**) the judge].

17. Where by reason of death or unavoidable absence the [(**c**) district judge] is not present at the hearing of any action to which this Part applies the chief clerk or other officer of the court present shall open and adjourn or as the case may be, adjourn the hearing to such day as he thinks convenient.

Decree where defendant does not appear

18.—(1) If the defendant (not being the Crown) does not appear, the [(**c**) district judge], upon proof of service and of facts entitling the plaintiff to relief, may, subject to paragraphs (2) to (4), give such decree or make such order as he considers just.

(2) If the Crown does not appear on the hearing of any civil bill in which it is a defendant, the civil bill shall be adjourned to a date fixed by the [(**c**) district judge], on such terms as to him may seem just.

(3) Notice of the date fixed shall be served upon the Crown in a manner to be directed by the [(**c**) district judge] and shall set out that the case will be heard on the date named and such decree given or order made as may seem just, the Crown's absence notwithstanding.

(4) If the Crown does not appear on the adjourned hearing the [(**c**) district judge] may, upon proof of service of such notice, proceed to hear and determine the case and may give such judgment or make such other order as to him may seem just.

Records, costs and court fees

19. Subject to Order 26 proceedings heard before the [(**c**) district judge] shall for all purposes, including records, costs and court fees, be treated in like manner as if they had been heard before [(**b**) the judge], save that as regards costs, Rule 19(1)(*a*) of Order 55 shall not apply.

(**a**) Paragraph (3) revoked by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**d**) Paragraph (5) inserted by S.R. 1988 No. 100 with effect from 01.08.88

PART III

SETTING ASIDE JUDGMENTS AND ORDERS

New hearing and re-hearing

20.—(1) Where in any case it is shown to the satisfaction of [(**a**) the judge or district judge as the case may be] that a decree has been obtained by fraud, misrepresentation, surprise, mistake or other irregularity, or because the civil bill or other initiating process did not come to the knowledge of the defendant in time, the person against whom the decree was obtained (in this Rule referred to as "the unsuccessful party") may in accordance with this Rule apply for and obtain a hearing or re-hearing.

(2) An application for a hearing or re-hearing under this Rule shall, subject to paragraph (3), be made by motion to a court in the division in which the decree was obtained; notice of such motion shall be lodged in the Office and shall be served on the solicitor for the party in whose favour the decree was obtained (in this Rule referred to as "the successful party") or, where that party has sued in person, on that party within ten days from the day on which the unsuccessful party or his solicitor has notice of the decree or within such further time as [(**a**) the judge or district judge as the case may be] may consider reasonable.

(3) Where the notice alleges that the unsuccessful party did not have knowledge of the initiating process or that the process which was sought to be served by post in accordance with the provisions of Order 6 did not come to his knowledge in time to defend the action or to appeal in the matter, then if the chief clerk is satisfied that the successful party consents to a hearing or re-hearing of the case, he may grant the application without the motion being made to the court and in so doing, unless the parties are agreed as to incidence and amount of the costs in the application, may make such order as to costs as he thinks fit.

(4) The notice shall be signed by the unsuccessful party or his solicitor and shall state the grounds upon which the hearing or re-hearing is sought and the nature of the fraud, misrepresentation, surprise, mistake or other irregularity relied upon and the motion shall be moved on the first convenient day after the end of a period of four days from the date of the service of the notice on the successful party or his solicitor.

(5) Except where [(**a**) the judge or district judge as the case may be] otherwise directs, the service of the notice shall not operate as a stay of execution in the action unless the unsuccessful party lodges in the Office, together with a copy of the notice of motion, the amount for which the decree was made with costs.

(6) If it comes to the notice of the chief clerk that a decree may have been obtained by fraud, misrepresentation, surprise, mistake or other irregularity, he may bring the suspected irregularity to the attention of [(**a**) the judge or district judge as the case may be] and [(**a**) the judge or district judge as the case may be] may give such directions or make such further order as he considers just including an order for a hearing or re-hearing of the action.

(7) Upon any hearing or re-hearing under paragraph (1), (3) or (6) such order may be made (whether by way of affirmance, variation or rescission) subject to such conditions as [(**a**) the judge or district judge as the case may be] thinks proper and on any such hearing or re-hearing the costs shall be in the discretion of [(**a**) the judge or district judge as the case may be].

(8) Paragraphs (2) to (5) shall apply *mutatis mutandis* to the parties to a counterclaim.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(**a**) ORDER 26

Small Claims

Definitions

1. In this Order—

"the applicant" means the person who makes the initial claim;

"the respondent" means the person against whom the initial claim is made;

"a counterclaim" means a claim which is made by the respondent against the applicant;

"the judge" means the district judge;

"a small claim" means an action to which Article 30(3) of the Order applies;

"small claims court" means a court which processes small claims;

"the small claims office" means the office of the small claims court which will process the small claim;

"the officer" means the person in the court office who processes the application for a small claim; and

"party" means the applicant or the respondent.

Excluded claims

2. No small claims application shall be made with regard to any claim which—

(*a*) is for damages for personal injuries;

(*b*) is for damages in respect of a road traffic accident;

(*c*) is for damages for libel or slander;

(*d*) is made under Article 11 (Recovery of legacies, annuities, etc.) of the Order;

(*e*) concerns the title to land;

(*f*) is made under section 17 of the Married Women's Property Act 1882;

(*g*) has been remitted by the High Court.

3.—(1) Subject to paragraph (2), where the claim is for a debt or other liquidated amount which does not exceed [(**b**) £3,000], the applicant may proceed by ordinary civil bill provided he includes, immediately after the Warning in the civil bill, the statement in Form 10A.

(2) If the respondent's notice of intention to defend includes a request that the claim and any counterclaim be dealt with as a small claim, his request shall be granted.

Starting Proceedings

4. An application for a small claim must be made in Form 125.

5. The applicant must complete Part A of Form 125, setting out details of his claim, including any claim for interest under Article 45A of the Order or otherwise.

6. After completing Part A of Form 125, the applicant must bring or send the original Form, together with two copies and the appropriate fee, to any court office and that office will then forward the application on to the small claims office.

7. If there is more than one respondent, the applicant must bring or send one extra copy of Form 125 for each additional respondent.

8. When the relevant forms and the appropriate fee are received in the small claims office, the officer will—

(*a*) complete Part B of the original Form 125 and the copy forms;

(*b*) file the original Form 125;

(**a**) Order 26 substituted by S.R. 2002 No. 255 with effect from 04.11.02
(**b**) Figure substituted by S.R. 2011 No. 100 with effect from 02.05.11

(*c*) return one copy of Form 125, together with Form 127 (application for default decree for liquidated amount) or 128 (application for default decree for unliquidated amount) to the applicant; and

(*d*) issue one copy of Form 125, together with Forms 126A (notice of dispute) and 126B (acceptance of liability) to the respondent.

9. Each court office shall keep a record of—

(*a*) the applications which are received; and

(*b*) the small claims office to which those applications are sent.

Defending the application

10. If the respondent intends to defend the claim or rely on a counterclaim he must, within 21 days of receiving the copy Form 125, lodge with the small claims office a notice of dispute in Form 126A which sets out the details of his defence and of any counterclaim he wishes to make, together with the appropriate fee.

11. On receiving a notice of dispute, the officer must send a copy to any other party and advise all parties of the date of hearing.

Accepting Liability

12. If the respondent accepts liability for the claim, he must, within 21 days of receiving the copy Form 125, lodge with the small claims office a notice of acceptance of liability in Form 126B.

13. On receiving a notice of acceptance of liability, the chief clerk may issue a decree, together with a copy of Form 126B, or may refer the notice to the judge if he considers that would be more appropriate.

Default decrees

14. If a Form 126A or 126B is not lodged with the small claims office within 21 days of the date on which the application is received, the applicant may apply to the chief clerk for a decree.

15. An application under Rule 14 shall—

(*a*) if the claim is for a liquidated amount, be in Form 127; and

(*b*) if the claim is for an unliquidated amount, be in Form 128.

16. On receiving an application under rule 14, the chief clerk may—

(*a*) if the claim is for a liquidated amount, issue a decree for the amount then due to the applicant; or

(*b*) if the claim is for an unliquidated amount, issue a decree which states that the amount of the claim will be assessed by the judge.

17. The chief clerk may refer any application in Form 127 or 128 to the judge if he considers that it would be more appropriate for the judge to deal with the application.

18. The chief clerk may only issue a decree under rule 16 if he is satisfied that:—

(*a*) the application was sent to the respondent;

(*b*) no notice of dispute has been received; and

(*c*) the claim has not been settled.

19. Where a decree has been issued under rule 16, the judge may, either on an application or of his own choosing—

(*a*) set aside or vary the decree; or

(*b*) make any other order or give any other directions as the circumstances require.

20. If an application under rule 19 is made by one of the parties, it must be made in Form 129 and must set out all of the relevant facts.

21. On receiving the application, the officer shall send a copy to the other party (who may, within 14 days, respond in writing to the application) and inform the parties of the date on which the application will be heard.

22. If a decree is set aside the officer must inform the parties immediately and amend the court records accordingly.

23. An application in Form 127 or 128 may not be made if the claim is brought against a minor or a patient.

[**(a) 24.** An application in Form 127 or 128 may only be made with the judge's permission—

(*a*) if the claim is brought against the Crown; or

(*b*) if in any such proceedings as are mentioned in section 139(1)(b) of the Consumer Credit Act 1974**(b)** the debtor or surety desires to have a credit agreement re-opened.]

25. A request for permission under rule 24 shall be made in writing and the other party shall be informed of the request.

Assessment hearing

26. The officer shall notify the parties of the date on which the amount of the claim will be assessed by the judge.

27. Where a decree has been issued under Rule 16(*b*) and the party against whom the decree has been made wishes to attend the assessment hearing, he must notify the small claims office and the other parties in writing.

28. The judge shall issue a decree for the amount of the claim, as assessed.

Venue for a small claims hearing

29. A small claims hearing may take place:—

(*a*) in a court in the county court division in which the applicant or one of the applicants lives or carries on business; or

(*b*) in a court in the county court division in which the respondent or one of the respondents lives or carries on business.

Procedure on a small claims hearing

30. A small claims hearing—

(*a*) shall be informal; and

(*b*) shall not be subject to the strict rules of evidence.

31. The judge may adopt any procedure which he considers to be fair.

Powers of [**(c)** *the judge*]

32. The judge has the power—

(*a*) to administer oaths and take the affirmations of the parties and any witnesses who attend;

(*b*) to order specific performance of a contract;

(*c*) to make an interim decree;

(*d*) to correct any clerical mistake in a decree;

(a) Rule 24 substituted by S.R. 2003 No. 272 with effect from 01.06.03
(b) 1974 c. 39
(c) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(*e*) without prejudice to Rule 19(*a*) and either on the application of any of the parties or of his own choosing, to set aside, vary or confirm any decree; or

(*f*) to direct that an application in Form 125 be transferred to his civil bill list, provided he is satisfied that—

(i) a difficult question of fact or law is involved; or

(ii) fraud is alleged against a party; or

(iii) the parties consent to the application being dealt with in that way; or

(iv) it would be unreasonable for the application to be dealt with in a small claims hearing because of its subject matter, the circumstances of the parties or the interests of any other person likely to be affected by the outcome.

33. If an application is transferred to the judge's civil bill list, it shall proceed as if it had been commenced by civil bill and shall be subject to scale costs.

34. An application under Rule 32(*e*) shall be made in writing and the other party shall be informed of the application.

35. All parties shall, subject to any legal objection, agree to—

(*a*) be examined by the judge on oath or affirmation;

(*b*) produce any relevant documents or items which are in their possession; and

(*c*) otherwise comply with the judge's requests.

Witnesses

36. If a party wishes to summons a person as a witness, he can apply to the small claims court under Order 24, rule 9 for a witness summons and the summons may be served in accordance with paragraph (5) of that rule or may be delivered to the witness personally by the applicant.

Expert Evidence

37. At any time before giving his decision the judge may—

(*a*) consult any expert;

(*b*) ask for an expert report on any disputed issue; and

(*c*) invite an expert to attend the hearing.

38. Unless the judge orders otherwise the evidence of any expert witness retained by a party must be given in a written report and the report, together with one copy, must be lodged with the small claims office not less than 14 days before the date of the small claims hearing.

39. On receiving the report, the officer shall send a copy to the other party and may set a new date for hearing.

Transfer of proceedings

40. If the judge is satisfied that an application could be more conveniently or fairly dealt with in another small claims court, he may order the application to be transferred to that court and the chief clerk of the court in which the application is originally made must—

(*a*) inform all the parties of the transfer; and

(*b*) send to the chief clerk of the other court any relevant court records and documents.

41. On receiving the relevant records and documents, the chief clerk of the other court shall set a date for the hearing and advise the parties of that date.

Documents

42. Any document which is required to be sent may be sent by ordinary first class post.

Costs

43. Subject to Rules 33, 44 and 45, no costs, except the appropriate court fee, may be awarded in respect of an application for a small claim.

44. No witness expenses may be awarded, except in respect of expert witnesses who have provided written or oral evidence at the request of the judge under Rule 37.

45. If the judge is satisfied that—

(*a*) there has been unreasonable conduct by one of the parties he may award costs against that party;

(*b*) the proceedings were properly started by ordinary civil bill under Rule 3 he may, subject to Rule 46, award such costs as he considers appropriate.

46. When the judge is awarding costs under Rule 45 the costs must not exceed those specified in [(**a**) Table 2] of Part I of Appendix 2 and must be determined in accordance with the amount of the claim.]

(**a**) Words substituted by S.R. 2009 No. 176 with effect from 18.05.09

[(a) ORDER 27

European Small Claims Procedure

Application, interpretation and scope

1.—(1) This Order applies to proceedings under Regulation (EC) No. 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.

(2) In this Order—

(*a*) "ESCP Regulation" means Regulation (EC) No. 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure;

(*b*) "ESCP" means the European small claims procedure established by the ESCP Regulation;

(*c*) "ESCP claim form" means the claim form annexed to the ESCP Regulation as Form A;

(*d*) "ESCP counterclaim" has the meaning given to "counterclaim" by recital 16 of the ESCP Regulation;

(*e*) "ESCP judgment" means a judgment given in the ESCP;

(*f*) "small claims court" means a court which processes small claims;

(*g*) "the applicant" means the person who makes the initial claim under the ESCP;

(*h*) "the judge" means the district judge;

(*i*) "the officer" means the person in the small claims office who processes the application for a small claim;

(*j*) "the respondent" means the person against whom the initial claim is made;

(*k*) "the respondent's response" means the response to the ESCP claim form annexed to the ESCP Regulation as Form C;

(*l*) "the SCCPC" means the Small Claims Civil Processing Centre, PO Box 882, Royal Courts of Justice, Belfast BT1 3JF; and

(*m*)"the small claims office" means the office of the small claims court or the SCCPC.

(3) This Order applies only to those applications that fall within the scope of the ESCP Regulation as prescribed in Article 2 of that Regulation.

Translations

2. Except where the ESCP Regulation makes different provision about the certification or verification of translations required by this Order, such translation must be accompanied by a statement by the person making it that it is a correct translation. The statement must include that person's name, address and qualifications for making the translation.

ESCP proceedings

3. Proceedings are to be brought and conducted in accordance with the ESCP Regulation.

(a) Order 27 inserted by S.R. 2009 No. 176 with effect 18.05.09

4. Where an applicant wishes to lodge the ESCP claim form, the original form and, where appropriate, relevant supporting documents should be lodged, together with two copies and the appropriate fee, with the small claims office.

5. If there is more than one respondent, the applicant must lodge one extra copy of the ESCP claim form for each additional respondent.

6. When the relevant forms and the appropriate fee are received in the small claims office, the officer will—

(*a*) complete Part I of the respondent's response and issue it to the respondent(s);

(*b*) file the original ESCP claim form;

(*c*) return one copy of the ESCP claim form to the applicant; and

(*d*) issue one copy of the ESCP claim form to the respondent(s).

7. The SCCPC shall keep a record of—

(*a*) the applications which are received; and

(*b*) the small claims office to which those applications are sent.

Venue for an ESCP hearing

8. If the judge determines that a hearing is required under Article 7 of the ESCP Regulation, this may take place—

(*a*) in a court in the county court division in which the applicant or one of the applicants lives or carries on business; or

(*b*) in a court in the county court division in which the respondent or one of the respondents lives or carries on business.

Procedure on an ESCP hearing

9. An ESCP hearing—

(*a*) shall be informal; and

(*b*) shall not be subject to the strict rules of evidence.

10. The judge may adopt any procedure which he considers to be fair.

Transfer of proceedings

11. If the judge is satisfied that a claim under the ESCP could be more conveniently or fairly dealt with in another small claims court, he may order the application to be transferred to that court and the officer of the small claims court in which the application is originally made must—

(*a*) inform all the parties of the transfer; and

(*b*) send to the officer of the other court any relevant court records and documents.

12. On receiving the relevant records and documents, the judge of the other small claims court shall determine the claim.

Transfer of proceedings where the claim is outside the scope of the ESCP Regulation

13.—(1) If the judge determines that the claim is outside the scope of the ESCP Regulation under Article 4(3), the officer must notify the applicant that the proceedings are to be transferred.

(2) If the applicant wishes to withdraw the claim, the applicant must notify the small claims office of this within 21 days of the date of the notice of the transfer of the proceedings.

(3) Where the applicant has notified the small claims office in accordance with paragraph (2), the claim is automatically withdrawn.

(4) Where the applicant has not notified the small claims office in accordance with paragraph (2) and the claim is instead to be transferred under Article 4(3) of the ESCP Regulation—

(*a*) the claim will be treated as if it had been commenced by civil bill or as a small claims application under Order 26, as appropriate; and

(*b*) thereafter, these Rules apply with necessary modification and subject to this rule,

and the small claims office will notify the claimant of the transfer and its effect.

Transfer of proceedings where the respondent claims that the non-monetary claim exceeds the limit set in Article 2(1) of the ESCP Regulation

14.—(1) This rule applies where, under Article 5(5) of the ESCP Regulation, the respondent claims that the value of a non-monetary claim exceeds the limit in Article 2(1) of the ESCP Regulation.

(2) When the small claims office issues the respondent's response to the applicant, it will—

(*a*) notify the applicant that the court is considering whether the claim is outside the scope of the ESCP Regulation; and

(*b*) send a copy of the notification to the respondent.

(3) If the applicant wishes to withdraw the claim in the event that the court decides that the claim is outside the scope of the ESCP Regulation, the applicant must notify the small claims office and the respondent of this within 21 days of the date of the notice under paragraph (2)(a).

(4) The small claims office will notify the respondent as well as the applicant of the court's decision whether the claim is outside the scope of the ESCP Regulation.

(5) If the court decides that the claim is outside the scope of the ESCP Regulation and the applicant has notified the small claims office and the respondent in accordance with paragraph (3), the claim is automatically withdrawn.

(6) If the court decides that the claim is outside the scope of the ESCP Regulation and the applicant has not notified the small claims office and the respondent in accordance with paragraph (3)—

(*a*) the claim will be treated as if it had been commenced by civil bill or as a small claims application under Order 26, as appropriate;

(*b*) the respondent's response will be treated as a defence; and

(*c*) thereafter, these Rules apply with necessary modifications and subject to this rule,

and the small claims office will notify the parties.

(7) This rule applies to an ESCP counterclaim as if the counterclaim were an ESCP claim.

Transfer of proceedings where the ESCP counterclaim exceeds the limit set in Article 2(1) of the ESCP Regulation

15.—(1) Where the ESCP counterclaim exceeds the limit set in Article 2(1) of the ESCP Regulation, the small claims office will—

(*a*) notify the respondent of this; and

(*b*) send a copy of the notification to the applicant,

when the small claims office issues the respondent's response to the applicant.

(2) If the respondent wishes to withdraw the ESCP counterclaim, the respondent must notify the small claims office and the applicant of this within 21 days of the date of the notice under paragraph (1)(a).

(3) If the respondent notifies the small claims office and the applicant under paragraph (2), the ESCP counterclaim is automatically withdrawn.

(4) If the respondent does not notify the small claims office and the applicant in accordance with paragraph (2)—

(*a*) the claim will be treated as if it had been commenced by civil bill or as a small claims application under Order 26, as appropriate;

(*b*) the respondent's response and ESCP counterclaim will be treated as the defence and counterclaim; and

(*c*) thereafter, these Rules apply with necessary modifications and subject to this rule,

and the small claims office will notify the parties.

Review of an ESCP judgment

16.—(1) An application for a review of an ESCP judgment under Article 18 of the ESCP Regulation must be made in Form 126, which should be lodged with the small claims office that issued the judgment.

(2) On receipt of an application for review, the judge shall give to the parties such directions for the conduct of the review as he considers necessary.

Inadequate or insufficient information

17. For the purpose of Article 4(4) of the ESCP Regulation, the time specified is within 30 days of the date of the request by the court to complete or rectify the claim form.

Costs

18.—When the judge is awarding costs under Article 16 of the ESCP Regulation, the costs—

(*a*) must not exceed those specified in Table 2 of Part I of Appendix 2;

(*b*) must be determined in accordance with the amount of the claim; and

(*c*) must not have been unnecessarily incurred.]

ORDER 28

Payment into court by trustees

Payment into court by trustees

1.—(1) Where a person desires to pay money or securities into court under section 63 of the Trustee Act (Northern Ireland) 1958(**a**) he shall file in the Office an affidavit in Form 132 containing the information required thereby and shall pay the money or securities into court in accordance with Court Funds Rules.

(2) The costs incurred in the payment into court may be retained by the person making the payment into court.

(3) The chief clerk may require in addition to the affidavit such evidence as he thinks proper with regard to the matter in respect of which the payment is made into court.

(4) As soon as he receives it the chief clerk shall endorse on the affidavit a memorandum of the day on which it is filed and the affidavit shall be taken for all purposes to have been duly filed on the day so endorsed on it.

(5) On the filing of the affidavit, the chief clerk shall enter the matter in the books of the court, and shall send to each person mentioned in paragraph 4 of the affidavit at the address given therein a notice of the payment into court in Form 133.

(6) The persons filing the affidavit or any of them may apply to the chief clerk for a certificate in Form 134.

Application for payment out, etc.

2. Where a person desires to apply to the court for the investment or payment out of court of any money or securities paid into court under this Order, the following provisions shall apply—

(*a*) the application shall be made to [(**b**) the judge] *ex parte*:

(*b*) [(**b**) the judge] on the hearing of the *ex parte* application may require notice of the application to be served on such persons as he thinks fit, and fix a day for the further hearing;

(*c*) evidence in support of the application may be given by affidavit or in such other manner as [(**b**) the judge] may direct.

(**a**) 1958 c. 23 (N.I.).
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 29

[(a) Matrimonial Property Proceedings

PART I

PROCEEDINGS UNDER MARRIED WOMEN'S PROPERTY ACT 1882.]

1.—(1) Where application is made under section 17 of the Married Women's Property Act 1882(**b**) particulars of the question to be submitted to the decision of [(**c**) the judge] shall be filed in the Office and thereupon a summons shall be issued in Form 135 and shall be served together with a copy of the particulars [(**d**) not less than 28 days before the date fixed for the hearing].

(2) All proceedings subsequent to the issue of the summons shall be had as if the proceeding had been commenced by an equity civil bill.

2. [(**c**) The judge] shall direct what costs are to be allowed.

[(e) PART II

FAMILY LAW (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1984

3.—(1) Every application under Article 4 or 13 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 shall be dealt with in chambers unless [(**c**) the judge] otherwise directs.

(2) Subject to paragraph (4), notice of an application under the said Article 4 or 13 shall be given in Form 136 and shall be filed in the office and (subject to paragraph(3)) shall be served on the respondent [(**d**) not less than 28 days before the date fixed for the hearing.

(3) Where the application is for an order terminating the respondent's rights of occupation and it appears to [(**c**) the judge] on the ex parte application of the applicant that the respondent is not in occupation of the dwelling house to which the application relates and his whereabouts cannot after reasonable inquiries be ascertained, [(**c**) the judge] may dispense with service of the summons or make such other order as to service as he considers appropriate.

(4) Where any matrimonial cause (within the meaning of Article 48(11) of the Matrimonial Causes (Northern Ireland) Order 1978(**f**)) or proceedings under section 17 of the Married Women's Property Act 1882 concerning the matrimonial home are pending between the parties in a county court an application under the said Article 4 or 13 shall be made on notice to [(**c**) the judge] in those proceedings in accordance with Order 14 Rule 1.

(5) All proceedings subsequent to the issue of the notice of application shall be had as if the proceeding had been commenced by an equity civil bill.

4. The costs of an application under Article 4 or 13 shall be in the discretion of [(**c**) the judge.].

(**a**) Words substituted by S.R. 1989 No. 211 with effect from 01.09.89
(**b**) 1882 c. 75
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Part II inserted by S.R. 1989 No. 211 with effect from 01.09.89
(**f**) S.I. 1978/1045 (N.I. 15)

ORDER 30

Consumer Credit Act 1974

[(**a**) *Interpretation*

1. In this Order "the Act" means the Consumer Credit Act 1974(**b**), a section referred to by number means the section so numbered in the Act and expressions which are defined in the Act have the same meaning in this Order as they have in the Act.

Saving for earlier Rules

2. Except in relation to any provision of the Act which applies to agreements entered into before 19th May 1985, nothing in this Order shall apply to agreements entered into before that date and the Rules in force immediately before that date shall continue to apply to those agreements.

Where proceedings may be commenced

3.—(1) Subject to paragraphs (2) and (3), an action or application under the Act shall be commenced in accordance with Order 1.

(2) An action against a debtor or hirer—

(*a*) brought by a creditor or owner to enforce a regulated agreement or any security relating to it; or

(*b*) brought to enforce any linked transaction;

may be brought in a court for the division in which the debtor or hirer resided or carried on business at the date on which he last made a payment under the regulated agreement.

(3) An application by a debtor or hirer of any surety under [(**c**) section 129(1)(*b*) or (*ba*)] (time orders), 132(1) (financial relief for hirer), [(**d**) 140B(2)(*a*) (unfair relationships)] or 142(1)(*b*) (declarations) may be brought in a court for the division in which the debtor, or, as the case may be, the hirer or surety resides or carries on business.

Joinder of parties

4.—(1) All the parties to a regulated agreement, and any surety, shall be made parties to any proceedings relating to the agreement, subject to the discretion of [(**e**) the judge or district judge as the case may be] to direct otherwise at the hearing.

(2) Without prejudice to paragraph (1), [(**e**) the judge or district judge as the case may be] may, on an ex parte application grounded upon an affidavit setting forth the facts as provided by section 70(3) or 73(8), make an order that the supplier or the negotiator, as the case may be, shall be made a party to the proceedings against the creditor, and [(**e**) the judge or district judge as the case may be] may, before making such order, require such notice of the application to be served as he thinks fit.

Action to recover possession of goods under a hire-purchase agreement

5. An action to recover possession of goods under a hire-purchase agreement shall be commenced by civil bill stating the following particulars—

(*a*) the date of the agreement and the parties thereto, with sufficient particulars to enable the debtor to identify the agreement;

(*b*) where the plaintiff was not one of the original parties to the agreement, the means by which the rights and duties of the creditor under the agreement passed to him;

(**a**) Order 30 substituted by S.R. 1985 No. 102 with effect from 19.05.85
(**b**) 1974 (c. 39)
(**c**) Words substituted by S.R. 2009 No. 19 with effect from 09.02.09
(**d**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**e**) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13

(*c*) whether the agreement is a regulated agreement;

(*d*) the goods claimed;

(*e*) the total price;

(*f*) the amount paid by or on behalf of the debtor;

(*g*) the date when the right to demand recovery of the goods accrued;

(*h*) the amount of arrears accrued at the date when the right to demand recovery of the goods accrued;

(*i*) the amount of any further balance under the agreement (being the total price less (*a*) the amount paid and (*b*) any arrears); and

(*j*) the amount (if any) claimed in addition to the delivery of the goods, stating the cause of action in respect of which each such claim is made.

Particulars to be given in other claims arising out of a hire-purchase agreement

6. Where a plaintiff's claim arises out of a hire-purchase agreement but it is not brought to recover possession of goods, he shall state in his originating process the following particulars—

(*a*) the date of the agreement and the parties thereto, with sufficient particulars to enable the debtor to identify the agreement,

(*b*) where the plaintiff was not one of the original parties to the agreement, the means by which the rights and duties of the creditor under the agreement passed to him;

(*c*) whether the agreement is a regulated agreement;

(*d*) the goods let under the; agreement;

(*e*) the total price;

(*f*) the amount paid by or on behalf of the debtor;

(*g*) the amount (if any) claimed as being due and unpaid in respect of any instalment or instalments of the total price; and

(*h*) particulars of any other claim and the circumstances in which it arises.

Conditional sale agreements

7. The provisions of Rules 5 and 6 shall apply to conditional, sale agreements as they apply to hire-purchase agreements subject to the following modifications—

(*a*) for any reference to the debtor there shall be substituted, a reference to the buyer; and

(*b*) for any reference to a hire-purchase agreement or to goods let under the agreement, there shall be substituted a reference to the conditional sale agreement, or to goods to be sold under the agreement, as the case may be.

Protection orders

8.—(1) An application under section 131 may, where the exigencies of the case so require, be made *ex parte*, upon lodgment by the applicant in the Office of a requisition setting forth the nature of the application.

(2) Every other application under section 131 shall be by motion on notice in Form 281.

Enforcement orders

9.—(1) Subject to paragraph (2), an application for an enforcement order shall be made by notice in Form 282.

(2) If, apart from the need to obtain an enforcement order, a creditor is entitled to payment of the money or possession of the goods or land to which the agreement relates, an application for an enforcement order shall be made in the course of an action to enforce the agreement.

(3) Where a creditor wishes to apply for an enforcement order as provided for by paragraph (2) he shall endorse the originating process with a statement to that effect.

(4) The notice of application under paragraph (1) and the endorsement provided for by paragraph (3) shall state the circumstances rendering an enforcement order necessary.

(5) The applicant shall serve the notice of application under paragraph (1) on the other party or parties to the agreement (who shall be the respondent or respondents to the application) and a copy of the notice on the chief clerk not less than twenty-eight days before [(**a**) the date fixed for the hearing].

[(**b**) ...]

Orders under section 86(2), 92(1) or (2) or 126

10. Rule 9 shall apply to an application for an order under section 86(2) (enforcement of a partly secured or unsecured regulated agreement on the death of the debtor or hirer), 92(1) (entry into premises to take possession of goods), 92(2) (recovery of possession of land where debtor is in breach of a regulated conditional sale agreement) or 126 (enforcement of a land mortgage securing a regulated agreement) as it applies to an enforcement order, so however that in the case of an order under section 86(2) the personal representatives of the deceased debtor or hirer shall be made parties to the proceedings in which the order is sought.

[(**c**) *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.]

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Rule 9(6) revoked by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Rule 11 substituted by S.R. 2008 No. 199 with effect from 30.05.08

Time Orders

12.—(1) An application for a time order under [(**a**) section 129(1)(*b*) or (*ba*)] shall be made by notice in Form 284 and shall state the following particulars—

(*a*) the date of the agreement and the parties to it, with sufficient particulars to enable the respondent to identify the agreement and details of any sureties;

(*b*) if the respondent was not one of the original parties to the agreement, the name of the original party to the agreement;

(*c*) the names and addresses of the persons to be served with the application;

(*d*) the place where the agreement was signed by the applicant;

(*e*) details of the notice served by the respondent giving rise to the application;

(*f*) [if known] the total unpaid balance due under the agreement and the amount of any arrears together with the amount and frequency of the payments specified by the agreement;

(*g*) the applicant's proposals as to payment of any arrears and to future instalments together with details of his means;

(*h*) where the application relates to a breach of the agreement other than the non-payment of money, the applicants proposals for remedying it.

(2) [(**b**) Paragraph (5) of Rule 9] shall apply to a notice of application under paragraph (1) of this Rule.

[(**c**) (3) An applicant who is a debtor or hirer making an application for an order under section 129(1)(*ba*) must attach to the notice of application, a copy of the notice served on the creditor or owner under section 129A(1)(*a*).]

Financial relief for hirer

13.—(1) An application by a hirer for an order under section 132(1) shall be made by notice in Form 285.

(2) [(**b**) Paragraph (5) of Rule 9] shall apply to a notice of application under paragraph (1) of this Rule.

Application for variation, etc.

14.—(1) An application under section 130(6) (variation, etc., of time orders), 133(6) (revocations, etc., of return orders or transfer orders) or 135(4) (variation of conditional or suspended orders) shall be made by notice in Form 285.

(2) [(**b**) Paragraph (5) of Rule 9] shall apply to a notice of application under paragraph (1) of this Rule.

Declarations

15.—(1) An application for a declaration under section 142(1)(*b*) or 142(2) shall be made by notice in Form 285.

(2) [(**b**) Paragraph (5) of Rule 9] shall apply to a notice of application under paragraph (1) of this Rule.

Issue of decree after conditional or suspended order

16.—(1) Where in an order made by it in relation to a regulated agreement a court includes provisions of a type referred to in section 135(1)(*a*) or (*b*), the decree shall not issue until an affidavit has been lodged in the Office stating that—

(*a*) the condition specified by the court under section 135(1)(*a*) has been fulfilled; or

(*b*) the court has directed under section 135(1)(*b*)(i) that the order shall now operate; or

(*c*) the act or omission specified under section 135(1)(*b*)(ii) has occurred.

(**a**) Words substituted by S.R. 2009 No. 19 with effect from 09.02.09
(**b**) Words substituted by S.R. 1998 No. 21 with effect from 20.04.98
(**c**) Words inserted by S.R. 2009 No. 19 with effect from 09.02.09

(2) Before issuing such a decree the chief clerk shall record thereon a certificate embodying the purport of such affidavit.

[(a) *Forms of decree and orders*

17. A decree or order made in proceedings under this Order shall be in such of Forms 286 to 291 as the circumstances of a particular case shall allow.]

(a) Rule 17 inserted by S.R. 1986 No. 218 with effect from 1.8.86

ORDER 31

PROCEEDINGS UNDER THE MATRIMONIAL CAUSES (NORTHERN IRELAND) ORDER 1978(a)

1. Where application is made under Articles 35, 38 or 40 of the Matrimonial Causes (Northern Ireland) Order 1978, particulars of the question to be submitted to the decision of [(**b**) the judge] shall be filed in the Office and thereupon a summons shall be issued in the form specified in Form 137 and shall be served together with a copy of the particulars [(**c**) not less than 28 days before the date fixed for the hearing].

2. [(**b**) The judge] shall direct what costs are to be allowed.

(**a**) S.I. 1978/1045 (N.I. 15)
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

ORDER 32

STATUTORY APPEALS, REFERENCES, APPLICATIONS AND CASES STATED

PART 1

STATUTORY APPEALS, REFERENCES AND APPLICATIONS

Appeals

1.—(1) This Rule shall apply, with any necessary modifications and subject to the provisions of the relevant enactment, to any appeal not otherwise provided for which under any enactment for the time being in force may lie to a county court against any order, determination, award or other decision of a tribunal (in this Order referred to as an "order").

(2) Every such appeal (in this Order referred to as an "appeal") shall be by way of re-hearing and where any question of fact is involved in an appeal, the evidence bearing on such question shall be given orally unless [(**a**) the judge], as respects that evidence or any part thereof, otherwise directs.

(3) Every appeal shall be brought by notice of appeal intituled in the matter of the relevant enactment and as between the parties to the appeal, and shall set forth the grounds upon which the appellant relies.

(4) [(**b**) Subject to paragraphs [(**c**) (4A) to (4D)], every such notice] of appeal shall be served—

(*a*) within the time provided by the relevant enactment and if no time is so provided then within twenty-one days from the date on which the order was made or within such further period as [(**a**) the judge], having regard to all the circumstances, may in his discretion allow;

(*b*) upon every body or person making, or affected by, the order; and

(*c*) subject to any directions of [(**a**) the judge] in like manner as a civil bill is served.

[(**d**) (4A) If the appeal is brought under section 35A or section 40B of the Immigration and Asylum Act 1999 (in this Rule referred to as "the Act")(**e**) against a decision of the Secretary of State to impose a penalty under section 32 of the Act or a charge under section 40 of the Act, the appeal notice must, subject to paragraph (4B), be served within twenty-eight days after receiving the penalty notice or charge notice.

(4B) If notice of objection has been given to the Secretary of State under section 35(4) or section 40A(3) of the Act(**f**) within the time prescribed for doing so, the appeal notice must be served within 28 days after receiving notice of the Secretary of State's decision in response to the notice of objection.]

[(**g**) (4C) If the appeal is brought under section 11 of the UK Borders Act 2007 (in this rule referred to as "the 2007 Act") against a decision of the Secretary of State to impose a penalty under section 9(1) of the 2007 Act, the appeal notice must, subject to paragraph (4D), be served within twenty-one days from the date on which the penalty notice was received.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words substituted by S.R. 2003 No. 272 with effect from 01.06.03
(**c**) References substituted by S.R. 2009 No. 19 with effect from 09.02.09
(**d**) Paragraphs inserted by S.R. 2003 No. 272 with effect from 01.06.03
(**e**) 1999 c. 33. Section 35A and section 40B were inserted into the Immigration and Asylum Act 1999 by virtue of paragraphs 8 and 13 respectively of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 [2002 c. 41]
(**f**) Section 35(4) of the Immigration and Asylum Act 1999 was substituted by paragraph 7 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 and section 40A was inserted by virtue of paragraph 13 of that Schedule
(**g**) Paragraphs 4C and 4D inserted by S.R. 2009 No. 19 with effect from 09.02.09

(4D) If notice of objection has been given to the Secretary of State under section 10 of the 2007 Act within the time prescribed for doing so, the appeal notice must be served within twenty-one days from the date on which the notice of the Secretary of State's decision in response to the notice of objection was received.]

(5) Every appeal shall be entered in the Office by the appellant who shall send by prepaid post to, or leave at, the Office—

(*a*) a true copy or notice of the order if in his possession; and

(*b*) a true copy of the notice of appeal and endorsement of each service thereof;

so as to be received in the Office not later than [(**a**) 28 days before the date fixed for the hearing].

(6) Every appeal shall be to the equity sittings held next after the expiration of a period of fifteen days from the day on which notice of appeal is served.

(7) An appellant may by his notice appeal against the whole or any part of the order and the notice shall state whether the whole or part only, and if part of which part, of the order is impugned.

(8) Upon the entry of an appeal the chief clerk may require the secretary, registrar or other proper officer of the tribunal to furnish to the Office a copy of the order.

(9) The chief clerk may make and issue to any party, or any person interested, a copy of the order.

(10) Subject to the provisions of paragraphs (5) and (7) of Article 8 of the Order, every appeal shall be heard in the court for the division—

(*a*) in which any land, property or business affected by the order is wholly or mainly situate or carried on; or

(*b*) in which the order was made.

(11) Subject to the provisions of this Rule, [(**b**) the judge] shall, in relation to an appeal, have the like powers and authorities as he has in the exercise of the jurisdiction of the court in equity matters.

(12) Subject to the provisions of the relevant enactment and of this Rule, the procedure, rules and practice for the time being in force in county courts with respect to equity proceedings shall apply to every appeal.

References

2. Rule 1 shall with any necessary modifications apply to any matter or proceedings not otherwise provided for where under any enactment for the time being in force any matter, question or issue whether of law or of fact may be submitted or referred to a county court for its opinion or decision.

Applications

3. Any applications (other than an application by way of appeal or reference) under the provisions of any enactment for the time being in force, not otherwise provided for, may be brought either in the manner in which similar or analogous applications are brought in the county court or in the manner (subject to any necessary modifications) in which appeals may be brought under this Order.

PART II

CASES STATED

Application of this Part

4. This Part shall apply, subject to the provisions of the relevant enactment and of the Rules of the Court of Judicature, to any case stated which, under the provisions of any enactment for the time being in force, may be stated for the opinion of the Court of Appeal.

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Stating of case

5.—(1) The judge may state a case on the application of any party.

(2) An application for a case stated shall be made in the manner and within the time provided by the relevant statute, and if not so provided, then such an application shall be made in writing by delivering it to the chief clerk within a period of [(**a**) twenty-one days] commencing on the date on which the decision was given and a copy shall be given to the other party.

(3) The written application shall set out the precise point of law involved in the decision with which the applicant is dissatisfied.

(4) Subject to any directions of [(**b**) the judge] in special circumstances, a case stated shall be prepared by the party applying for it and shall be submitted in draft form to the other party or parties for approval within one month from the day on which [(**b**) the judge] directs the case to be stated.

(5) The party to whom the draft case is submitted shall within three weeks from the day on which it is submitted to him return it with his observations thereon to the party who prepared it.

(6) Every case stated shall be divided into paragraphs numbered consecutively and shall concisely state such facts and refer to such documents as may be necessary to enable the Court of Appeal to decide any question raised thereby.

Submission and transmission of case

6.—(1) The party or parties preparing a case stated shall, within two months from the day on which [(**b**) the judge] directs the case to be stated or such longer time as [(**b**) the judge] may allow, submit it to [(**b**) the judge] for approval and settlement.

(2) Any dispute between the parties as to the contents of the case stated shall be determined by [(**b**) the judge].

(3) [(**b**) The judge] shall within two months from receipt of a case stated approve and settle the case and shall—

(*a*) sign it and insert the date of such signature;

(*b*) where more than one party applies for a case stated, direct which applicant is to have carriage; and

(*c*) transmit the case to the chief clerk.

(4) Subject to paragraph (2), the chief clerk on receiving the signed case stated shall—

(*a*) endorse thereon the date of receipt; and

(*b*) transmit to the applicant a signed case with the date of transmission also endorsed.

(5) Where any enactment or any order of [(**b**) the judge] requires a party having carriage of a case stated to fulfil any condition precedent (whether by way of giving security for costs, or of entering into a recognizance for the due prosecution of the case, or otherwise) to the entry of the case stated in the Court of Judicature, the chief clerk shall not transmit the case to the applicant until that condition has been fulfilled.

(6) Where any such condition precedent is not fulfilled, or the party preparing the draft case does not submit it to [(**b**) the judge] for approval and settlement, within the time fixed by the enactment or by these Rules or such longer time as [(**b**) the judge] may allow, the application shall be deemed to be withdrawn and thereupon, if the case was stated—

(**a**) Words substituted by S.R. 2004 No. 216 with effect from 31.5.04
(b) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

(*a*) after the determination of the proceedings, that determination shall stand affirmed;

(*b*) before the determination of the proceedings, the proceedings, shall stand adjourned until the next succeeding sittings or, with the consent of the parties, to the sittings for such other division as may be convenient.

(7) Where the party to whom a draft case states has been submitted under Rule 5(5) makes default in complying with that Rule, the party having carriage may proceed in accordance with paragraph (1).

[(**a**) PART IIA

APPEALS FROM MAGISTRATES' COURTS

Power to extend time to give notice of appeal from a decision of a magistrates' court

6A.—(1) An application for an extension of time under Article 144(2A) of the Magistrates' Courts (Northern Ireland) 1981(**b**) shall be made in writing, specifying the grounds of the application.

(2) The application under paragraph (1) shall be served on the chief clerk of the appropriate county court division and at the same time a copy thereof shall be served by the applicant on every proposed respondent to the intended appeal.

(3) A party who receives a copy of an application under paragraph (1) and who wishes to oppose the application shall within 14 days notify the applicant and the chief clerk in writing, of his opposition, giving the reasons therefor.

(4) An application under paragraph (1) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(5) The chief clerk shall give notice of the decision of the judge to—

(*a*) the applicant;

(*b*) the clerk of petty sessions for the petty sessions district in which the magistrates' court sat; and

(*c*) the other parties to the application.]

[(**c**) *Application for special measures direction*

6B.—(1) Any party to an appeal arising out of criminal proceedings in a magistrates' court may apply for a special measures direction under Article 7 of the 1999 Order by giving notice in Form 137A.

(2) If the application is for a special measures direction—

(*a*) enabling a witness to give evidence by means of a live link, the information sought in Part 2 of Form 137A shall be provided;

(*b*) enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the information sought in Part 3 of Form 137A shall be provided.

(3) An application under paragraph (1) shall be made within 14 days from the date of the service of notice of appeal from a decision of a magistrates' court.

(4) The notice under paragraph (1) shall be served on the chief clerk of the appropriate county court division, and at the same time a copy thereof shall be served by the applicant on every other party to the appeal.

(5) Any party on whom a copy of a notice under paragraph (1) is served may oppose the application for a special measures direction in respect of any measure available in relation to the witness, whether or not the question whether the witness is eligible for assistance by virtue of [(**d**) Article 4 or 5] of the 1999 Order is in issue.

(**a**) Part IIA inserted by S.R. 1994 No. 472 with effect from 01.01.95
(**b**) S.I. 1981/1675 (N.I. 26)
(**c**) Rules 6B and 6C substituted by S.R. 2003 No. 295 with effect from 30.06.03
(**d**) Words inserted by S.R. 2004 No. 463 with effect from 29.11.04

(6) Any party who wishes to oppose the application shall, within 7 days of the date the notice was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(7) In order to comply with paragraph (6)—

(*a*) a party shall state in the written notification whether he—

(i) disputes that the witness is eligible for assistance by virtue of [(**a**) Article 4 or 5] of the 1999 Order;

[(**b**) (ii) disputes that any of the special measures available would be likely to improve the quality of evidence given by the witness or that such measures (or a combination of them) would be likely to maximise the quality of that evidence; and]

(iii) opposes the granting of a special measures direction; and

(*b*) where the application relates to the admission of a video recording, a party who receives a recording shall provide the information required by Rule 6H(5).

(8) Except where notice is received in accordance with paragraph (6), the court may—

(*a*) determine the application in favour of the applicant without a hearing; or

(*b*) direct a hearing.

(9) Where a party to the appeal notifies the chief clerk in accordance with paragraph (6) of his opposition to the application, the court shall direct a hearing of the application.

(10) Where a hearing of the application is to take place in accordance with paragraph (8) or (9), the chief clerk shall notify each party to the appeal of the time and place of the hearing.

(11) A party notified in accordance with paragraph (10) may be present at the hearing and be heard.

(12) The chief clerk shall, as soon as reasonably practicable, notify all the parties of the decision in Form 137B, and if the application was made for a direction enabling a video recording of an interview of a witness to be admitted as evidence in chief of that witness, the notification must state whether the whole or specified parts only of the video recording or recordings disclosed are to be admitted in evidence.

Application for an extension of time

6C.—(1) Without prejudice to the generality of Order 43 Rule 10, an application may be made in writing for the period of 14 days specified in Rule 6B(3) to be extended.

(2) The application may be made either before or after that period has expired.

(3) The application shall be accompanied by a statement setting out the reasons why the applicant is or was unable to make the application within that period, and the application and the statement shall be served by the applicant on the chief clerk and on every other party to the appeal.

(4) An application for an extension of time under this Rule shall be determined by a [(**c**) judge] without a hearing unless [(**c**) the judge] otherwise directs.

(5) The chief clerk shall notify all the parties of [(**c**) the judge's] decision.]

(**a**) Words substituted by S.R. 2004 No. 463 with effect from 29.11.04
(**b**) Words inserted by S.R. 2003 No. 485 with effect from 01.01.04
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(**a**) *Late applications*

6D.—(1) Notwithstanding the requirements of Rule 6B—

(*a*) an application for a special measures direction may be made orally at the hearing of the appeal; or

(*b*) the court may of its own motion raise the issue whether a special measures direction should be given.

(2) Where an application is made in accordance with paragraph (1)(a)—

(*a*) the applicant must state the reasons for the late application; and

(*b*) the court must be satisfied that the applicant was unable to make the application in accordance with Rule 6B.

(3) The court shall determine, before making a special measures direction—

(*a*) whether to allow other parties to the appeal to make representations on the question;

(*b*) the time allowed for making such representations (if any); and

(*c*) whether the question should be determined following a hearing at which the parties to the appeal may be heard.

Discharge or variation of a special measures direction

6E.—(1) An application to discharge or vary a special measures direction under Article 8(2) of the 1999 Order shall be in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the direction was made.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the appeal as soon as reasonably practicable after the change of circumstances occurs.

(3) Any party on whom the application is served in accordance with paragraph (2) may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (6) to (12) of Rule 6B shall apply to an application to discharge or vary a special measures direction as they apply to an application for a direction.

[(**b**) *Application to disapply or disapply in part the primary rule*

6EA.—(1) An application to disapply or disapply in part the primary rule under Article 9(4)(*ba*) of the 1999 Order shall be made in writing and shall include such information as the court requires to make a determination.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the witness has expressed that wish.

(3) Paragraphs (6) to (12) of Rule 6B shall apply to an application to disapply or disapply in part the primary rule as they apply to an application for a direction.]

Renewal application following a material change of circumstances

6F.—(1) Where an application for a special measures direction has been refused by the court, the application may only be renewed ("renewal application") where there has been a material change of circumstances since the court refused the application.

(2) The applicant shall—

(*a*) specify in the renewal application each material change of circumstances which is alleged to have occurred; and

(*b*) serve the renewal application on the chief clerk, and on each party to the appeal, as soon as reasonably practicable after the change occurs.

(**a**) Rules 6D-6I inserted by S.R. 2003 No. 295 with effect from 30.06.03

(**b**) Rules 6EA inserted by S.R. 2011 No. 421 with effect from 01.01.12

(3) Any party on whom the application is served in accordance with paragraph (2)(b) may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (6) to (12) of Rule 6B, Rules 6G and 6H apply to a renewal application as they apply to the application which was refused.

Application for special measures direction for witness to give evidence by means of a live link

6G.—(1) Where the application for a special measures direction is made in accordance with Rule 6B(2)(a), for a witness to give evidence by means of a live link, the following provisions of this Rule shall also apply.

(2) [(**a**)...]A party who seeks to oppose an application for [(**b**) a child witness] to give evidence by means of a live link must, in order to comply with Rule 6B(6), state why in his view the giving of a special measures direction would not be likely to maximise the quality of the witness's evidence.

[(**c**)...]

Video recording of testimony from witnesses

6H.—(1) Where an application is made for a special measures direction enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the following provisions of this Rule shall also apply.

(2) Notice of the application made in accordance with Rule 6B(1) shall be accompanied by the video recording (or a copy of the video recording) which it is proposed to tender in evidence and shall include—

(*a*) the name of the appellant and the offence charged;

(*b*) the name and date of birth of the witness in respect of whom the application is made;

(*c*) the date on which the video recording was made;

(*d*) a statement as to whether, and if so at what point in the video recording, an oath was administered to, or a solemn declaration made by, the witness;

(*e*) a statement that, in the opinion of the applicant, either—

(i) the witness is available for cross-examination; or

(ii) the witness is not available for cross-examination and the parties have agreed that there is no need for the witness to be so available;

(*f*) a statement of the circumstances in which the video recording was made which complies with paragraph (4); and

(*g*) the date on which the video recording was disclosed to the other party or parties.

(3) Where it is proposed to tender part only of a video recording of an interview with the witness, the application must specify that part and be accompanied by a video recording of the entire interview, including those parts which it is not proposed to tender in evidence, and by a statement of the circumstances in which the video recording of the entire interview was made which complies with paragraph (4).

(**a**) Words omitted by S.R. 2011 No. 421 with effect from 01.01.12
(**b**) Words inserted by S.R. 2004 No. 463 with effect from 29.11.04
(**c**) Paragraphs (3) and (4) omitted by S.R. 2011 No. 421 with effect from 01.01.12

(4) The statement of the circumstances in which the video recording was made referred to in paragraphs (2)(f) and (3) shall include the following information, except in so far as it is contained in the recording itself:—

(*a*) the times at which the recording commenced and finished, including details of interruptions;

(*b*) the location at which the recording was made and the usual function of the premises;

(*c*) in relation to each person present at any point during, or immediately before, the recording—

(i) their name, age and occupation;

(ii) the time for which each person was present; and

(iii) the relationship, if any, of each person to the witness and to the appellant;

[(a) (ca) in relation to each person present at any point during the recording, a statement confirming that the said person when present is visible in the recording;]

(*d*) in relation to the equipment used for the recording—

(i) a description of the equipment;

(ii) the number of cameras used;

(iii) whether the cameras were fixed or mobile;

(iv) the number and location of the microphones;

(v) the video format used; and

(vi) whether it offered single or multiple recording facilities and, if so, which were used; and

(*e*) the location of the mastertape if the video recording is a copy and details of when and by whom the copy was made.

(5) A party who receives a copy of a recording under paragraph (2) shall within 7 days of date on which it was served on him, notify the applicant and the chief clerk, in writing—

(*a*) whether he objects to the admission under Article 15 of the 1999 Order of any part of the video recording or recordings disclosed, giving his reasons why it would not be in the interests of justice for the recording or any part of it to be admitted;

(*b*) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts; and

(*c*) whether he wishes to be represented at any hearing of the application.

(6) Notwithstanding the provisions of Rule 6B and this Rule, a copy of any video recording which the appellant proposes to tender in evidence need not be sent to the prosecution until the close of the prosecution case at the hearing of the appeal.

(7) The court may determine an application by the appellant to tender in evidence a video recording even though a copy of the recording has not, in accordance with paragraph (6), been served upon the prosecutor.

(8) Where a copy of a video recording which is the subject of a special measures direction is sent to the prosecutor after the direction has been made, the prosecutor may apply to the court for the direction to be varied or discharged.

(9) An application under paragraph (8) may be made orally to the court.

(10) A prosecutor who makes an application under paragraph (8) shall state—

(a) Paragraph (ca) inserted by S.R. 2003 No. 485 with effect from 01.01.04

(*a*) why he objects to the admission under Article 15 of the 1999 Order of any part of the video recording or recordings disclosed, giving his reasons why it would not be in the interests of justice for the recording or any part of it to be admitted; and

(*b*) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts.

(11) The court shall, before determining the application:—

(*a*) direct a hearing of the application; and

(*b*) allow all the parties to the appeal to be present and be heard on the application.

(12) The chief clerk shall notify all parties to the appeal of the decision of the court as soon as reasonably practicable after the decision is given.

(13) Any decision varying a special measures direction must state whether the whole or specified parts of the video recording or recordings subject to the application are to be admitted in evidence.

Expert Evidence

6I. Any party to an appeal who proposes to adduce expert evidence (whether of fact or opinion) in connection with an application or renewal application for, or an application to vary or discharge, a special measures direction shall, not less than 14 days before the date set for the hearing at which the evidence is to be adduced—

(*a*) serve the other party or parties to the appeal with a statement in writing of any finding or opinion which he proposes to adduce by way of such evidence; and

(*b*) where a request is made to him in that behalf by any other party to the appeal, provide that party also with a copy of (or if it appears to the party proposing to adduce the evidence to be more practicable, a reasonable opportunity to examine) the record of any observation, test, calculation or other procedure on which such finding or opinion is based and any document or other thing or substance in respect of which any such procedure has been carried out.]

[(**a**) *Evidence by live link by witness (other than the defendant)*

6IA.—(1) An application for a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 for a witness (other than the defendant) to give evidence through a live link shall be made by giving notice in writing which shall be in Form 137T.

(2) The application under paragraph (1) shall be made within 14 days from the date of the service of notice of appeal from a decision of a magistrates' court.

(3) The notice under paragraph (1) shall be served on the chief clerk of the appropriate county court division, and at the same time a copy thereof shall be served by the applicant on every other party to the appeal.

(4) Any party who wishes to oppose the application shall, within 7 days of the date that notice under paragraph (1) was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(5) Except where notice is received in accordance with paragraph (4), the court may—

(*a*) determine the application in favour of the applicant without a hearing; or

(*b*) direct a hearing.

(6) Where a party to the appeal notifies the chief clerk in accordance with paragraph (4) of his opposition to the application, the court shall direct a hearing of the application.

(**a**) Rules 6IA and 6IB inserted by S.R. 2009 No. 19 with effect from 9.2.09

(7) Where a hearing is to take place in accordance with paragraphs (5) or (6), the chief clerk shall notify each party to the appeal of the time and place of the hearing.

(8) A party notified in accordance with paragraph (7) may be present at the hearing and be heard.

(9) The chief clerk shall, as soon as reasonably practicable, notify all the parties of the decision in Form 137U, and, where a direction is given, the notification shall state—

(*a*) if known, the place where the witness will give evidence;

(*b*) where the witness is to give evidence on behalf of the prosecutor or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of witness;

(*c*) the location of the court at which the appeal will be held; and

(*d*) any conditions specified by the court in accordance with paragraph (10).

(10) In determining an application under paragraph (1), the court may specify that as a condition of the direction, the witness should give evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the court may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

Application for rescission of a direction

6IB.—(1) An application to rescind a direction for a witness to give evidence through a live link under Article 11(5)(*a*) of Criminal Justice (Northern Ireland) Order 2004 shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the direction was made.

(2) An application under paragraph (1) shall be served on the chief clerk and on every other party to the appeal as soon as is reasonably practicable after the change in circumstances occurs.

(3) Any party on whom a copy of the notice under paragraph (2) is served may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (4) to (9) of Rule 6IA shall apply to an application to rescind a live link direction as they apply to an application for a live link direction.]

[(**a**) *Prohibition on cross-examination of particular witness*

6J.—(1) An application by the prosecutor for a direction under Article 24 of the 1999 Order in relation to any witness shall be made by giving notice in Form 137C to the chief clerk and at the same time the applicant shall serve a copy thereof on every other party to the appeal.

(2) In his application the prosecutor shall state why, in his opinion–

(*a*) the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the appellant in person;

(*b*) the evidence would be improved if a direction were given under Article 24(2) of the 1999 Order; and

(*c*) it would not be contrary to the interests of justice to give such a direction.

(**a**) Rules 6J to 6N inserted by S.R. 2003 No. 485 with effect from 01.01.04

(3) On receipt of the application, the chief clerk shall refer it—

(*a*) if the hearing of the appeal has started, to [(**a**) the judge] hearing the appeal;

(*b*) if the hearing of the appeal has not started when the application is received, to a [(**a**) judge] for the county court division in which the appeal is to be heard.

(4) Where a copy of a notice under paragraph (1) is served on a party to the appeal more than 14 days before the date set for the hearing of the appeal, that party may, within 14 days, make observations in writing in relation to the application to the chief clerk and shall serve a copy of such observations on every other party to the appeal.

(5) A party on whom a copy of a notice under paragraph (1) is served may notify the chief clerk and every other party to the appeal, in writing, of his opposition to the application and give reasons for it.

(6) Those reasons shall be notified—

(*a*) within 14 days of the date on which notice of the application was served on him, if that date is more than 14 days before the date set for the hearing of the appeal;

(*b*) if the hearing of the appeal has begun, in accordance with any directions issued by [(**a**) the judge] hearing the appeal; or

(*c*) if neither sub-paragraph (a) nor sub-paragraph (b) apply, before the date set for the hearing of the appeal.

(7) Where an application under paragraph (1) is made before the date set for the hearing of the appeal and the application—

(*a*) is not contested by any party to the appeal, the court may determine the application without a hearing;

(*b*) is contested by a party to the appeal, the court shall direct a hearing of the application.

(8) Where the application is made after the hearing of the appeal has begun—

(*a*) the application may be made orally; and

(*b*) [(**a**) the judge] hearing the appeal may give such directions as he considers appropriate in order to deal with the application.

(9) Where a hearing of the application is to take place, the chief clerk shall notify each party to the appeal of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The chief clerk shall, as soon as reasonably practicable after the determination of an application made under paragraph (1), notify all the parties to the appeal of the decision and the reasons for it.

(12) A person making an oral application under paragraph (8)(a) shall—

(*a*) give reasons why the application was not made before the hearing of the appeal commenced; and

(*b*) provide the court with the information set out in paragraph (2).

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Restrictions on cross-examination of witness by the accused person

6K.—(1) This Rule and Rules 6L and 6M apply where an appellant is prevented from cross-examining a witness in person by virtue of Article 22, 23 or 24 of the 1999 Order.

(2) The court shall as early in the proceedings as is reasonably practicable—

(*a*) explain to the appellant that he is prevented from cross-examining a witness in person; and

(*b*) invite him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

(3) The appellant shall within 7 days of the court giving its explanation, or within such other period as the court may in any particular case allow, give notice to the chief clerk in writing as to whether or not he has arranged for a legal representative to act on his behalf.

(4) Where the appellant has arranged for a legal representative to act for him, the notice shall include details of the name and address of the representative.

(5) The chief clerk shall notify all other parties to the appeal of the name and address of any person appointed by the appellant to act on his behalf.

(6) Where the court gives its explanation under paragraph (2) to the appellant—

(*a*) within 7 days of the date set for the commencement of any hearing at which a witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies may be cross-examined, or

(*b*) after such a hearing has commenced;

the period of 7 days within which the appellant is required to give notice under paragraph (3) shall be reduced in accordance with any direction issued by the court.

(7) Where at the end of the period of 7 days or such other period as the court has allowed, the court has not received notice from the appellant under paragraph (3), it may grant the appellant an extension of time, whether of its own motion or on the application of the appellant.

(8) Before granting an extension of time, the court may direct a hearing at which all parties to the appeal may attend and be heard.

(9) Any extension of time shall be for such period as the court considers appropriate in the circumstances of the case.

(10) The decision of the court as to whether to grant the appellant an extension of time shall be notified to all parties to the appeal by the chief clerk in Form 137D.

Appointment by the court

6L.—(1) Where the court decides, in accordance with Article 26(4) of the 1999 Order, to appoint a qualified legal representative, the chief clerk shall notify all parties to the appeal of the name and address of that representative.

(2) An appointment made by the court under Article 26(4) of the 1999 Order shall, except to such extent as the court may in any particular case determine, terminate at the conclusion of the cross-examination of any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

Appointment arranged by the appellant

6M.—(1) The appellant may arrange for the qualified legal representative, appointed by the court under Article 26(4) of the 1999 Order, to be appointed to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

(2) Where such an appointment is made—

(*a*) both the appellant and the qualified legal representative shall notify the court of the appointment in writing; and

(*b*) the qualified legal representative shall, from the time of his appointment, act for the appellant as though the arrangement had been made under Article 26(2)(*a*) of the 1999 Order and shall cease to be the representative of the court under Article 26(4) of the 1999 Order.

(3) Where the court receives notification of the appointment either from the qualified legal representative or from the appellant but not from both, the court shall investigate whether the appointment has been made, and if it concludes that the appointment has not been made, paragraph (2)(b) shall not apply.

(4) The appellant may, notwithstanding an appointment by the court under Article 26(4) of the 1999 Order, arrange for a legal representative to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 applies.

(5) Where the appellant arranges for, or informs the court of his intention to arrange for a legal representative to act for him, he shall notify the court in writing within such period as the court may allow, of the name and address of any person appointed to act for him.

(6) Where the court is notified within the time allowed that such an appointment has been made, any qualified legal representative appointed by the court in accordance with Article 26(4) of the 1999 Order shall be discharged.

(7) The chief clerk shall as soon as reasonably practicable after notification is received by the court, or where paragraph (3) applies, after the court is satisfied that the appointment has been made, notify all the parties to the appeal in Form 137E that—

(*a*) the appointment has been made;

(*b*) where paragraph (4) applies, of the name and address of the person appointed;

(*c*) that the person appointed by the court under Article 26(4) of the 1999 Order has been discharged or has ceased to act for the court.

Procedure for applications in proceedings for sexual offences

6N.—(1) Subject to paragraph (10), an application under Article 28(2) of the 1999 Order for leave to adduce evidence of, or ask questions about, any sexual behaviour of the complainant shall be made by giving to the chief clerk notice in Form 137F and shall—

(*a*) be served on the chief clerk within 14 days from the date of the service of notice of appeal from a decision of a magistrates' court; or

(*b*) be accompanied by a full written explanation specifying the reasons why the application could not have been served in accordance with sub-paragraph (a).

(2) An application in Form 137F shall contain the following—

(*a*) a summary of the evidence it is proposed to adduce and of the questions it is proposed to put to any witness;

(*b*) a full explanation of the reasons why it is considered that the evidence and questions fall within Article 28(3) or (5) of the 1999 Order;

(*c*) a summary of any document or other evidence to be submitted in support of such evidence and questions;

(*d*) where it is proposed that a witness give evidence at the hearing of the appeal as to the complainant's sexual behaviour, the name and date of birth of any such witness.

(3) A copy of the application under paragraph (1) shall be served, by the applicant, on every other party to the appeal at the same time as it is served on the chief clerk.

(4) The prosecutor shall notify the chief clerk and the other parties to the appeal in Form 137G—

(*a*) whether or not he opposes the application, giving reasons for any such opposition, and

(*b*) whether or not he wishes to be represented at any hearing of the application,

and where the notice of application is received by the prosecutor more than 14 days before the date set for the hearing of the appeal, the notification must be served by the prosecutor within 14 days of receipt.

(5) Where a copy of the application is received by a party to the appeal other than the prosecutor more than 14 days before the date set for the hearing of the appeal, that party may, within 14 days, make observations in writing in relation to the application to the chief clerk and shall serve a copy of such observations on every other party to the appeal.

(6) In considering any application under this Rule, the court may request a party to the appeal to provide the court with such information as it may specify in Form 137H and which the court considers would assist in determining the application.

(7) Where the court makes such a request, the person required to provide the information shall do so within 14 days of the court making the request or by such time as the court considers appropriate in the circumstances of the case.

(8) An application under paragraph (1) shall be determined by a [(a) judge] following a hearing.

(a) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(9) The date and time of the hearing shall be—

(*a*) determined by the chief clerk after taking into consideration—

(i) any time which a party to the appeal has been given to respond to a request for information; and

(ii) the date fixed for any other hearing relevant to the appeal; and

(*b*) notified by the chief clerk to all the parties to the appeal.

(10) An application under Article 28(2) of the 1999 Order may be made orally to the court where the application is made after the hearing of the appeal has begun.

(11) The person making the application under paragraph (10) shall—

(*a*) give reasons why the appellant failed to make the application in accordance with paragraph (1); and

(*b*) provide the court with the information set out in paragraph (2).

(12) The chief clerk shall, as soon as reasonably practicable after the hearing of an application under paragraph (1), give notice of the decision of the court in Form 137I to all the parties to the appeal.]

[(**a**) *Application for reporting direction*

6NA.—(1) An application by a party to an appeal arising out of criminal proceedings in a magistrates' court for a reporting direction under section 46 of the 1999 Act in relation to a witness at that appeal may be made at any time after service of the notice of appeal by giving notice in Form 137J.

(2) The notice under paragraph (1) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party to the appeal.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

(4) In order to comply with paragraph (3) a party shall state in the written notification whether he—

(*a*) disputes that the witness is eligible for protection under section 46 of the 1999 Act; and

(*b*) disputes that the granting of protection would be likely to improve the quality of evidence given by the witness or the level of co-operation given by the witness to any party to the proceedings in connection with the party's preparation of its case.

Application for excepting direction

6NB.—(1) An application for a direction under section 46(9) of the 1999 Act ("an excepting direction") may be made at any time after the hearing of the appeal has begun if a reporting direction has been given by the court in respect of a witness at that appeal.

(2) The application under paragraph (1) may be made by—

(*a*) any party to the appeal; or

(*b*) any person who, although not a party to the appeal, is directly affected by a reporting direction given in relation to a witness in that appeal

(**a**) Rules 6NA to 6NF inserted by S.R. 2004 No. 463 with effect from 29.11.04

or could be so affected if the court in determining an application gave a reporting direction.

(3) An application for an excepting direction may be made—

(*a*) orally at the time the reporting direction is given; or

(*b*) by giving notice in Form 137K.

(4) An applicant for an excepting direction shall state why, in his opinion—

(*a*) the effect of the restrictions imposed (or which the applicant for the reporting direction seeks to have imposed) places a substantial and unreasonable restriction on the reporting of the proceedings; and

(*b*) it is in the public interest to remove or relax those restrictions.

(5) Where the application for an excepting direction is made in writing, the notice under paragraph (3)(b) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party or, as the case may be, every party to the appeal.

(6) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

Variation or revocation

6NC.— (1) An application to—

(*a*) revoke a reporting direction; or

(*b*) vary or revoke an excepting direction,

may be made at any time after the hearing of the appeal has begun.

(2) The application under paragraph (1) may be made by—

(*a*) any party to the appeal in which the direction was given; or

(*b*) any person who, although not a party to the appeal is, in the opinion of the court, directly affected by the direction.

(3) The application under paragraph (1) shall be made by giving notice in Form 137L which—

(*a*) shall specify the grounds upon which the applicant seeks to have the direction varied or, as the case may be, revoked; and

(*b*) shall be served, by the applicant, on the chief clerk and on every other party or, as the case may be, every party to the appeal.

(4) Any party who wishes to oppose the application shall, within 7 days of the date the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition, giving reasons for it.

Hearings

6ND.— (1) Subject to paragraph (2), the court may—

(*a*) determine any application made under Rule 6NA, 6NB or 6NC without a hearing; or

(*b*) direct a hearing of any such application.

(2) Where a party to the appeal notifies the chief clerk of his opposition to an application under Rule 6NA, 6NB or, as the case may be, 6NC, the court shall direct a hearing of that application.

(3) Where a hearing of an application is to take place in accordance with this Rule, the chief clerk shall notify each party to the appeal of the time and place of the hearing.

(4) A party notified in accordance with paragraph (3) may be present at the hearing and be heard.

(5) Before determining an application, the court may hear and take into account representations made to it by any person who in the court's opinion has a legitimate interest in the application before it.

(6) The chief clerk shall, as soon as reasonably practicable after the determination of an application under Rule 6NA, 6NB or 6NC, notify all the parties to the appeal of the decision of the court in Form 137M.

Notice required to accompany process served outside the United Kingdom

6NE.—(1) The notice which by virtue of section 3(4)(b) of the 2003 Act shall accompany any process served outside the United Kingdom shall give the information specified in paragraphs (2) and (4).

(2) The notice shall—

(*a*) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and

(*b*) give the particulars specified in paragraph (4) about that authority.

(3) The "relevant authority" where the process is served—

(*a*) at the request of the prosecuting authority, is that prosecuting authority;

(*b*) at the request of the appellant, or of the prosecutor in the case of a private prosecution, is the court by which the process is served.

(4) The particulars referred to in paragraph (2) are—

(*a*) the name and address of the prosecuting authority or, as the case may be, the court, together with its telephone and fax numbers and e-mail address;

(*b*) the name of a person at the prosecuting authority or, as the case may be, the court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(5) Where section 3(3) of the 2003 Act applies, the chief clerk shall require any process served outside the United Kingdom to be accompanied by—

(*a*) any translation which is provided under section 3(3)(b) of the 2003 Act; and

(*b*) any translation of the information required to be given by this Rule which is provided to him.

Proof of service outside the United Kingdom

6NF.—(1) The service on any person under section 4(1) of the 2003 Act of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1)—

(*a*) that a process has been served;

(*b*) of the manner in which service was effected;

(*c*) of the date on which a process was served,

shall be admissible as evidence of any facts so stated.]

[(a) *Procedure for the admission of evidence of bad character*

6NG.—(1) A party to an appeal arising out of criminal proceedings in a magistrates' court who wants to adduce evidence of a non-appellant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 5 of the 2004 Order, shall give notice in Form 137N.

(2) Notice under paragraph (1) shall be served on the chief clerk of the appropriate county court division and on every other party to the appeal within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

(3) Any party who wishes to oppose the application under paragraph (1) shall, within 14 days from the date on which notice of the application was served on him, notify the chief clerk and every other party to the appeal, in Form 137O, of his opposition.

(4) A party to an appeal arising out of criminal proceedings in a magistrates' court who wants to adduce evidence of an appellant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 6 of the 2004 Order, shall give notice in Form 137P.

(5) Notice under paragraph (4) shall be served on the chief clerk of the appropriate county court division and on every other party to the appeal within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

(6) An application by an appellant to exclude bad character evidence shall be in Form 137Q and shall be served on the chief clerk of the appropriate county court division and on every other party to the appeal within 7 days from the date on which the notice under paragraph (4) was served on him.

(7) An appellant who is entitled to have a notice served on him under this Rule may waive his entitlement by so informing the court and the party who would have served the notice.

(8) Without prejudice to the generality of Order 43 Rule 10, the court may, if it considers that it is in the interests of justice to do so,—

(*a*) allow a notice or application required under this Rule to be given in a different form or orally; or

(*b*) abridge or extend the time for service of a notice or application required under this Rule, either before or after that period expires.

Procedure for the admission of hearsay evidence

6NH.—(1) This Rule shall apply where a party to an appeal arising out of criminal proceedings in a magistrates' court wishes to adduce evidence on one or

(a) Rules 6NG and 6NH inserted by S.R. 2005 No. 143 with effect from 18.04.05

more of the grounds set out in Article 18(1)(*a*) to (*d*) of the 2004 Order and in this Rule, such evidence is referred to as "hearsay evidence".

(2) A party who wishes to adduce hearsay evidence shall give notice in Form 137R.

(3) Notice under paragraph (2) shall be served on the chief clerk of the appropriate county court division and on every other party to the appeal within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

(4) Any party who wishes to oppose the admission of hearsay evidence under paragraph (2) shall, within 14 days from the date on which notice was served on him, notify the chief clerk and every other party to the appeal, in Form 137S, of his opposition.

(5) A party who is entitled to have notice served on him under this Rule may waive his entitlement by so informing the court and the party who would have served the notice.

(6) Without prejudice to the generality of Order 43 Rule 10, the court may, if it considers that it is in the interests of justice to do so,—

(*a*) dispense with the requirement to give notice of intention to adduce hearsay evidence;

(*b*) allow a notice required under this Rule to be given in a different form, or orally; or

(*c*) abridge or extend the time for service of a notice required under this Rule, either before or after that period expires.]

[(**a**) APPEALS IN SMALL CLAIMS CASES

PART IIB

APPEALS IN SMALL CLAIMS CASES

6O.—(1) An appeal under Article 30(4)(ab) of the Order shall be brought by Notice of Appeal in Form 130 and shall set out the question of law which is the subject of the appeal and the grounds upon which the appellant relies.

(2) The Notice of Appeal shall, within twenty one days from the date the order, decision or determination was made, be served by the appellant on the chief clerk and on the Respondent and any other party to the proceedings.

(3) The Respondent may within twenty one days from the date of the Notice of Appeal, serve on the chief clerk and the appellant and any other party to the proceedings a notice in Form 131 setting out whether or not he opposes the appeal and the grounds on which he relies.

(4) The judge may give such directions as he considers appropriate in relation to the appeal including if it is to be by way of rehearing and the chief clerk shall notify the parties accordingly.

(5) The decision on the appeal shall be notified by the chief clerk to the parties in Form 131A.]

(**a**) Part IIB inserted by S.R. 2004 No. 216 with effect from 31.05.04

PART III

INTERPRETATION

Interpretation

7. In this Order the expression—

[(**a**) "the 2003 Act" means the Crime (International Co-operation) Act 2003;] and

[(**a**)"the 1999 Act" means the Youth Justice and Criminal Evidence Act 1999;].

"the 1999 Order" means the Criminal Evidence (Northern Ireland) Order".

[(**b**) "the 2004 Order" means the Criminal Justice (Evidence) (Northern Ireland) Order 2004;].

"enactment" means an Act or statutory instrument or any provision of an Act or statutory instrument;

[(**a**) "process" has the same meaning as in section 51(3) of the 2003 Act;].

"Supreme Court" includes any division or [(**c**)judge] of that Court;

"tribunal" means any court, authority, body or person making the order.

(**a**) Words inserted by S.R. 2004 No. 463 with effect from 29.11.04
(**b**) Words inserted by S.R. 2005 No. 143 with effect from 18.04.05
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 33

Decrees

Record of decrees

1. The chief clerk shall enter in the books of the court a minute of every decree made by the court.

[(**a**) *Claim for interest*

1A. The sum for which a decree or award for debt or damages is granted or made in proceedings [(**b**)...] may include interest down to the date of the decree or award, provided—

(*a*) that the amount claimed as interest appears from the particulars of claim set out in the civil bill, [(**c**) application for arbitration or other originating process] calculated to the date of issue thereof; and

(*b*) in proceedings for either debt or damages, where interest is claimed under Article 45A of the Order, that the rate of interest is not higher than that payable on decrees in accordance with Rule 2.]

Interest on amount awarded by decree

2. Subject to Article 127 of the judgements Enforcement (Northern Ireland) Order 1981 the amount awarded by decree (not being a penal sum for securing principal and interest) including any interest and costs thereby awarded shall, subject to any direction by [(**d**) the judge], carry interest at the rate of [(**e**) 8] per centum per annum from the date on which the decree was made.

Recovery of value added tax

3.—(1) Subject to paragraph (2), in a decree there shall be added after the words "witnesses' expenses" the words "and, in addition, any sum for value added tax recoverable by the plaintiff [*or* (in the case of a dismiss) defendant]".

(2) Paragraph (1) shall not apply [(**f**)...] where value added tax is not recoverable by the successful party under Rule 4 of Order 55.

(3) Before serving notice of intent under the judgement Enforcement Rules (Northern Ireland) 1981 to enforce a decree which orders the recovery of value added tax as provided for in Rule 4 of Order 55, the party in whose favour the decree was given shall forward the decree together with a certificate in Form 153 to the Office and the chief clerk shall endorse on the decree a statement to the effect that value added tax in the appropriate amount has been certified.

Lodgment of decree

4.—(1) It shall be the duty of the party in whose favour any order is made by [(**d**) the judge] to forward the appropriate form of decree to the Office for signing and sealing; and, in the event of an appeal, such form of decree shall be lodged a reasonable time before the hearing.

(2) Where the court makes an attachment of earnings order or an order under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 or stays enforcement of any decree or order on the ground of the debtor's inability to pay, the party in whose favour such order or decree is made shall, in addition to complying with paragraph (1), at the same time forward a copy thereof to the Office.

(**a**) Rule 1A inserted by S.R. 1983 No. 102 with effect from 01.06.83
(**b**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words substituted by S.R. 1985 No. 31 with effect from 25.03.85
(**d**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**e**) Figure substituted by S.R. 1993 No. 135 with effect from 19.04.93
(**f**) Words deleted by S.R. 2007 No. 500 with effect from 07.01.08

(3) The chief clerk shall, after comparing the form of order or decree referred to in paragraph (1) with the copy forwarded under paragraph (2), certify such copy before transmitting it to the Enforcement of Judgments Office in accordance with Article 116 of the said Order of 1981.

Amounts for which decree issued to be in decimal currency

5. A decree for the payment of a sum of money must state the sum in decimal currency.

Issue of decree

6.—[**(a)**...]

(2) For the purposes of enabling all parties in whose favour a decree is given, either wholly or in part to secure execution thereon, the chief clerk may issue to the parties so entitled such number of decrees as may appear to him requisite to implement the orders of the court; and where more than one decree is or is to be issued there shall be endorsed on the face of every decree issued the words "issued to enable AB to obtain the relief provided for him herein".

Decrees for debt or damages

7.—(1) A decree for debt or damages [**(b)**...] shall be in Form 138.

(2) A decree where a counterclaim has been established shall be in Form 139.

(3) A decree for debt or damages in favour of a minor shall be in Form 140 and an order appointing a guardian to a minor and approving settlement of claims shall be in Form 141.

(4) A dismiss of a civil bill for debts or damages shall be in Form 142.

Decrees for recovery of land

8.—(1) A decree for the recovery of land shall be in [**(c)** Form 56,] Form 143 or Form 144 as appropriate.

(2) A dismiss of a civil bill claiming recovery of land shall be in Form 145.

Stay of execution of decrees in ejectment

9. In all cases of decrees in ejectment, [**(d)** the judge] may grant such stay of execution as he considers reasonable in the circumstances.

Stay of execution and removal thereof

10.—(1) The chief clerk shall endorse or cause to be endorsed on a decree the terms of any stay of execution granted by the court.

(2) A decree shall not issue until such stay be removed.

(3) A party seeking to remove a stay of execution upon default in complying with such terms shall lodge in the Office an affidavit setting out particulars of the default.

(4) Where such default is in the payment of a sum by instalments or some or one of them, the affidavit shall set out particulars of and the amounts of the several instalments (if any) which have been paid and particulars of the default including the amount then due on foot of the decree.

(5) The chief clerk shall, before issuing a decree, write and sign or cause to be written and signed on the face of the decree a statement that the stay of execution has been removed.

(a) Rule 6(1) revoked by S.R. 1982 No. 287 with effect from 11.10.82
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words inserted by S.R. 1998 No. 21 with effect from 20.4.98
(d) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

[(**a**) (6) Where the decree is such as is referred to in paragraph (4), the statement shall specify the total amount of the instalments (if any) paid to the date of the affidavit lodged under paragraph (3) and the decree shall issue for the whole amount remaining due on foot of the decree after deducting such instalments (if any) as have been paid thereunder as shown in the said affidavit but with the addition to the costs therein stated of a sum of—

(*a*) £7.49 as from 25 February 2013; or

(*b*) £7.63 as from 25 February 2014

as the costs and outlay of the said affidavit.]

[(**b**) (7) In the application of this rule to decrees issued under Order 26, references to "affidavit" shall be construed as references to a "statement of truth" and paragraph (6) shall be read as if the words from "but with" to the end were omitted.]

Decree for balance of rent and costs under section 61 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

11. A decree for the balance of rent and costs under section 61 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(**c**) shall be in Form 146.

Decree for payment of legacy or a distributive portion of the assets of an intestate

12. A decree for payment of a legacy shall be in Form 147 and a decree for payment of a distributive portion of the assets of an intestate shall be in Form 148.

*Decrees in action [(**d**) for wrongful interference with goods]*

13. In actions [(**d**) for wrongful interference with goods] the decree, if for the plaintiff—

(*a*) may be in Form 149 and may be for the value of the goods detained together with a sum to be stated in the decree by way of damages for the detention and costs, but it may be part of the decree that the decree shall not issue if the defendant on or before a named day pays a specified sum for damages for the detention and costs and also returns the goods to the plaintiff and if the plaintiff accepts the same;

(*b*) may be in Form 150 and may order the return of the goods, detained together with a sum to be stated in the decree by way of damages for the detention and costs.

Decree rectifying or setting aside deed

14. A decree rectifying a deed shall be in Form 151 and a decree setting aside a deed shall be in Form 152.

Order for preparation and execution of a deed

15. Where an order directs any deed to be prepared and executed, it shall state by what party the deed is to be prepared and to whom it is to be submitted for approval and who is to bear the costs thereof; and if the parties cannot agree as to the form of the deed, [(**e**) the judge] may, on the application of either party, settle the same himself or name counsel by whom the same is to be settled, subject to the final approval of [(**e**) the judge] and his discretion as to costs.

Sale of land

16.—(1) Where any land is ordered to be sold, the order shall direct who is to have the conduct of the sale, where the sale is to be held and by whom the conditions and contracts of sale and the abstract of title, if any such are necessary, is to be prepared.

(**a**) Paragraph (6) substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Sub-paragraph inserted by S.R. 2002 No. 255 with effect from 8.01.07
(**c**) 1860 c. 154
(**d**) Words substituted by S.R. 1982 No. 287 with effect from 11.10.82
(**e**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(2) Where any land is ordered to be sold, any party bound by the order and in possession of the estate, or in receipt of the rents or profits thereof, shall be compelled to deliver up possession or receipt to the purchaser, or such other person as may be named in the order.

(3) Unless otherwise ordered, where an order is made directing any land to be sold—

(*a*) the land shall be sold with the approval of [(**a**) the judge] or subject to a reserved price fixed by the court at the best price that can be got;

(*b*) all such parties as [(**a**) the judge] directs shall join in the sale and conveyance and, where any party refuses or neglects to sign any necessary document, [(**a**) the judge] may make an order vesting the land or authorising a specified person to sign such document on behalf of the party so refusing or neglecting; and

(*c*) the person authorised by the conditions of sale to receive the purchaser's deposit shall forthwith upon the privity of the Accountant General lodge the amount of such deposit in accordance with Court Funds Rules and when the sale is complete the balance of the purchase money shall be lodged in like manner.

(4) A sale retained within the court shall be conducted in accordance with this Rule and Rule 18 and Order 34.

Sale of personal property

17.—(1) Where an order directs any personal property to be sold, the property shall be sold by public auction or private contract as [(**a**) the judge] directs and shall, unless otherwise ordered, be sold with the approval of [(**a**) the judge] at the best price that can be got.

(2) Where any personal property is directed to be sold by public auction or to be detained or preserved, a receiver or such other person as [(**a**) the judge] directs shall, if [(**a**) the judge] so directs, superintend the sale, detention or preservation, and, where such property is directed to be sold by private contract, it shall be the duty of the receiver or other person as aforesaid unless [(**a**) the judge] otherwise directs, to see that the directions of [(**a**) the judge] are carried out.

(3) This Rule shall not apply to an execution which is required to be made by the Enforcement of Judgments Office under a decree to which the Judgments Enforcement (Northern Ireland) Order 1981 applies.

Form of affidavit of value

18. Where an affidavit is made for the purpose of enabling the court to fix reserve biddings, the value of the property shall be stated in an exhibit so as not to be disclosed by the affidavit when filed.

Proof of payment of duty payable

19. Before making any payment under or issuing an order directing the payment or transfer of any fund in respect of which any death duties are payable to the revenue it shall be the duty of the chief clerk to require a certificate from the proper officer of, or the production of the receipt for, the payment of the duty chargeable in respect of the fund.

Order of High Court

20. Where the High Court has heard and determined an appeal from a decree of a county court, the party entitled to the benefit of the order made on appeal shall deposit in the Office the order of the High Court or an office copy thereof.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 34

Sale Of Land By The Court

Application of this Order

1. This Order shall apply to the conduct of a sale which is to be retained within the court.

Approval of [(a) judge] or reserved bidding

2. The sale shall be subject to the approval of [(**a**) the judge] or to a reserved bidding to be fixed by the court.

Counsel, valuers and auctioneers

3. [(**a**) The judge] may from time to time appoint court conveyancing counsel, court valuers and court auctioneers either generally or for particular sales at such scales of fees as he may fix; and in default of any such appointments by [(**a**) the judge], the [(**b**) district judge] may nominate or approve appointments for particular sales.

Bidding by parties

4. A party to the suit shall not bid at the sale unless liberty to bid is given in the order for sale or the permission of [(**a**) the judge] is obtained on application made on notice to the other parties to the suit.

Lodgment and approval of documents

5.—(1) The solicitor for the party having carriage shall lodge in the Office for the approval of the [(**b**) district judge] and his directions thereon—

(*a*) all documents of title in his possession or power;

(*b*) unless dispensed with by the [(**b**) district judge], the abstract of title;

(*c*) draft particulars and conditions of sale in Form 154;

(*d*) a draft advertisement; and

(*e*) if so directed by the [(**b**) district judge], a draft case for court counsel, drawing attention to any difficulties in connection with the title or the actual occupation of the property requiring special mention in the conditions of sale.

(2) The above documents when approved by the [(**b**) district judge] together with a copy of the certificate of the [(**b**) district judge] on has inquiry as to incumbrancers shall, if so directed by him, be submitted to court counsel and, where no such direction is given, the documents mentioned in Rule 7 may be lodged for approval in the Office at the same time as the documents mentioned in paragraph (1).

Joining of persons not before the court

6. If counsel advises that any person necessary to make title is not before the court, the consent of such person to the sale and his undertaking to join in the purchase deed shall be procured in writing, and his signature verified by affidavit and failing such consent, notice of the order for sale shall be served on such person.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

Procedure following return of papers from counsel

7. On receiving the papers back from counsel, the solicitor having carriage shall—

(*a*) re-lodge the papers in the Office for settling and fixing of dates by the [(**a**) district judge] and shall at the same time lodge—

(i) draft form of affidavit to be made by the court valuer in Form 155;

(ii) draft reserved bidding report in Form 156, to be marked as exhibit "B" to such affidavit;

(iii) an envelope marked "B" and endorsed with the title of the suit, to contain the valuer's reserved bidding report when completed;

(iv) draft auctioneer's affidavit of biddings in Form 157; and

(v) draft bidding paper in Form 158; and

(*b*) send to the court valuer a copy of the advertisement and the documents mentioned in sub-paragraphs (i) to (iii) of paragraph (*a*) together with a covering letter instructing him as to—

(i) the completion and return to the solicitor of the affidavit mentioned in paragraph (*a*)(i) with the copy advertisement marked as exhibit "A" thereto; and

(ii) the completion and forwarding to the Office, before the date fixed for the sale, of the reserved bidding report mentioned in paragraph (*a*)(ii), which report shall be marked as exhibit "B" to the affidavit.

Attendance at sale

8. The solicitor having carriage shall attend the sale and arrange for the completion by the court auctioneer of the documents mentioned in Rule 7(*a*)(iv) and (v), and re-lodging of all papers in the Office.

*Where sale is subject to approval of [(**b**) judge]*

9. Where a sale is subject to the approval of [(**b**) the judge]—

(*a*) the certificate of the [(**a**) district judge] shall be in Form 159; and

(*b*) the solicitor having carriage shall on notice to the proposed purchaser and the other parties make application to [(**b**) the judge] by notice of motion in Form 160 for confirmation of the sale, and [(**b**) the judge] may either confirm the sale by order in Form 161 or make such other order thereon as he thinks fit having regard to the court valuer's report and the biddings.

Where sale is subject to reserved price

10.—(1) Where the sale is subject to a reserved price fixed by the court, the purchaser or his solicitor may attend the sitting of the [(**a**) district judge] on the day fixed by the advertisement, and if there be any objection to the confirmation of the sate it shall be stated at that sitting.

(2) Where the reserved price fixed by the court has been reached the [(**a**) district judge] may confirm the sale by certificate in Form 162 and direct that the deposit be forthwith lodged in court to the credit of the suit, and the certificate of the [(**a**) district judge] confirming the sale shall be binding on all parties from the date thereof unless it is discharged or varied on application to [(**b**) the judge] by notice of motion made before the expiration of eight days from that date.

(3) Where the [(**a**) district judge] refuses to confirm the sale, he shall certify his refusal in Form 16 and direct that further proceedings shall be by way of either—

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(*a*) an application to [(**a**) the judge] under Rule 9; or

(*b*) advertisement for re-sale by tender, subject to the approval of [(**a**) the judge] with such consequential directions thereon as he considers necessary;

and where he directs further proceedings under paragraph (*b*) he shall order the return of the deposit made by the highest bidder.

Order for execution of conveyance or for possession

11. A notice of motion for an order for the execution of a conveyance or for possession shall be in Form 164, an order for the execution of a conveyance shall be in Form 165 and an order to put a Purchaser in possession shall be in Form 166.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

ORDER 35

Ejectment Proceedings

Record of ejectments

1.—(1) The chief clerk shall enter in a book to be kept for that purpose particulars of all decrees in ejectment and for each such decree shall enter the names of the plaintiffs and defendants and the tenements recovered as specified in the civil bill concerning the same.

(2) The book kept under paragraph (1) shall be open for inspection during the hours when the Office is open on payment to the chief clerk of the prescribed fee.

Amount of rent due

2. At the hearing of every ejectment proceeding for non-payment of rent, the chief clerk shall enter in the ejectment book the sum of money ascertained to be due and owing for rent, and the time up to which the same is due and the chief clerk, before he signs his name to such decree, shall compare with such entry the statement in the decree in such ejectment of the amount of rent so ascertained to be due; and the clerk shall certify on such decree the amount of rent so ascertained, and the date up to which the same is due.

Costs

3. [(**a**) The judge or district judge as the case may be], upon the hearing of any ejectment proceedings where there is more than one defendant, may order that the costs of the proceedings shall be paid by and recovered from one or more of such defendants and not from the other or others of them.

Restitution

4.—(1) Where the defendant in ejectment proceedings for non-payment of rent, or any other person evicted by a decree for possession had in such ejectment proceedings, is entitled to redeem the lands and is desirous to obtain an order of restitution to be restored to the possession of the land after such decree has been executed, such person shall serve a notice upon the plaintiff the said ejectment proceedings, in Form 167, [(**b**) not less than 28 days before the date on] which the application for such order of restitution is intended to be made.

(2) The application for an order of restitution to restore a party to the possession of lands under [(**c**) section 94 of the Judicature (Northern Ireland) Act 1978(**d**)] shall be made to the court for the division in which the ejectment decree has been obtained.

(3) The order of restitution, ordering a defendant to be restored to the possession of lands from which he had been evicted by a decree in ejectment proceedings for non-payment of rent, shall be in Form 168.

(4) When notice of an application for an order of restitution has been served pursuant to the said section [(**e**) 94] the plaintiff in the ejectment proceedings, if he intends claiming any rent not included in the ejectment decree, or which may have become due since the signing of the decree, shall give three days' notice of his intention to the party so applying for such order of restitution.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Word substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words substituted by S.R. 1982 No. 120 with effect from 01.06.82
(**d**) 1978 c. 23
(**e**) Figure substituted by S.R. 1982 No. 120 with effect from 01.06.82

(5) Where a decree for possession in ejectment proceedings for non-payment of rent has been executed, and the landlord has been put into possession, [(a)...] any further rent has become due in respect of said lands, the party applying to the court for an order of restitution to be restored to the possession of the said lands mentioned in the said decree for possession shall, before such order of restitution issues, pay over or lodge in court such further rent as may be awarded by the court, in addition to the sum ascertained by the said decree to be due for rent and costs.

(6) Where the landlord has been put into possession of lands under a decree for possession in ejectment proceedings for non-payment of rent, and the tenant or party entitled to apply for an order of restitution requires such landlord to account for the profits of the lands received by him whilst he was so in possession, such tenant or party so applying for an order of restitution shall, in the notice that such application will be made, inform the landlord that he will be called on to account, at the hearing of the application for such order of restitution, for such profits.

(7) Where there are several defendants in ejectment proceedings for non-payment of rent, and a decree is made ordering the costs to be paid by some or one of the defendants to the exclusion of the others, should the parties or party who are so exonerated from the payment of costs by such decree apply for an order of restitution to be restored to the possession of the premises after such decree has been executed, they or he shall in addition to the rent and arrears of rent due out of said premises, lodge in court the costs payable to the plaintiff in the suit, if not previously, paid.

(a) Words deleted by S.R. 1982 No. 120 with effect from 01.06.82

ORDER 36

Partition Suits

Abstract of title

1. The plaintiff in a partition suit shall, at the time of lodging the civil bill, also lodge therewith a short abstract of title to the lands sought to be partitioned, which abstract shall show the respective shares a estates which the several owners are alleged to have in the lands.

Consent of landlord

2. If the lands sought to be partitioned are held subject to any agreement or condition restraining or prohibiting assignment or subdivision, or if they form part of an estate upon which the assignment or subdivision of holding without the consent of the landlord is contrary to or not warranted by the practice prevalent upon such estate, the plaintiff shall at the hearing produce the consent in writing of the landlord, or his agent duly authorised for that purpose that the lands in the civil bill mentioned be partitioned or sold as the court may direct.

Consent of Department of Finance

3. If the lands sought to be partitioned are charged with any advance repayable to the Department of Finance, in manner provided by any statute authorising the advance of public money to tenants upon the security of their holdings, the plaintiff shall at the hearing produce the consent in writing of that Department, that the lands in the civil bill mentioned be partitioned or sold as the court may direct.

Examination of and report on lands

4. In partition suits [(**a**) the judge] may employ a surveyor or other person to examine the lands sought to be partitioned, and to report in writing to [(**a**) the judge], by a day to be named, the manner in which, according to the opinion of such surveyor or other person, the lands should be partitioned, and the report shall be accompanied by a map showing the boundaries of the lands proposed to be partitioned.

(2) The surveyor or other person appointed shall be remunerated by the parties to the suit or such of them as [(**a**) the judge] may direct.

(3) The report of the surveyor or other person appointed under paragraph (1), together with said map, shall be lodged by him in the Office at least fifteen days before the day named for making the report to [(**a**) the judge].

(4) The report and map when lodged in the Office shall be open to the inspection of all parties to the suit without payment of any fee.

Decree

5. [(**a**) The judge] may either adopt such report, and make a decree in accordance with the terms thereof, or may make such other decree as he may think fit.

(a) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 37

Applications under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(a)

Notice of application

1. A notice of application to annul or vary a precept, order or conviction under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(a) (in this Order referred to as "the Act of 1860") shall be in Form 169 or Form 170 and shall be served [(b) not less than 28 days before the date fixed for the hearing].

Claim for compensation

2. Where a party claims compensation for any loss or damage caused by the procuring of a precept or order mentioned in section 35 of the Act of 1860, he shall serve notice in Form 171 on the opposite party from whom he claims the compensation [(b) not less than 28 days before the date fixed for the hearing].

Venue and service of notices

3.—(1) An application under section 37 of the Act of 1860 to annul or vary a precept, order or conviction or for compensation for any loss or damage caused by procuring such percept or order shall be made to the court for the division where the premises in respect of which the precept, order or conviction has been issued or made are in whole or in part situate or, if the opposite party resides outside the division, to the court for the division in which that party resides.

(2) A notice under Rule 1 or Rule 2 shall be served and entered in like manner as a civil bill.

(a) 1860 c. 154
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

ORDER 38

Administration of estates

Lodgment of accounts by representatives of a deceased person

1.—(1) Accounts lodged in accordance with Article 17 of the Order shall set out—

(*a*) particulars of the property or assets which the testator or intestate died possessed of or entitled to;

(*b*) the amount, produce and value of such property and assets respectively;

(*c*) the amounts and particulars of the debts due by the testator or intestate;

(*d*) the amounts, and particulars of the debts, legacies and funeral and testamentary expenses of the testator or intestate paid by or on account of the executor or administrator;

and shall show the balance applicable to the purposes of the will of the testator or, as the case may be, distributable amongst the next-of-kin of the intestate, or the property or the chattels then undisposed of.

(2) The accounts shall be signed by the executor or administrator and verified on oath by the executor or administrator.

(3) The accounts shall be lodged in the Office within one month from the date when he has been required in writing to do so by any person entitled so to require under Article 17 of the Order within such extended time as the chief clerk may direct.

Power to order advertisements

2.—(1) In any proceeding for a legacy or distributive share of the property or assets of a testator or, intestate, [(**a**) the judge] may order the party suing to give notice, either by advertisement or otherwise, requiring persons having claims on or against the property and assets of the deceased to produce and verify such claims.

(2) All costs relating to such notice shall be borne and paid in such manner and by such parties as [(**a**) the judge] shall direct.

(3) [(**a**) The judge] may adjourn the hearing of the proceedings to some future sittings and from time to time as occasion may require so as to allow sufficient time for publishing and giving such notice.

Lodgment of money in court

3. In any proceedings for a legacy or distributive share of the property or assets of a testator or intestate, [(**a**) the judge] may, if he thinks fit, order money to be paid into court in accordance with Court Funds Rules.

Administration suits

4.—(1) An administration suit may be commenced at any time after the death of the testator or intestate.

(2) Subject to Rules 2 and 3 of Order 36 [(**a**) the judge] in administering the estate of a deceased person shall not be bound, for the purpose of distribution of any land, to sell and convert the land but may partition the land among the persons entitled to shares of the estate and for equality of partition may make a decree against any one or more of such persons for any excess in the value of the part or parts allotted to him or them.

(a) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 39

Actions by and against firms and persons carrying on business in firm names

Partners may sue and be sued in name of their firm

1.—(1) Two or more persons claiming or alleged to be liable as partners and carrying on business within Northern Ireland may sue and be sued in the name of the firm in which they were partners when the cause of action arose.

(2) Where partners sue or are sued in the name of their firm in accordance with this Rule, a statement that the plaintiffs are suing or the defendants are sued as a firm shall be included in the civil bill and in the title of the action.

(3) Where partners sue or are sued in the name of their firm, the partners shall, on demand made in writing by or on behalf of any other party, forthwith deliver to the party making the demand a statement of the names and places of residence of all the persons constituting the firm.

(4) If the partners fail to comply with the demand, [(**a**) the judge or district judge as the case may be] may, on application by any other party, order them to furnish and verify by oath or otherwise a statement of the names and places of residence of the persons who were partners in the firm when the cause of action arose.

(5) If the partners fail to comply with the order, [(**a**) the judge or district judge as the case may be] may—

(*a*) if the partners are plaintiffs, direct the proceedings to be stayed until the order is complied with;

(*b*) if the partners are defendants, order that they be debarred from defending the action.

(6) When the names and places of residence of the partners have been stated, proceedings shall continue in the name of the firm.

Action not in firm name

2. Nothing in Rule 1 shall prevent partners from suing or being sued otherwise than in the firm name.

Actions between a firm and its members

3. The provisions of these Rules as to actions by or against firms shall apply to actions between a firm and one or more of its members, and between firms having one or more members in common, if the firm carries on business within Northern Ireland, but no enforcement proceedings shall be taken without leave of [(**a**) the judge or district judge as the case may be], and on an application for leave to take such proceedings all such accounts and inquiries may be directed to be taken and made and all such directions may be given as may be just.

Individuals carrying on business

4. A person carrying on business [(**b**) in Northern Ireland] in any name may [(**b**) (whether or not he is within the jurisdiction)] be sued in that name as if it were a firm name, and so far as the nature of the case will permit, all the provisions of these Rules relating to actions against firms shall apply.

Service of civil bill on partners

5.—(1) Subject to the following paragraphs of this Rule, where partners are sued in the name of their firm, service of a civil bill shall be good service on all the partners, whether any of them is out of Northern Ireland or not, if the civil bill is served—

(*a*) on a partner personally, or

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Words inserted by S.R. 1986 No. 347 with effect from 01.01.87

(*b*) at the principal place of the partnership business in Northern Ireland, on any person having, or appearing to have, at the time of service, the control and management of the business there; [(**a**) or]

[(**a**) (*c*) by post (as provided by Order 6 Rule 3(2)(*b*)) at the principal place of the partnership business in Northern Ireland;]

but where the partnership has, to the knowledge of the plaintiff, been dissolved before the commencement of the action, the civil bill shall be served upon every person within Northern Ireland sought to be made liable.

(2) Where a person carrying on business in a name other than his own is sued in that name as if it were a firm name, the civil bill may be served in accordance with the, foregoing provisions of this Rule as if he were a partner sued in the name of a firm and his business were a partnership business.

(3) Where a civil bill is served in accordance with .his Rule, the endorsement or affidavit of service shall state whether the person served was served—

(*a*) as a partner; or

(*b*) as a person carrying on business in a name other than his own; or

(*c*) as a person having, or appearing to have, the control or management of the business; or

(*d*) as a person occupying a dual position.

Execution of decree against a firm

6.—(1) A decree against a firm may be enforced—

(*a*) against any property of the partnership in Northern Ireland;

(*b*) against any person who has been adjudged to be liable as a partner;

(*c*) against any person who was individually served with the civil bill as a partner or person sought to be made liable—

[(**b**) where he has not served a notice of intention to defend in Form 42 and judgment has been entered in accordance with Order 12 or where he has failed to appear at the hearing.]

(2) If the person who has obtained the decree claims to be entitled to enforce it against a partner or otherwise, he may apply to [(**c**) the judge or district judge as the case may be] for leave so to do, and the following provisions shall apply—

(*a*) he shall give to the alleged partner not less than three days' notice of his application;

(*b*) the notice shall be served on the alleged partner personally;

(*c*) on the hearing of the application, [(**c**) the judge or district judge as the case may be]—

(i) if liability is not disputed, may give leave for application to be made for enforcement under the Judgments Enforcement (Northern Ireland) Order 1981(**d**);

(ii) if liability is disputed, may order the issue of liability to be tried in such manner as he thinks fit and may give any necessary directions for that purpose.

Proceedings under Articles 106 to 110 of the Judgments Enforcement (Northern Ireland) Order 1981

7. In Order 40, Part III, the expression "debtor" includes any person liable to execution under the foregoing provisions of this Order.

(**a**) Words inserted by S.R. 1985 No. 31 with effect from 25.03.85
(**b**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) S.I. 1981/226 (N.I. 6)

ORDER 40

Enforcement of decrees

PART I

GENERAL

Examination of any party

1. Where any difficulty arises in or about the execution or enforcement of any decree for some relief other than the payment of money, the court may, except where, under Article 11 of the Judgments Enforcement (Northern Ireland) Order 1981 jurisdiction to grant such relief is vested in the Enforcement of Judgments Office, on the application of any party interested, make such order for the attendance and examination of any party or otherwise as may be just.

Application on change of parties after decree

2.—(1) Where any change has taken place after decree, by death, assignment, or otherwise, in the parties entitled to enforce the decree or in the parties liable under a decree, the party claiming to be entitled to enforce the decree may apply on affidavit to the court for leave to issue an amended decree on surrender of the original decree and the court may, if satisfied that the party so applying is so entitled, order accordingly.

(2) [(**a**) The judge] may, before making an order under paragraph (1), require such notice of the application to be served as he thinks fit.

(3) Notwithstanding anything contained in Order 1, the application referred to in paragraph (1) may be made to the court in which the order was made.

PART II

ENFORCEMENT BY COMMITTAL

Enforcement by committal

3. Decrees which under Article 55(4) of the Order and Order 57 Rule 5 are enforceable by committal may be enforced in the manner provided by Order 57 Rule 7.

PART III

PROCEDURE UNDER ARTICLES 106 TO 110 OF THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981

Enforcement civil bill

4.—(1) Proceedings under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 where no instalment order has been made by the Enforcement of Judgments Office under Article 30 of that Order shall be commenced by a civil bill in Form 172 (in this Order referred to as an "enforcement civil bill") requiring the debtor to appear personally before the court on the date therein specified.

(2) On the hearing of an enforcement civil bill [(**a**) the judge] may make—

(a) an order in Form 173 (in this Order referred to as an "enforcement order") requiring the debtor to pay the amount due in such manner or by such instalments as [(**a**) the judge] thinks fit; or

(b) such an order committing the debtor to prison as may be made under Rule 5(2).

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Committal civil bill

5.—(1) if the debtor makes default in paying the amount, or any instalment ordered under Rule 4 to be paid or due under an instalment order made by the Enforcement of Judgments Office under Article 30 of the Judgments Enforcement (Northern Ireland) Order 1981, the creditor may serve on the debtor a civil bill (in this Order referred to as a "committal civil bill")

(2) A committal civil bill shall be in Form 174 and, shall set out—

(*a*) full particulars of the enforcement order which has not been complied with or of the order made under the said Article 30; and

(*b*) the amount or instalment (or instalments) in the payment of which default has been made;

and shall require the debtor to appear personally on the date therein specified before the court sitting in the division wherein the enforcement order was made or, in the case of an order under the said Article 30, in the division in which he resides or carries on business, to show cause why he should not be committed to prison for his default in complying with that order. An order made under this Rule is in this Order referred to as a "committal order".

Service of civil bills and hearing of proceedings under rules 4 and 5.

6.—(1) Enforcement civil bills and committal civil bills shall be served personally on the debtor.

(2) Proceedings under Rules 4 and 5 shall be entered and conducted as if they had been commenced by ordinary civil bill, and county court rules and orders regulating procedure in relation to ordinary civil bills shall apply accordingly in so far as they are not inconsistent.

(3) Where proceedings under Rule 4 or Rule 5 are taken to enforce—

(*a*) a decree of a county court, the decree shall be produced in court at the hearing of the proceedings;

(*b*) a judgment or decree of any court other than a county court, a certified copy, or other sufficient evidence of such judgment or decree shall be so produced;

and where proceedings are taken under Rule 5 to enforce an order made by the Enforcement of Judgments Office under Article 30 of the Judgments Enforcement (Northern Ireland) Order 1981, a duly authenticated copy of the order shall be produced in court at the hearing.

(4) Upon the hearing of every enforcement civil bill and committal civil bill [(**a**) the judge] may require evidence of any proceedings theretofore taken for the enforcement of the judgment or decree.

Committal order

7.—(1) A committal order—

(*a*) shall be in Form 175;

(*b*) shall bear the date on which it was made; and

(*c*) shall continue in force for one year and no longer.

(2) A committal order shall be addressed to the Chief Superintendent or, as the case may be, Superintendent for the Constabulary Division in which the debtor resides or is to be found.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Discharge from custody

8.—(1) A debtor taken into custody under a committal order shall not be released from custody unless he pays to the constable or the governor of the prison to which he is committed the full amount of the debt or instalment in respect of which such order was made and the costs of the order or upon receipt by the governor of the certificate of discharge prescribed under paragraph (5).

(2) A constable or prison governor to whom a sum of money is paid by a debtor in accordance with paragraph (1) shall issue to the debtor a receipt therefor and shall endorse on the committal order a certificate of the amount he has received and the date thereof and the constable or prison governor shall sign his name at the foot of the certificate.

(3) Such sum shall be transmitted forthwith together with the committal order certified in accordance with paragraph (2) to the chief clerk of the court which issued the order and the amount of such sum shall be entered into a record book kept for the purposes of this Rule and then transmitted to the creditor or his solicitor forthwith.

(4) The creditor or his solicitor on receiving the sum transmitted to him by the chief clerk under paragraph (3) shall send him a receipt therefor.

(5) The certificate prescribed for the purposes of Article 109 of the Judgments Enforcement (Northern Ireland) Order 1981 shall be in Form 176 signed by the solicitor for the creditor, or signed by the creditor and attested before a justice of the peace or a commissioner for oaths, that there has been paid to or on account of the creditor by or on behalf of the debtor—

(*a*) the debt or instalment in respect of which he was imprisoned;

(*b*) the costs of the committal order;

and the creditor or his solicitor shall, if the debtor so requires, furnish to the debtor a copy of such certificate.

PART IV

CHARGES UNDER ARTICLE 46 OF THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981

Proceedings under Article 14(c) of the County Courts (Northern Ireland) Order 1980 respecting land charged under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981

9. Where a charge has been imposed on land by the Enforcement of Judgments Office under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981 and proceedings for enforcement of such charge are taken in a county court under Article 14(*c*) of the County Courts (Northern Ireland) Order 1980, such of Forms 24 and 27 and of Forms 73 and 75 as the circumstances require shall apply with any necessary modifications in the references to the date, nature and method of creation of the charge.

Applications for possession of land charged under Article 46 of the Judgment Enforcement (Northern Ireland) Order 1981

10. Where a charge has been imposed on land under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981 an application to the court for an order for possession thereof under Article 52(1)(*b*) of the said Order may be made by civil bill in Form 11, with any necessary modifications in such Form including the insertion therein of a reference to the date, nature and method of creation of the charge.

[(a) PART V

ENFORCEMENT OF COUNTY COURT DECREES OUTSIDE NORTHERN IRELAND

SECTION 1 — ENFORCEMENT OUTSIDE THE UNITED KINGDOM

Interpretation of section 1

11. In this section "the Act of 1933" means the Foreign Judgments (Reciprocal Enforcement) Act 1933, "the Act of 1982" means the Civil Jurisdiction and Judgments Act 1982 and expressions which are defined in those Acts have the same meaning in this section as they have in those Acts.

Application under s. 10 of the Act of 1933 for certified copy of county court decree

12.—(1) An application under section 10 of the Act of 1933 for a certified copy of a county court decree may be made by producing to the chief clerk either the original decree or a copy thereof, and filing an affidavit, made by the solicitor of the party entitled to enforce the decree, or by the party himself, if he is acting in person.

(2) An affidavit by which an application under section 10 of the Act of 1933 is made must—

(*a*) give particulars of the proceedings in which the decree was obtained;

(*b*) have annexed to it evidence of service on the defendant of the civil bill or other process by which the proceedings were begun and a statement of the grounds on which the decree was based;

(*c*) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;

(*d*) show that the decree is not subject to any stay of enforcement;

(*e*) state that the time for appealing has expired, or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the decree has been given or an application for a re-hearing has been made;

(*f*) state whether interest is recoverable on the decree or part thereof and, if so, the rate and period in respect of which it is recoverable; and

(*g*) exhibit, where application for enforcement of the decree has previously been made to the Enforcement of Judgments Office, a certificate signed by the Chief Enforcement Officer, or his deputy stating the amount remaining unsatisfied under the decree.

(3) The certified copy of the decree shall be a sealed copy endorsed with a certificate signed by the chief clerk certifying that the copy is a true copy of a decree obtained in the county court and that it is issued in accordance with section 10 of the Act of 1933.

(a) Rules substituted by S.R. 1986 No. 347 with effect from 1.1.87

(4) There shall also be issued a sealed certificate in Form 295 signed by the chief clerk and having annexed to it a copy of the civil bill or other process by which the proceedings were begun and stating—

(*a*) the manner in which the civil bill or other process was served on the defendant, or that the case was defended or the defendant gave notice of counterclaim;

(*b*) what objections, if any, were made to the jurisdiction;

(*c*) what notices or other papers, if any, were lodged;

(*d*) the grounds on which the decree was based;

(*e*) that the time for appealing has expired or, as the case may be, the date on which it will expire;

(*f*) whether notice of appeal against the decree has been given or an application for a re-hearing has been made;

(*g*) whether interest is recoverable on the decree or part thereof and, if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue; and

(*h*) such other particulars as it may be necessary to give to the court in the foreign country in which it is sought to obtain enforcement of the decree.

Application under s. 12 of the Act of 1982 for certified copy of county court decree

13.—(1) An application under section 12 of the Act of 1982 for a certified copy of a county court decree may be made by producing to the chief clerk either the original decree or a copy thereof, and filing an affidavit made by the solicitor of the party entitled to enforce the decree, or by the party himself, if he is acting in person.

(2) An affidavit by which an application under section 12 of the Act of 1982 is made must—

(*a*) give particulars of the proceedings in which the decree was obtained;

(*b*) have annexed to it evidence of service on the defendant of the civil bill or other process by which the proceedings were begun and a statement of the grounds on which the decree was based together with, where appropriate, any document under which the applicant is entitled to legal aid or assistance by way of representation for the purposes of the proceedings;

(*c*) state whether the defendant did or did not object to the jurisdiction, and, if so, on what grounds;

(*d*) show that the decree is not subject to any stay of enforcement, and that a copy of the decree has been served on the party against whom it was given in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954 or in such other manner as the court may have directed;

(*e*) state that the time for appealing has expired, or, as the case may be, the date on which it will expire and in either case whether notice of appeal against the decree has been given or an application for a re-hearing has been made;

(*f*) state—

(i) whether the decree provides for the payment of a sum or sums of money,

(ii) whether interest is recoverable on the decree or part thereof and, if such be the case, the rate of interest, the date from which interest is recoverable, and the date on which interest ceases to accrue; and

(*g*) exhibit, where application for enforcement of the decree has previously been made to the Enforcement of Judgments Office, a certificate signed by the

Chief Enforcement Officer or his deputy certifying that the decree has not been enforced or, where appropriate, the amount remaining unsatisfied under the decree.

(3) The certified copy of the decree shall be a sealed copy and there shall be issued with the copy of the decree a sealed certificate in Form 296 signed by the chief clerk and having annexed to it a copy of the civil bill or other process by which the proceedings were begun.

SECTION 2 — ENFORCEMENT IN OTHER PARTS OF THE UNITED KINGDOM

Interpretation of section 2

14. In this section—

"the Act of 1982" means the Civil Jurisdiction and Judgments Act 1982,

"money provision" means a provision in any decree to which section 18 of the Act applies for the payment of one or more sums of money,

"non-money provision" means a provision in any decree to which section 18 of the Act of 1982 applies for any relief or remedy not requiring payment of a sum of money.

Application for certificate of money provision

15.—(1) A certificate in respect of any money provision contained in a county court decree may be obtained by producing to the chief clerk either the original decree or a copy thereof, and filing an affidavit made by the solicitor of the party entitled to enforce the decree, or by the party himself if he is acting in person, together with a certificate in Form 297.

(2) An affidavit by which an application under paragraph (1) is made shall—

(*a*) give particulars of the decree, stating the sum or aggregate of the sums (including any cost or expenses) payable and unsatisfied under the money provision, the rate of interest, if any, applicable and the date or time from which any such interest began to accrue;

(*b*) exhibit, where application for enforcement of the decree has previously been made to the Enforcement of Judgments Office, a certificate signed by the Chief Enforcement Officer or his deputy stating the amount remaining unsatisfied under the money provision;

(*c*) verify that the time for appealing against the decree has expired, or that any appeal brought or application for re-hearing has been finally disposed of and that enforcement of the decree is not stayed; and

(*d*) state to the best of the information or belief of the deponent the usual or last known address of the party entitled to enforce the judgment and of the party against whom the judgment is enforceable.

(3) The chief clerk shall endorse on the certificate—

(*a*) the number of the civil bill;

(*b*) the amount remaining due on the decree according to the books of the court and, where appropriate, the certificate referred to in paragraph (2)(*b*);

(*c*) the rate of interest payable on the judgment debt, and the date or time from which any such interest began to accrue;

(*d*) a note of the costs, if any, allowed for obtaining the certificate; and

(*e*) the date on which the certificate is issued.

Application for certified copy of decree containing non-money provision

16.—(1) A certified, copy of a county court decree which contains any non-money provision may be obtained by producing to the chief clerk either the original decree or a copy thereof, and filing an affidavit made by the solicitor of the party entitled to enforce the decree, or by the party himself, if he is acting in person.

(2) The requirements in paragraph (2).of rule 15 shall apply with the necessary modifications to an affidavit made in an application under paragraph (1) of this rule.

(3) The certified copy of the decree shall be a sealed copy to which shall be annexed a certificate in Form 298 signed by the chief clerk and stating that the conditions specified in paragraph 3(a) and (b) of Schedule 7 to the Act of 1982 are satisfied in relation to the decree.

Record and effect of issuing a copy decree or a certificate

17. Where a certified copy of a decree or a certificate is issued by a chief clerk under this Part, he shall make on the minute of the decree a memorandum of having issued the copy decree or certificate, and thenceforth no further proceeding shall be taken or had upon such decree in the court issuing the copy decree or certificate until [**(a)** the judge] or chief clerk, upon being satisfied by affidavit or otherwise that no further proceedings are pending or can be taken on the copy decree or certificate in any other court and that the decree is still unsatisfied in whole or in part, orders that the decree may be acted on as if the copy decree or certificate had not been issued.]

[**(b)** PART VI

MEDIATION DIRECTIVE

Application and interpretation

18.—(1) This Part of this Order applies to mediated cross-border disputes that are subject to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

(2) In this Part—

(*a*) "Mediation Directive" means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;

(*b*) "cross-border dispute" has the meaning given by article 2 of the Mediation Directive;

(*c*) "mediation" has the meaning given by article 3(a) of the Mediation Directive;

(*d*) "mediation administrator" means a person involved in the administration of the mediation process;

(*e*) "mediation evidence" means evidence arising out of or in connection with a mediation process;

(*f*) "mediation settlement" means the content of a written agreement resulting from mediation of a relevant dispute;

(*g*) "mediation settlement agreement" means a written agreement resulting from mediation of a relevant dispute;

(*h*) "mediation settlement enforcement order" means an order made under rule 19(6);

(*i*) "mediator" has the meaning given by article 3(b) of the Mediation Directive; and

(*j*) "relevant dispute" means a cross-border dispute that is subject to the Mediation Directive.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rules 18-22 inserted by S.R. 2011 No. 58 with effect from 25.03.11

Mediation settlement enforcement orders

19.—(1) Where the parties, or one of them with the explicit consent of the others, wish to apply for a mediation settlement to be made enforceable, an application may be made by notice of motion.

(2) An application shall be made ex parte and supported by an affidavit exhibiting the mediation settlement agreement.

(3) The application under paragraph (1) shall be served on the chief clerk of the appropriate county court division.

(4) Except to the extent that paragraph (8) applies, the parties shall lodge any evidence of explicit consent to the application under paragraph (1) when the parties lodge the application.

(5) A copy of the application, mediation settlement agreement and, if applicable, evidence of explicit consent shall be served on all parties to the mediation settlement agreement who are not also parties to the application.

(6) Subject to paragraph (7), where an application is made under paragraph (1), the court will make an order making the mediation settlement enforceable.

(7) The court will not make an order under paragraph (6) unless the court has evidence that each of the parties to the mediation settlement agreement has given explicit consent to the application for the order.

(8) Where a party to the mediation settlement agreement—

(*a*) has agreed in the mediation settlement agreement that a mediation settlement enforcement order should be made in respect of that mediation settlement;

(*b*) is a party to the application under paragraph (1); or

(*c*) has written to the court consenting to the application for the mediation settlement enforcement order,

that party is deemed to have given explicit consent to the application for the mediation settlement enforcement order.

(9) An application under paragraph (1) will be dealt with without a hearing, unless the court otherwise directs.

(10) No document relating to an application for a mediation settlement enforcement order may be inspected by a person under Order 43, rule 4 or rule 43 who is not a party to the proceedings without the leave of the court.

(11) Where the application is supported by evidence of explicit consent to the application by a party to the mediation settlement agreement, the evidence shall be in English or accompanied by a translation into English.

(12) Where a party to the mediation settlement agreement writes to the court consenting to the making of the mediation settlement enforcement order, the correspondence shall be in English or accompanied by a translation into English.

(13) Where the parties to pending proceedings agree to apply for a mediation settlement enforcement order, they shall inform the court immediately.

Mediation settlement enforcement orders: foreign currency

20. Where a person applies to enforce a mediation settlement enforcement order which is expressed in a foreign currency, the application shall contain a certificate of the sterling equivalent of the sum remaining due under the order at the close of business on the day before the date of the application.

Mediation evidence: disclosure or inspection

21.—(1) Where a person seeks disclosure or inspection of mediation evidence that is in the control of a mediator or mediation administrator, an application shall be made by notice of motion.

(2) The application under paragraph (1) shall be served on the chief clerk of the appropriate county court division.

(3) Where an application is made under paragraph (1), the mediator or mediation administrator who has control of the mediation evidence shall be named as a respondent to the application and shall be served with a copy of the summons.

(4) Evidence in support of the application under paragraph (1) shall include evidence that—

(*a*) all parties to the mediation agree to the disclosure or inspection of the mediation evidence;

(*b*) disclosure or inspection of the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(a) of the Mediation Directive; or

(*c*) disclosure or inspection of the mediation settlement is necessary to implement or enforce the mediation settlement agreement.

(5) Where this rule applies, Orders 15 and 24 shall apply to the extent they are consistent with this rule.

Mediation evidence: witnesses and depositions

22.—(1) This rule applies where a party wishes to obtain mediation evidence from a mediator or mediation administrator by—

(a) a witness summons;

(b) cross-examination with permission of the court under Order 24, rule 21(7) or rule 24;

(c) an order under Order 24, rule 20(1);

(d) an order under Order 24, rule 20(12); or

(e) an order under Order 24, rule 20(13).

(2) When applying for a witness summons, permission under Order 24, rule 21(7), or an order under Order 24, rule 20(1), 20(12) or 20(13), the party shall provide the court with evidence that—

(*a*) all parties to the mediation agree to the obtaining of the mediation evidence;

(*b*) obtaining the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(a) of the Mediation Directive; or

(*c*) the disclosure or inspection of the mediation settlement is necessary to implement or enforce the mediation settlement agreement.

(3) When considering a request for a witness summons, permission under Order 24, rule 21(7), or an order under Order 24, rule 20(1), 20(12) or 20(13), the court may invite any person, whether or not a party, to make representations.

(4) Where this rule applies, Orders 15 and 24 shall apply to the extent they are consistent with this rule.]

[(a) PART VII

RECOVERY OF SUMS PAYABLE UNDER COMPROMISES UNDER THE INDUSTRIAL TRIBUNALS (NORTHERN IRELAND) ORDER 1996 AND THE FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

Conciliation: recovery of sums payable under compromises

23.—(1) An application under Article 21A(4) of the Industrial Tribunals (Northern Ireland) Order 1996 or under Article 88A(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998 shall be made not later than 14 days from the date of issue of the certificate stating that a compromise has been reached.

(a) Rule 23 inserted by S.R. 2012 No. 402 with effect from 03.12.12

(2) An application under Article 21A(4) of the Industrial Tribunals (Northern Ireland) Order 1996 or under Article 88A(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998 is pending for the purposes of paragraph (7) of those articles from the date on which it is lodged with the court until the date upon which final judgment on the application has been entered.]

ORDER 41

Duplicate Decrees

Duplicate decrees

1. Where an original decree has been lost or destroyed, or has become unavailable to the plaintiff or party entitled to benefit thereunder, by reason of its having improperly got into the hands of the opposite party or being in the hands of any officer lawfully entitled to hold it, the plaintiff or party may apply to [(**a**) the judge or district judge as the case may be] either in court or chambers for the issue of a duplicate decree.

Application

2. Notice of an application under Rule 1 shall be given to the opposite party before the beginning of a period of seven days ending on the date of the hearing, which notice may be served by registered post.

Evidence

3. It shall lie with the applicant to satisfy [(**a**) the judge or district judge as the case may be] by oral evidence or affidavit of such facts as would under Rule 1 enable the application to be granted.

Face of duplicate decree

4. On the face of every duplicate decree issued under this Rule there shall be written or stamped in large letters the word "Duplicate" followed by the initials of the chief clerk.

Effect of duplicate

5. A duplicate decree shall for all purposes have the effect of the original decree and references in these Orders to a decree shall include a duplicate decree.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 42

Deposit of money, bonds and recognizances as security

Security

1. Where, by or under any enactment, any person is required or authorised to give security in relation to proceedings in the county court then, subject to any express provision in the enactment—

(*a*) the security shall be given by a deposit of money or by a bond or recognizance; and

(*b*) the amount of the security shall fixed by the chief clerk; and

(*c*) the person giving the security shall give it at his own expense:

Provided that chief clerk may accept in lieu of a deposit of money or a bond or recognizance an undertaking by a solicitor to pay any costs which the plaintiff may be ordered to pay to the defendant in the action.

Deposit of money

2. Where security is given by a deposit of money, the following provisions shall apply—

(*a*) the person giving the security shall, upon the privity: of the Accountant General lodge the money in the county court bank in accordance with Court Funds Rules and shall also file in the Office a memorandum signed by him or his solicitor and approved by the chief clerk stating the conditions on which the deposit is made;

(*b*) upon the deposit being made, the chief clerk shall give to the person making the deposit a certificate in Form 179;

(*c*) the person making the deposit shall give to the opposite party notice of the deposit having been made;

(*d*) [(**a**) the judge or district judge as the case may be] may make such order regarding the money so deposited as he thinks fit.

Bond or recognizance

3.—(1) [(**a**) The judge], [(**b**) district judge] or chief clerk may accept as a bond or recognizance an instrument executed by any solvent person or persons or by a body corporate (including an insurance company) approved by him.

(2) Where any party proposes to give a bond or recognisance by way of security he shall serve by post or otherwise, on the other party or parties and on the chief clerk at his office notice in Form 180 of the proposed sureties and such notice shall inform the parties on which it is served that if they object to the sureties or one of them they should send to the chief clerk, notice (which notice may be in Form 181) of their objection within seven days from the date on which the notice is served on them.

(3) If any party objects to the sureties or one of them the chief clerk shall forthwith give notice in Form 182 to the parties of the day and hour at which he will consider the objection and shall then give such directions as he thinks fit.

(4) The bond or recognizance shall be executed in the presence of [(**a**) the judge], [(**b**) district judge], the chief clerk or a commissioner for oaths, or where the person entering into such bond or recognizance resides outside Northern Ireland or is for the time being thereout, in the presence of any person duly authorised to administer oaths where such person ordinarily resides or is:

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

Provided that the chief clerk may accept the company's bond or recognizance if it is executed under the seal of the company.

(5) The bond or recognisance shall recite that the person or body corporate executing it is bound or indebted as the case may be to [(**a**) the judge or district judge as the case may be] for the time being within whose court the proceedings are and shall be deposited with the chief clerk at his office until the proceedings are finally disposed of.

(6) A chief clerk or other officer of the court or any servant or agent of them or any of them shall not become surety in any case where by the Rules or the practice of the court security is required.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 43

Practice generally

Hours of sitting and order of hearing of proceedings

1.—(1) The ordinary hours of sitting of a court shall be such as [(**a**) the judge or district judge as the case may be] of that court shall determine but shall not be before nine o'clock in the morning, and the hearing of any civil proceedings shall not commence after the hour of six o'clock in the afternoon.

(2) All proceedings in a county court shall be heard in such order as [(**a**) the judge or district judge as the case may be] shall direct.

Change of solicitor

2.—(1) Any party in any proceedings for whom a solicitor has acted who changes his solicitor shall give to the solicitor and to every other party written notice of the change, stating the name and address of his new solicitor, and shall lodge a copy of the notice with the chief clerk who shall file the same.

(2) Any party for whom a solicitor has acted who desires to act in person shall inform the solicitor and shall give notice to every other party stating his intention to act in person and giving his address for service and shall lodge a copy of the notice with the chief clerk who shall file the same.

(3) Where a party who has acted in person appoints a solicitor to act for him, he shall give notice of the appointment and of the solicitor's address for service to every other party and shall lodge a copy of the notice with the chief clerk who shall file the same.

(4) Where a solicitor's instructions to act for a party in any proceedings have been withdrawn or a solicitor wishes to withdraw from any such proceedings and notice has not been given of the appointment of a new solicitor or of the party's intention to act in person the solicitor may apply to [(**a**) the judge or district judge as the case may be], on notice to all the parties to the action stating the grounds of the application, for an order declaring that he has ceased to act as the solicitor for that party in the proceedings.

Delivery and lodgment of notices and documents

3. All notices or documents required by any enactment to be delivered to or lodged with the [(**b**) district judge] or chief clerk may be delivered or lodged—

(*a*) by leaving the notice or document at the Office with the chief clerk or with any clerk or assistant of the chief clerk; or

(*b*) by sending the notice or document by [(**c**) ordinary first class post (that is first class post which has been pre-paid or in respect of which prepayment is not required)] to the chief clerk at his office, posted at such a time as to permit its delivery, in the ordinary course of post, within the period required by the enactment for the delivery of the notice or document.

Office books and records: issue of copies

4.—(1) The books and records to be kept and maintained by each chief clerk shall, subject to the Order and County Court Rules, be such as were kept and maintained by him immediately before the commencement of the Act and such other books and records as may be necessary to effect the purpose of these Rules.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

(2) Copies of all documents and records which may be inspected in the Office shall, except as otherwise provided by any enactment, be prepared for any party requiring them upon payment of the cost of such copies.

Acts and notices by solicitor or agent

5. Where by these Rules any act may be done or notice given by any party, such act may be done or notice given either by the party in person or by his solicitor or, if it can be legally done by an agent, by his agent.

Service on solicitor of party

6. Where a party acts by a solicitor, service of any proceedings or document upon such solicitor, or delivery of the same at his office, or sending the same to him by post, shall be deemed to be good service upon the party for whom such solicitor acts, [(**a**) . . .] except in cases where by these Orders or any other enactment personal service upon a party is required.

Service by advertisement

7. Where, by reason of the absence of any party or from any other sufficient cause, the service of any notice, proceedings, or document (other than a civil bill or petition) cannot be effected, [(**b**) the judge or district judge as the case may be] may order notice by advertisement or otherwise in lieu of said service.

Advertisements

8. [(**b**) The judge] or [(**c**) district judge] or chief clerk as the case may be shall direct in what newspaper any advertisements which may from time to time be ordered in any suit or proceedings shall be inserted.

Party to have conduct of suit or matter

9. [(**b**) The judge or district judge as the case may be] may order what party shall have the conduct of any suit or matter.

Enlargement or abridgement of time

10. [(**b**) The judge or district judge as the case may be] may, upon such terms, if any, as he may think reasonable, enlarge or abridge any of the times fixed by these Rules for taking any step, or filing or sending any document, or giving any notice in any proceedings; and where any person has failed to take any step, or to file or serve any document, or to give any notice within the time or in the manner prescribed by these rules, [(**b**) the judge or district judge as the case may be] may, upon the application of such person, and if he thinks sufficient excuse exists for such failure, and upon such terms as, to costs or otherwise as he thinks fit, declare the taking of such step, or the filing or serving of such document, or the giving of such notice so done or effected, to be sufficient.

Interest on debts

11. Where an estate has been ordered to be administered, creditors shall, unless otherwise entitled to interest at a different rate on the debts due to them from the estate, be entitled to interest in respect of those debts at the rate [(**d**) then allowed under Rule 2 of Order 33] from the date of the order, and to the costs successfully proving such debts.

(**a**) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**d**) Words substituted by S.R. 1982 No. 120 with effect from 01.06.82

Interest on legacies

12. Interest shall be computed on legacies at the rate of [(**a**) 6] per centum per annum from the end of one year from the date of the death of the testator, unless otherwise ordered, or a different rate or time of payment is directed by the will or established by law.

Forms

13.—(1) All proceedings and documents may be in forms similar to the forms in Appendix 1 to these Rules, where the same are applicable, or in a form as near thereto as the circumstances of a particular case admit; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in Appendix 1.

(2) Where a form in Appendix 1 is used in any proceedings in which there is only one plaintiff or, as the case may be, only one defendant and the heading of the form specifies the name of that plaintiff or defendant any subsequent reference to that plaintiff or, as the case may be, that defendant need not refer to him by name and in any such form any blank space left immediately after the word "plaintiff" or, as the case may be, "defendant" may be ignored and need not be filled in.

Verbal or technical error, non-compliance with any rule or practice

14.—(1) No action or proceedings in a county court shall be treated or considered as invalid solely on account of any verbal or technical error, and [(**b**) the judge or district judge as the case may be] may decide and determine what is a verbal or technical error in any action or proceedings; all errors which are not manifestly calculated to mislead or injuriously prejudice the opposite party in the merits of his case may be deemed to be merely verbal or technical.

(2) Non-compliance with any of these Rules, or with any rule of practice for the time being in force, shall not render any proceedings void unless the Court or a [(**b**) judge or district judge as the case may be] shall so direct, but such, proceedings may be set aside either wholly or in part as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court or [(**b**) judge or district judge as the case may be] shall think fit.

Civil bill under-stamped

15. Where a civil bill has not been stamped or has been stamped for an amount less than that specified in any County Court Fees Order for the time being in force, [(**b**) the judge or district judge as the case may be] may in such cases, and on such conditions including the payment of a penalty, if any, as he thinks fit, allow the proceedings to continue as if the civil bill had been properly stamped but, where a proceeding is allowed to continue under this Rule, the amount by which the fee was underpaid shall be paid by the party liable therefor in addition to any penalty payable by that party.

Notices

16. Where by these Orders any party is required to give notice according to a form in Appendix 1, it shall be sufficient if in the opinion of [(**b**) the judge or district judge as the case may be] the notice given complies substantially with such form.

Computation of time

17. Without prejudice to section 39 of the Interpretation Act (Northern Ireland) 1954(**c**)—

(*a*) where anything is required by these Orders to be done within a specified

(**a**) Figure substituted by S.R. 1985 No. 31 with effect from 25.03.85
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) 1954 c. 33 (N.I)

period of or after the happening of a particular event, the period shall be computed from the end of the day on which the event happens unless the period is expressed to be inclusive of such day;

(*b*) where anything is required by these Orders to be done within a period not exceeding three days or where a period not exceeding three days is required by these Orders to elapse between the doing of an act and the happening of a particular event, no Saturday or Sunday nor any day on which the Office is closed shall be included in the computation of that period;

(*c*) where the time prescribed for doing any act expired on a Saturday or a Sunday or any day on which the Office is closed, the act shall be in time if done on the next day on which the Office is open.

[(**a**) *Quality and size of paper*

18.—(1) All accounts, copies, papers, notices and other documents lodged with the chief clerk or other officer are to be written bookwise, unless the nature of the document renders it impracticable to do so, upon paper of durable quality approximately 297mm long by 210mm wide, or A4ISO, having a margin not less than 38mm wide to be left blank on the left side of the face of the paper and on the right side of the reverse and shall be endorsed with the solicitor's name and any document not so endorsed or not plainly and legibly written shall be refused.

(2) Unless the chief clerk in any particular case otherwise determines, all decrees shall be written on judicature paper of a size not less than A4ISO.

(3) In this Rule, the expression "A4" followed by the letters "ISO" means the size of paper so referred to in the specifications of the International Standards Organisation.]

[(**b**) *Service by post*

19. Every notice or other document, the service of which is permitted by ordinary first class post (that is first class post which has been pre-paid or in respect of which prepayment is not required) under these Orders, or the service of which by post or by registered post is directed by [(**c**) the judge or district judge as the case may be], shall be deemed sufficiently given and served if it is transmitted by ordinary first class post or by registered letter. Such service may be proved by affidavit.]

[(**d**) *Date when documents served by post deemed to be served*

19A.—(1) Where a civil bill or any other document is served by ordinary first class post under these Rules, unless the contrary is proved, the document shall be deemed to have been served on the [(**e**) seventh business day] after posting (excluding the day of posting).

(2) In this Rule "business day" has the same meaning as in Rule 27.]

Documents to be free from erasures and alterations

20. Unless [(**c**) the judge or district judge as the case may be] otherwise orders, no decree, dismiss, order, recognizance, or other document shall be received by the chief clerk or other officer unless the same is free from all unsightly or ambiguous erasures, interlineations or other alterations.

(**a**) Rule 18 substituted by S.R. 1998 No. 199 with effect from 01.09.98
(**b**) Rule 19 substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Rule 19A inserted by S.R. 1995 No. 282 with effect from 01.09.95
(**e**) Words substituted by S.R. 1998 No. 199 with effect from 01.09.98

Production of documents in custody of the chief clerk

21. Where documents in the Office are required by any party to be produced in evidence, notice in writing to produce the same shall be served at the Office, on the chief clerk, seven days before the day on which the same may be required.

Bail

22. No solicitor, or apprentice or clerk to a solicitor, or officer of the county court shall be bail in any matter in the county court.

Equity practice

23. Subject to the provisions of these Rules and Orders, the enactments and practice relating to ordinary civil bill actions shall, so far as same are applicable, apply to every proceeding under the equitable jurisdiction of the court an when such enactments and practice are not applicable to such proceedings, the enactments and practice relating to the Chancery Division of the High Court shall be followed in such proceedings so far as the same are applicable, *mutatis mutandis*.

Searches

24. Searches may be made on such days in each week as shall be fixed from time to time by [(**a**) the judge or district judge as the case may be], and notice thereof shall be printed and kept posted on some conspicuous place in the Office.

Instructing solicitor to attend counsel

25. Except by leave of [(**a**) the judge or district judge as the case may be] on such terms as to costs or otherwise as to [(**a**) the judge or district judge as the case may be] may seem just, no counsel shall be heard unless he is instructed by a solicitor who is either personally present or represented by someone in attendance upon counsel at the hearing.

Proceedings by and against the Crown

26. Save as otherwise provided by the Crown Proceedings Act 1947 and these Orders—

(*a*) these Orders and any County Court Rules for the time being in, force shall, so far as may be, apply to all proceedings by or against the Crown in like manner as they apply to proceedings between subjects; and

(*b*) proceedings by or against the Crown shall, so far as may be, take the same form as proceedings between subjects.

[(**b**) *Service by FAX*

27.—(1) In this Rule:

(*a*) "FAX" means the making of a facsimile copy of a document by the transmission of electronic signals;

(*b*) "business day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a public holiday.

(2) Any document the service of which by post is permitted in these Rules other than a civil bill, petition, summons, notice or other document required or authorised to be served for the purposes of initiating any proceedings in a county court may be served by FAX in accordance with paragraphs (3) and (4).

(3) Service by FAX may be effected where—

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 27 inserted by S.R. 1995 No. 282 with effect from 01.09.95

(*a*) the party serving the document acts by a solicitor;

(*b*) the party on whom the document is served acts by a solicitor and service is effected by transmission to the business address of such a solicitor;

(*c*) the solicitor acting for the party on whom the document is served has indicated in writing to the solicitor serving the document that he is willing to accept service by FAX at a specified FAX number and the document is transmitted to that number; and for this purpose the inscription of a FAX number on the writing paper of a solicitor shall be deemed to indicate that such solicitor is willing to accept service by FAX at that number in accordance with this paragraph unless he states otherwise in writing; and

(*d*) as soon as practicable after service by FAX the solicitor acting for the party serving the document despatches a copy of it to the solicitor acting for the other party by any of the other methods prescribed for service in these Rules, and if he fails to do so, the document shall be deemed never to have been served by FAX.

(4) Where the FAX is transmitted on a business day before 4.00pm it shall, unless the contrary is shown, be deemed to be served on that day, and, in any other case, on the business day next following.]

[(**a**) *Service by DX*

28.—(1) Service of any document, not being a document which by virtue of any provisions of these Rules is required, to be served personally, or a document to which Order 6 Rule 3 applies, may be effected, where—

(*a*) the proper address for service includes a numbered box at a document exchange, or

(*b*) there is inscribed on the writing paper of the party on whom the document is served (where such party acts in person) or on the writing paper of his solicitor (where such party acts by a solicitor) a document exchange box number and such a party or his solicitor (as the case may be) has not indicated in writing to the party serving the document that he is unwilling to accept service through a document exchange by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange, and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

(2) In this Rule "business day" has the same meaning as in Rule 27 and "document exchange" means any document exchange for the time being approved by the Lord Chancellor.]

(**a**) Rule 28 inserted by S.R. 1998 No. 199 with effect from 01.09.98

ORDER 44

Settlement of claims by and money recovered on behalf of minor or [(a) patient]

Compromise or payment of claim

1.—(1) In any proceedings in which money or damages is or are claimed by or on behalf of or for the benefit of a minor or [(**a**) patient] suing either alone or in conjunction with other parties—

(*a*) no settlement or compromise or acceptance of money paid into court, whether before, at or after the hearing, shall be valid without the approval of [(**b**) the judge or district judge as the case may be];

(*b*) no money or damages recovered or awarded in any such proceeding whether by settlement, compromise, payment into court or otherwise before, at or after the hearing shall be paid to any party or to the next friend, guardian ad litem or [(**c**) controller] of any party or to any party's solicitor unless [(**b**) the judge or district judge as the case may be] so directs.

(2) All money so recovered or adjudged or ordered or awarded or agreed to be paid shall be dealt with as [(**b**) the judge or district judge as the case may be] shall direct and the said money or any part thereof may be so directed—

(*a*) to be paid into court and to be invested or otherwise dealt with there; or

(*b*) to be otherwise dealt with.

(3) The directions referred to in paragraph (2) may include any general or special directions that [(**b**) the judge or district judge as the case may be] may think fit to give, including (without prejudice to the generality of the foregoing provisions) directions as to how the money is to be applied or dealt with and as to any payment to be made either directly or out of the amount paid into court to the plaintiff, to the next friend or to the solicitor for the plaintiff in respect of moneys paid or expenses incurred or for maintenance or otherwise for or on, behalf of or for the benefit of the minor or [(**a**) patient] or otherwise, or to the solicitor for the plaintiff in respect of costs.

(4) Where, under paragraph (2), money is directed to be paid into court on behalf of a minor, the next friend or solicitor of the minor shall lodge in the Office a copy of the minor's certificate of birth.

Payment out and transfer of funds and securities in court

2. Save as is otherwise provided in Court Funds Rules, money paid into court under Rule 1(2) or securities purchased under Rule 1(3) and, the dividends or interest thereon shall not be sold, transferred or paid out to the party entitled thereto, except pursuant to the order of [(**b**) the judge or district judge as the case may be].

Lien for costs

3. Nothing in this Order shall prejudice the lien of a solicitor for costs.

(**a**) Word substituted by S.R. 1988 No. 100 with effect from 01.05.88
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words substituted by S.R. 1986 No. 218 with effect from 01.08.86

ORDER 45

Funds in Court

PART I

ACCOUNTS

County Court Bank

1.—(1) Subject to paragraph (2) and to Court Funds Rules, the county court for each division shall have a Civil Bill Account, a Criminal Injuries Account and a Security for Costs Account at such bank as the Lord Chancellor may, with the concurrence of the Treasury, designate.

(2) Where a chief clerk acts for more than one division of the county court, only one Civil Bill Account, one Criminal Injuries Account and one Security for Costs Account may, unless the Lord Chancellor otherwise directs, he kept for those divisions.

PART II

INVESTMENT OF MONEYS PAID INTO COURT

[(**a**) *Investment of money recovered by person under disability*

2.—(1) Moneys paid into court may be invested in the following securities—

(*a*) securities issued by Her Majesty's Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates or any variable interest securities issued by Her Majesty's Government in the United Kingdom and registered in the United Kingdom;

(*b*) any securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland;

(*c*) fixed-interest or variable interest securities issued in the United Kingdom by any public authority or by any nationalised industry or nationalised undertaking in the United Kingdom;

(*d*) debentures issued in the United Kingdom by a company incorporated in the United Kingdom, being debentures registered in the United Kingdom;

(*e*) equity shares in a public limited liability company whose shares are listed in the Official List of the Stock Exchange;

(*f*) equity shares in an investment trust company;

(*g*) any units of a gilt unit trust scheme;

(*h*) any units of an authorised unit trust scheme;

(*i*) any shares in an open-ended investment company within the meaning of the Open-Ended Investment Companies Regulations (Northern Ireland) 2004 or the Open-Ended Investment Companies Regulations 2001.

(2) Pending or in lieu of such investment, moneys so paid in may be lodged on deposit receipt in accounts held with the National Debt Commissioners or in accounts held with such bank as the Lord Chancellor may, with the concurrence of the Treasury, designate under section 79 of the Judicature (Northern Ireland) Act 1978.

(**a**) Rules 2 and 3 substituted by S.R. 2006 No. 251 with effect from 08.01.07

Interpretation

3.—(1) In this Part, the expression—

"authorised unit trust scheme" has the meaning assigned by section 237(3) of the Financial Services and Markets Act 2000;

"debenture" includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or notes;

"fixed-interest securities" means securities which under the terms of issue bear a fixed rate of interest;

"gilt unit trust scheme" means an authorised unit trust scheme, or a recognised scheme, the objective of which is—

(*a*) to invest at least 90% of the property of the scheme in loan stock, bonds or other instruments creating indebtedness which—

(i) are transferable; and

(ii) are issued or guaranteed by the Government of the United Kingdom or of any other country or territory, by a local authority in the United Kingdom or in a relevant state, or by an international organisation the members of which include the United Kingdom or a relevant state;

(*b*) to invest the remainder of the property of the scheme in shares, debentures or other instruments creating or acknowledging indebtedness, certificates representing securities or units in a collective investment scheme.

Sub-paragraphs (a) and (b) must be read with—

(i) section 22 of the Financial Services and Markets Act 2000;

(ii) any relevant Order under that section; and

(iii) Schedule 2 to that Act;

"investment trust company" has the meaning assigned by section 842 of the Income and Corporation Taxes Act 1988;

"securities" includes shares, debentures, Treasury Bills and Tax Reserve Certificates;

"share" includes stock;

"Treasury Bills" includes bills issued by Her Majesty's Government in the United Kingdom and Northern Ireland Treasury Bills;

"variable-interest securities" means securities which under the terms of issue bear a variable rate of interest.

(2) In this rule, the expression "relevant state" means Austria, Finland, Iceland, Liechtenstein, Norway, Sweden or a state other than the United Kingdom State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2 May 1992 as it has effect for the time being.]

PART III

PAYMENT OUT AND TRANSFER OF MONEYS, DIVIDENDS, INCOME, SECURITIES AND OTHER EFFECTS

Application for payment out, etc.

4. Where a person desires to apply to the court for the investment or payment out of any money or securities paid into court, the following provisions shall apply—

(*a*) the application shall be made to [(**a**) the judge or district judge as the case may be] *ex parte*,

(*b*) [(**a**) the judge or district judge as the case may be] on the hearing of the application may require, notice of the application to be served on such persons as he thinks fit, and fix a day for the further hearing,

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(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(*c*) evidence in support of the application may be given by affidavit or in such other manner as [(**a**) the judge or district judge as the case may be] may direct.

Payment of moneys, dividends and income

5.—(1) In respect of any moneys paid into court or investments of such moneys, [(**a**) the judge or district judge as the case may be] may from time to time direct to whom and at what time or times any such moneys, or the dividends or income of any such investments, shall be payable and may vary such order as occasion may require.

(2) [(**a**) The judge or district judge as the case may be] may direct the transfer of such investments to such persons as may be decided to be entitled thereto.

(3) Money, securities and other effects paid into or deposited in court shall not, except as otherwise provided in Order 21, Rule 3 or Court Funds Rules, be paid out or transferred; except upon an order made by [(**a**) the judge or district judge as the case may be].

Parts II and III not to apply to Criminal Injuries Account

6. Parts II and III of this Order shall not apply to moneys lodged to the credit of the Criminal Injuries Account.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 46

Grant and revocation of probate and letters of administration

Commencement of proceedings

1. Proceedings under Article 15 of the Order shall be commenced by civil bill (in these Rules referred to as a "testamentary civil bill") in such one of Forms 183 to 187 as is applicable.

Plaintiff and defendant

2.—(1) The person who applies for a grant of probate or letters of administration shall be the plaintiff in any proceedings by civil bill in relation thereto.

(2) A person who lodges a caveat against the grant of probate or letters of administration and appears to a warning of such caveat shall be a defendant.

(3) The person applying for the revocation of probate or letters of administration shall be the plaintiff in any proceedings by civil bill in relation thereto and the party against whom the application is made shall be the defendant in such proceedings.

Parties may be added

3.—(1) If on the hearing of any civil bill for the grant or revocation of probate or letters of administration, it appears to [(**a**) the judge] that any person, not being already a plaintiff or defendant therein, ought to be made a party to the suit, he may adjourn the case and direct that such person shall be made a party thereto by amendment of the civil bill and shall be served with the civil bill.

(2) [(**a**) The judge] may direct the mode and manner in which a civil bill is to be served under paragraph (1) and, if he directs substituted service, shall specify when and in what manner such service is to be effected.

Appearance by next-of-kin

4. Any of the next-of-kin or any person who would be entitled to a share in the distribution on intestacy of the estate of an alleged testator or intestate may appear at the hearing of a civil bill to which this Order applies though he may not have been made a party or been served with the civil bill, and upon any such appearance [(**a**) the judge] may, if he thinks fit, amend the process by making such next-of-kin or person so appearing a defendant.

Cross suits

5.—(1) Where—

(*a*) a grant of probate or letters of administration with the will annexed is objected to on the ground that there is another will of which probate or letters of administration with the will annexed ought to be granted; or

(*b*) a grant of administration, in case of an alleged intestacy, is resisted on the ground that a will annexed ought to be granted,

the party applying for probate or letters of administration and the party so setting up another will or a will shall respectively bring cross civil bill processes which shall be heard.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(2) Cross civil bill processes brought under paragraph (1) shall be heard by [(**a**) the judge] at the same sittings and [(**a**) the judge] shall decide upon the validity of the will or wills so set up.

[(**b**) . . .]

Will set up or relied upon

6.—(1) No person shall be at liberty to set up or rely upon any will not already proved in common form unless such will, together will all testamentary documents or scripts, shall have been lodged in the Principal or District Registry and a grant of probate or letters of administration in respect thereof applied for.

(2) Where an unproved will is required to be produced at the hearing of any testamentary civil bill, the registrar or district registrar having custody thereof may, on a requisition being lodged with him, forward such will by registered post or deliver the same to the chief clerk at the court where the suit is to be heard.

(3) The chief clerk shall receive and produce such will at the hearing of the suit and at the conclusion of the hearing shall transmit such will by registered post or deliver the same to the registry where the will was originally lodged.

(4) The requisition to produce must be lodged in sufficient time to allow a certified copy of the will to be made and filed in the registry prior to the posting thereof.

Entry of civil bill and lodgment of affidavits

7.—(1) [(**c**) Together with the Certificate of Readiness, the testamentary civil bill and a copy of the testamentary civil bill] there shall be lodged with the chief clerk—

(*a*) a certified copy of the affidavit (the content of which is, subject to anything provided to the contrary by a competent authority, indicated in Form 188) showing that the matter is within the jurisdiction of the court; and

(*b*) where the plaintiff seeks to obtain a grant of probate or letters of administration, an affidavit specifying the names and addresses of the next-of-kin and such persons as may be entitled according to the law governing the distribution of intestates' estates to any interest in the assets of the alleged testator or intestate named in the civil bill;

and such affidavits shall be kept amongst the records of the court and be produced by the chief clerk at the hearing of the civil bill.

(2) The affidavit under paragraph (1)(*a*) shall, except as provided in paragraph (3), be conclusive for the purpose of authorising the exercise of the jurisdiction of the court and the grant or revocation of probate or letters of administration in compliance with the decree of [(**a**) the judge], and no grant of probate or letters of administration shall be liable to be recalled, revoked or otherwise impeached by reason that—

(*a*) the testator or intestate was not ordinarily resident within the division of the court; or

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(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) Rule 5(3) revoked by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

(b) the gross value of the estate so far as it consisted of property other than land, sworn not to exceed [(**a**) £45,000] did in fact exceed that amount or so far as it consisted of land, sworn not to exceed five hundred pounds in annual value, did in fact exceed that amount in annual value.

(3) Where it is shown to [(**b**) the judge] before or at the hearing of the suit that the affidavit under paragraph (1)(*a*) is inaccurate and that he has not jurisdiction to hear the suit, he shall stay all further proceedings in his court in the matter, leaving any party to apply to the High Court for the grant or revocation and making such order as to the costs of the proceedings in his court as he thinks fit.

Records

8.—(1) All testamentary civil bills shall be entered in the Testamentary Civil Bill Book to be kept by the chief clerk and each such suit shall be entered on a separate page, the two sides or pages of one leaf being allotted and allowed for the entry or copy of the one civil bill and of the proceedings on the hearing thereof.

(2) The chief clerk shall immediately following the entry of the process enter in the Testamentary Civil Bill Book the names of all witnesses examined on the hearing of a testamentary civil bill and shall also record the names of all parties to any written instrument produced at the hearing.

(3) The chief clerk shall record in the Testamentary Civil Bill Book the decree or order of [(**b**) the judge] and shall sign and seal such record.

(4) The chief clerk shall, at all reasonable times, produce the Testamentary Civil Bill Book in the Office to any counsel, solicitor or party to the suit and permit them to search and shall give them, on demand, a copy of any entry therein.

Certificate of decree and decree

9.—(1) The certificate of the decree of [(**b**) the judge] to be transmitted by the chief clerk to the Principal or District Registry shall be in Form 189.

(2) The decree shall be in Form 190 or 191 or, where the suit is stopped for want of jurisdiction, in Form 192.

Where all parties are not present at the hearing

10. Upon the hearing of any testamentary civil bill, [(**b**) the judge] may, whether or not all the parties to the suit are present, proceed to consider the subject-matter of the civil bill and make a decree thereon, or he may adjourn the proceedings from time to time as he thinks fit.

Jurisdiction, powers and authority

11. [(**b**) The judge] in any proceedings for the grant or revocation of probate or letters of administration shall, subject to the provisions of the Act and these Rules, have the like jurisdiction, powers and authority to decide the matters at issue and to enforce any decree made therein or any order made in relation thereto as in any ordinary action.

Application of rules, practice and forms

12. The rules, practice and forms in force and used in respect of proceedings other than proceedings for the grant or revocation of probate or letters of administration shall, so far as applicable and subject to the Rules of this Order, apply *mutatis mutandis* to proceedings for the grant or revocation of probate or letters of administration.

(**a**) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

ORDER 47

Construction of deeds, wills, etc., and determination of rights of persons thereunder

Application

1.—(1) An application by any person claiming to be interested under a deed, will or other written instrument for the determination of any question of construction arising thereunder and for a declaration of the rights of persons interested shall be brought by equity civil bill.

(2) The civil bill shall be in Form 193 and, subject to Rule 2, shall be served on every person appearing to the plaintiff to have an interest in the question sought to be determined.

(3) The application shall be supported by such evidence as [(**a**) the judge or district judge as the case may be] may require.

[(**a**) *Judge's or district judge's as the case may be] powers as to service and representation*

2. [(**a**) The judge or district judge as the case may be] at the hearing shall have power—

(*a*) to dispense with service of the civil bill on such persons as he thinks fit;

(*b*) to appoint some one or more than one person to represent a class;

(*c*) to direct service of the civil bill on any person not served therewith and appearing to him to have an interest in the said question.

Equity rules and practice to apply

3. Where not otherwise provided by these Rules the rules and practice for the time being in force in relation to civil bills in equity suits shall apply to all such applications as aforesaid.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(a) ORDER 48

[(b) Licensing, Bookmaking Office Licences and Registration of Clubs]

PART I

GENERAL

Interpretation

1.—(1) In this Order;

in Parts II to IV and VI "the Licensing Order" means the Licensing (Northern Ireland) Order 1996(**c**) and expressions which are defined in that Order have the same meaning as in that Order;

in Parts V and VI, "the Registration of Clubs Order" means the Registration of Clubs (Northern Ireland) Order 1996(**d**) and expressions which are defined in that Order have the same meaning as in that Order;

[(**e**) In Part VII, "the Betting, Gaming, Lotteries and Amusements Order" means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and expressions which are defined in that Order have the same meaning as in that Order]

"the chief clerk" means the chief clerk for the county court division in which the application is being made.

(2) The notes appended to the forms do not form any part thereof and are so appended only for the purpose of assisting their proper completion.

PART II

APPLICATIONS FOR THE GRANT OF LICENCES

Notices of application

2.—(1) Notice of application in accordance with Articles 7 or 9 of and Schedule 1 to the Licensing Order for the grant or, as the case may be, for the provisional grant of a licence shall be in one of Forms 194 to 201 as may be appropriate; so, however, that the notice required by paragraph (1)(*a*) of that Schedule to be inserted in the newspapers referred to in that paragraph and the notice required by paragraph (1)(*b*) of that Schedule to be displayed for the time and in the manner specified by that paragraph, may omit to specify the address of the applicant for the licence where the notice gives the address of the solicitor for the applicant.

(2) A person intending to make an application for the grant or declaration of the final grant of a licence, in addition to complying with paragraph 1 or paragraph 11 of Schedule 1 to the Licensing Order, as the case may be, shall not less than three weeks before the time of the opening of the court at which the application is to be heard, serve a copy of the notice upon the clerk of petty sessions for the petty sessions district in which the premises are situated.

(3) Where it is intended to apply to the court which grants a licence or declares a licence provisionally granted to be final for—

(*a*) an order under Article 43 of the Licensing Order directing that the permitted hours for part of such premises of a kind mentioned in Article 5(1)(*a*) of the

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(**a**) Order 48 substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**b**) Title amended by S.R. 2004 No. 463 with effect from 06.01.05
(**c**) S.I. 1996/3158 (N.I. 22)
(**d**) S.I. 1996.3159 (N.I. 23)
(**e**) Paragraph inserted by S.R. 2004 No. 463 with effect from 06.01.05

Licensing Order for which the court imposes a condition under Article 43(2) of the Licensing Order shall be the hours mentioned in Article 42(2) of the said Order; or

(b) an order under Article 44 of the Licensing Order directing that, on such days as may be specified, the hours mentioned in Article 44(2) of the Licensing Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for such part or parts of the premises which are specified in the order; or

(c) an order under Article 48 of the Licensing Order specifying any part of the premises as suitable for functions such as are mentioned in Article 47(5) of the Licensing Order (functions for which extension licences may be granted); or

(d) the grant of a children's certificate under Article 59 of the Licensing Order,

such intention shall be stated in the notice of application for the grant or in the notice of application for the provisional grant, as the case may be; and the plan attached to the notice in accordance with paragraph 3 of Schedule 1 to the Licensing Order shall particularly delineate or distinguish the part of the premises for which the order or certificate is sought.

(4) Where notice is given of an application for the grant or provisional grant of a licence for premises on a site approved by declaration under Article 10 of the Licensing Order the notice shall refer to the fact that the premises are of a kind approved for that site by declaration.

(5) A notice of application for a declaration that the grant of a licence is final in accordance with Article 9(7) of the Licensing Order shall be in Form 202 and the applicant shall attach the licence to the notice for the purposes of Article 9(10) of the Licensing Order.

(6) A person intending to apply for the consent of the court under Article 9(6) to the Licensing Order to the modification of plans at any time before a licence provisionally granted has been declared final shall—

(a) not less than three weeks before the time of the opening of the court sittings at which application is to be heard, serve notice in Form 203 on the chief clerk and serve copies of the notice on the sub-divisional commander of the police sub-division in which the premises are or are to be situated and on the district council for the district in which the premises are or are to be situated;

(b) attach to such notice and copy notices copies of the modified plans complying with Rule 6 and clearly showing the proposed modifications.

(7) A notice of intention to object in accordance with—

(a) paragraphs 4 and 6 or 13 and 14 of Schedule 1 to the Licensing Order to the grant, provisional grant or grant of the licence being declared final, as the case may be, shall be in Form 204;

(b) paragraphs 7A and 7B of Schedule 1 to the Licensing Order to—

(i) the making of an order under Article 43 of the Licensing Order (alternative permitted hours for off sales);

(ii) the making of an order under Article 44 of the Licensing Order (additional permitted hours);

(iii) the making of an order under Article 48 of the Licensing Order (suitability of premises for functions); or

(iv) the grant of a children's certificate under Article 59 of the Licensing Order,

shall be in Form 204A.

(8) A notice published in the newspapers as required by paragraph 1(a) of Schedule 1 to the Licensing Order and a notice displayed at the premises as required by paragraph 1(b) of that Schedule shall—

(a) include a reference to the requirement that any person owning or residing or carrying on business in premises in the vicinity of the premises for which the licence is sought who intends to object to the grant of the licence must, in accordance with paragraph 6 of Schedule 1 to the Licensing Order, serve notice of his intention to object upon the applicant and the chief clerk, not less than one week before the time of the opening of the court sitting specified in the notice so published;

(b) state that the permissible grounds of objection are such as are specified in Article 7(4)(a) to (e)(i) of the Licensing Order, namely, failure to comply with the correct procedure, unfitness of applicant, unsuitability of premises and, where the premises are of a kind mentioned in Article 5(1)(a) or (b) only and Article 7(6) or paragraph 6 of Schedule 3 to the Licensing Order does not apply, that the number of licensed premises of that kind in the vicinity is or will be adequate; and [shall state that]—

(i) in the case of an application under Article 43, the permissible grounds of objection are as specified in Article 43(2) (structural suitability);

(ii) in the case of an application under Article 44, the permissible grounds of objection are as specified in Article 44(1) and (3) (structural suitability and undue inconvenience to residents);

(iii) in the case of an application under Article 48 the permissible grounds of objection are as specified in Article 48(2) (suitability of premises);

(iv) in the case of an application under Article 59 the permissible grounds of objection as specified in Article 59(2) (suitability of premises for children).

(c) where appropriate, state that a subsisting licence is to be surrendered to the court and give particulars thereof.

(9) A notice of intention to object, under paragraph 5 of Schedule 1 to the Licensing Order, to the surrender of a subsisting licence shall be in Form 205.

Documents to be produced at hearing of application

3.—(1) Where the application is for the grant or declaration of the final grant of a licence for an hotel or a guest house, evidence that the premises comply with Article 2(2) of the Licensing Order as being premises of an establishment allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel or guest house, as the case may be, shall be given at the hearing of the application by production of a certificate to that effect issued by the Northern Ireland Tourist Board.

(2) Where the application is for the grant or declaration of the final grant of a licence for a conference centre, evidence that the premises comply with Article 2(2) of the Licensing Order as being premises for which there is in force a certificate allocated by the Northern Ireland Tourist Board stating that the premises conform to the prescribed requirements, shall be given at the hearing of the application by production of a certificate to that effect issued by the said Board.

(3) Where the application is made for a licence under the Licensing Order for any place of entertainment [(**a**) or indoor arena], any licence required by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(**b**) shall be produced at the hearing of the application.

PART III

APPLICATIONS FOR DECLARATIONS OF APPROVED SITES UNDER ARTICLE 10 OF THE LICENSING ORDER

4.—(1) Notice of application in accordance with paragraph 3 of Schedule 3 to the Licensing Order for a declaration under Article 10 of that Order shall be in Form 206.

(2) Notice of intention to object in accordance with the said paragraph 3 shall be in Form 207.

(3) Such a declaration shall be in Form 208.

PART IV

MISCELLANEOUS

Applications under Article 31(1)(i)

5.—(1) Notice of application in accordance with paragraph 2 of Schedule 8 to the Licensing Order for an order under Article 31(1)(i) of that Order for the consent of the court to such alterations as are referred to in Article 31(1)(*a*) to (*d*) of that Order shall be in Form 209.

(2) Notice of intention to object under paragraph 5 of Schedule 8 to the Licensing Order shall be in Form 210.

(3) An order consenting to such alterations shall be in Form 211.

Requirements for plans to be attached to notice of application

6.—(1) The plan required by paragraph 3(1) of Schedule 1 to the Licensing Order to be attached to a notice of application for the grant of a licence shall be to scale of [(**c**) 1:100] on substantial paper or material and shall show each floor of the premises on a separate page measuring, where practicable, approximately 46 cms by 46 cms and certified by an architect, surveyor or any other person considered by the court to be competent to do so.

(2) The plan shall show the parts of the premises in which intoxicating liquor is sold, or in which it is intended that intoxicating liquor should be sold, by clearly distinguishing in bold hatched or shaded colour between that and other parts of the premises.

(3) Where the application relates to an hotel or guest house, each of the following parts shall be clearly distinguished (by shading in separately each part in a different colour from the others) namely, the part—

(*a*) in which customers who are not resident or the guests of residents may be served intoxicating liquor;

(*b*) in which only residents may be served;

(*c*) set apart for the service of main table meals only to residents and their guests;

(*d*) set apart for the service of main table meals whether to the public or to residents or their guests;

(**a**) Words inserted by S.R. 2004 No. 463 with effect from 06.01.05
(**b**) S.I. 1985/1208 (N.I. 15)
(**c**) Figure substituted by S.R. 1998 No. 21 with effect from 20.04.98

(*e*) set apart for the service of intoxicating liquor and other beverages to diners before or after such meals.

Copies of notices for sub-divisional commander to be lodged at police station within police sub-division

7.—(1) Any notice, document or copy thereof required by the Licensing Order or this Order to be served on the sub-divisional commander of a police sub-division shall be served, unless the sub-divisional commander otherwise directs, by being lodged with a member of the Police Service of Northern Ireland for the time being in charge of a police station within the police sub-division in which the premises to which the document relates are or are to be situated; or, as the case may be, in which the applicant resides.

(2) Notwithstanding anything in Article 2(9) of the Licensing Order, where the applicant is a body corporate, paragraph (1) shall have effect as if for the reference to the police sub-division in which the applicant resides there were substituted a reference to that in which the body has its principal or registered office.

PART V

REGISTRATION OF CLUBS

Application for the registration of a club

8.—(1) An application for the grant of registration of a club shall be made to the county court for the county court division in which the club premises are situated.

(2) Notice of application in accordance with Article 5 of and paragraph 1(1)(*a*) of Schedule 2 to the Registration of Clubs Order shall be in Form 305.

(3) Notice of application in accordance with Article 5 of and paragraph 1(1)(*b*), (c) and (d) of Schedule 2 to the Registration of Clubs Order shall be in Form 306.

(4) Where it is intended to apply to the court which grants the registration of a club for the grant of a children's certificate under Article 33 of the Registration of Clubs Order, such intention shall be stated in the notice of application referred to at paragraphs (2) and (3) above and the said notice of application shall be accompanied by a plan of the premises delineating the part thereof for which the certificate is sought.

(5) A person intending to make an application for the grant of registration of a club shall, in addition to complying with paragraph 1(1)(*b*), (*c*) and (*d*) of Schedule 2 to the Registration of Clubs Order, serve a copy of the notice upon the clerk of petty sessions for the petty sessions district in which the club premises are situated.

(6) A notice published in the newspapers as required by paragraph 1(1)(*b*) of Schedule 2 to the Registration of Clubs Order shall—

(*a*) include a reference to the requirement that any person owning or residing or carrying on business in premises in the vicinity of the premises of the club for which the registration is sought who intends to object to the grant of registration must, in accordance with paragraph 4 of Schedule 2 to the Registration of Clubs Order, serve notice of his intention to object on the club and the chief clerk not less than one week before the time of the opening of the court sittings at which the application is to be made;

(*b*) state that the permissible grounds of objection are any of the grounds specified in Article 5(5) and (6) of the Registration of Clubs Order.

Objection to the registration of a club or the granting of a children's certificate

9.—(1) Notice of intention to object to the registration of a club, in accordance with paragraphs 3 and 4 of Schedule 2 to the Registration of Clubs Order, shall be in Form 307.

(2) Notice of intention to object to the granting of a children's certificate, in accordance with paragraphs 6 and 7 of Schedule 2 to the Registration of Clubs Order, shall be in Form 307A.

PART VI

MODIFICATION OF THE LICENSING ORDER AND THE REGISTRATION OF CLUBS ORDER

Modifications to the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996

10.—(1) Schedule 1 to the Licensing Order shall have effect as if after paragraph 7 thereof there were added the following paragraphs—

7A. Where, in accordance with paragraph 7, a person has included notice of his intention to apply for an order under Article 43, 44 or 48 or for a children's certificate in the notices mentioned in paragraph 1

— a sub-divisional commander upon whom notice is required by paragraph 1 to be served;

— the district council mentioned in that paragraph; or

— any person owning, or residing, or carrying on business in premises in the vicinity of the premises to which the application relates

may appear at the hearing of the application and object to the court making an order or, as the case may be, to the grant of a certificate—

(*a*) in the case of an application under Article 43, on any ground mentioned in Article 43(2);

(*b*) in the case of an application under Article 44, on any ground mentioned in Article 44(1) and (3);

(*c*) in the case of an application under Article 48, on any ground mentioned in Article 48(2);

(*d*) in the case of an application under Article 59, on any ground mentioned in Article 59(2).

7B. A person intending to object under paragraph 7A shall, not less than 1 week before the time of the court sitting at which the application is to be made—

(*a*) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and

(*b*) serve a copy of the notice upon the chief clerk.

(2) Schedule 2 to the Registration of Clubs Order shall have effect as if after paragraph 5 thereof there were added the following paragraphs—

6. Where, in accordance with paragraph 5, a person has included notice of his intention to apply for a children's certificate in the notices mentioned in paragraph 1

— the sub-divisional commander mentioned in paragraph 1(1)(a)(i);

— the district council mentioned in paragraph 1(1)(a)(ii); or

— any person owning, or residing, or carrying on business in premises in the vicinity of the premises to which the application relates

may appear at the hearing of the application and object to the grant of the certificate on any ground mentioned in Article 33(2).

7. A person intending to object under paragraph 6 shall, not less than 1 week before the time of the court sitting at which the application is to be made—

(*a*) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and

(*b*) serve a copy of the notice upon the chief clerk.]

[(a) PART VII

APPLICATIONS FOR GRANT OF BOOKMAKING OFFICE LICENCES

Notices of Application

11.—(1) An application under Article 12 or 14 of the Betting, Gaming, Lotteries and Amusements Order shall be made to the county court for the county court division in which the premises, in respect of which the application is made, are situated.

(2) An application in accordance with Articles 12(1) or 14(1) of, and Schedule 2 to, the Betting, Gaming, Lotteries and Amusements Order for the grant or, as the case may be, for the provisional grant of a bookmaking office licence shall be in Form 211A and have attached a plan of the premises for which the licence is sought or, as the case may be, a plan of the premises for which the provisional licence is sought showing the premises as they will be when their construction, alteration or extension has been completed.

(3) An application in accordance with Article 14(7) of the Betting, Gaming, Lotteries and Amusements Order to have the provisional grant of a bookmaking office licence declared final shall be in Form 211B and the applicant shall attach the provisional licence to the notice for the purposes of Article 14(10) of the Betting, Gaming, Lotteries and Amusements Order.

(4) An application for the consent of the court under Article 14(6) of the Betting, Gaming, Lotteries and Amusements Order to the modification of plans at any time before a bookmaking office licence provisionally granted has been declared final shall be in Form 211C and—

(*a*) not less than three weeks before the time of opening of the court sitting at which the application is to be heard, served on the chief clerk and on the district commander of the police district in which the premises are or are to be situated and on the district council for the district in which the premises are or are to be situated; and

(*b*) have attached a copy of the modified plan of the premises clearly showing the proposed modifications.

Objection to the grant of a bookmaking office licence

12. Notice of intention to object, in accordance with paragraph 4 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order, to the grant or provisional grant, as the case may be, of a bookmaking office licence shall be in Form 211D.

Newspaper notice

13. A notice published in the newspapers as required by paragraph 1 or paragraph 6 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order shall be in Form 211A.]

(a) Part VII inserted by S.R. 2004 No. 463 with effect from 06.01.05

ORDER 49

Rent

PART I
GENERAL

Interpretation

1. In this Order "the Order" means the Rent (Northern Ireland) Order 1978(a).

PART II

APPEALS UNDER ARTICLE 11 OF THE ORDER

Appeals to the county court against restricted rent certificates, regulated rent certificates and against refusal of application for regulated rent certificate

2.—(1) An appeal under Article 11 of the Order shall be by notice in such one of Forms 212 to 215 as may be appropriate and an order made by the court on such appeal may be in one of Forms 216 to 223.

(2) The District Council shall be the respondent to the appeal and the appellant shall serve the notice on the respondent in accordance with Rule 10 and shall lodge the notice with the chief clerk together with a copy of the restricted rent certificate or regulated rent certificate served on the appellant by the respondent or, where the appeal is against the refusal of an application under Article 9 of the Order, of the notice of refusal of the application.

(3) The appellant shall, in addition to complying with paragraph (2), serve in accordance with Rule 9 a copy of the notice of appeal upon the landlord or, as the case may be, the tenant who shall thereupon become a party to the appeal and may appear and be heard.

PART III
APPLICATIONS UNDER ARTICLE 20 OF THE ORDER

Applications by tenants for compensation under Article 20 or the Order

3.—(1) An application by a tenant for compensation under Article 20 of the Order shall be by notice in Form 224.

(2) The landlord shall be the respondent to the application and the applicant shall serve the notice of the respondent in accordance with Rule 9 and shall lodge a copy with the chief clerk.

(3) An order awarding compensation under Article 20 of the Order may be in Form 225.

PART IV
APPEALS UNDER ARTICLE 47 OF THE ORDER

Appeals by landlord or tenant under Article 47 against issue by district council of certificate of disrepair, etc.

4.—(1) An appeal under Article 47 of the Order shall be by notice in such one of Forms 226 to 229 as may be appropriate and an order made by the court may be in one of Forms 230 to 233.

(a) S.I. 1978/1050 (N.I. 20)

(2) The District Council shall be respondent to the appeal and the appellant shall serve the notice on the respondent in accordance with Rule 9 and shall lodge a copy of the notice of appeal with the chief clerk together with the certificate of disrepair issued under Article 46 or the Order by the District Council or, where the District Council has issued a notice stating that it does not intend to issue such a certificate, a copy of that notice.

(3) The appellant shall, in addition to complying with paragraph (2), serve in accordance with Rule 9 a copy of the notice of appeal upon the landlord or, as the case may be, the tenant who shall thereupon become a party to that appeal and may appear and be heard.

PART V

APPLICATIONS UNDER ARTICLE 69 OF THE ORDER

Applications under Article 69 of the Order for determination of certain questions in relation to tenancy

5.—(1) An application under Article 69 of the Order made for the purpose of determining any question—

(*a*) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house; or

(*b*) as to the rent recoverable under a regulated or restricted tenancy; or

(*c*) as to whether a tenancy is a restricted or regulated tenancy;

shall be by notice in such one of Forms 234 to 237 as may be appropriate and a determination made by the Court on any such application may be in one of Forms 238 to 241.

(2) The landlord or, as the case may be, the tenant shall be the respondent to the application and the applicant shall serve the notice on the respondent in accordance with Rule 9 and shall lodge a copy of the notice with the chief clerk together with a copy of any tenancy agreement referred to in the notice.

(3) The particulars of the tenancy in the notice shall state whether a protected tenancy purports to have been determined and the date of such termination and where it is alleged by the applicant that a statutory tenancy has arisen by succession or otherwise shall state the manner in which the tenancy has arisen.

(4) The particulars of any protected tenancy shall state the valuation of the dwelling-house at the grant of the tenancy, the permitted rent under the Rent Restriction Acts and how it is calculated by reference to the standard rent and any permitted increase under those Acts and whether the rates are payable by the landlord or tenant.

(5) Where the application is for the determination of any such question as is referred to in paragraph (*b*) of Article 69(1) of the Order, the particulars in the notice shall in addition to those required under paragraph (4) include—

(*a*) whether or not a regulated rent certificate or restricted rent certificate has been issued by a District Council with respect to the dwelling-house;

(*b*) the net annual value of the dwelling-house as ascertained for the purposes of the Order under Article 71 thereof;

(*c*) details of any determination by a rent assessment committee under Article 27 of the Order.

PART VI

APPLICATIONS UNDER SCHEDULE 1 [(a) . . .] TO THE ORDER

Applications for decision under paragraph 4 or 9 of Schedule 1 to the Order

6.—(1) An application under paragraph 4 of Schedule 1 to the Order shall be by notice in Form 242 and an order made on such decision as is referred to in that paragraph shall be in Form 243.

(2) Such person or persons who are members of the original tenant's family referred to in paragraph 4 of Schedule 1 to the Order and who is not an applicant or who are not applicants for a decision of the court under that paragraph shall be the respondent or respondents to such an application.

(3) An application under paragraph 9 of Schedule 1 to the Order shall be by notice in Form 244 and an order made on such decision as is referred to in that paragraph shall be in Form 245.

(4) Such person or persons who are members of the first successor's family referred to in paragraph 9 of Schedule 1 to the Order and who is not an applicant for a decision of the court under that paragraph shall be the respondent or respondents to such an application.

(5) The applicant shall serve notice of the application on the respondent or respondents in accordance with Rule 9 and shall lodge a copy of the notice with the chief clerk.

[(**b**) . . .]

PART VII

SUPPLEMENTARY

Court to which appeals and applications under the Order to be made

8. An appeal or application under the Order shall be brought or made to the county court for the division in which the dwelling-house to which the appeal or application relates is situated and shall be heard at such times as [(**c**) the judge or district judge as the case may be] for that division may appoint in accordance with Article 4 of the County Courts (Northern Ireland) Order 1980 or, in lieu of such appointment, at the sitting of the Court for equity matters.

Service of notice and entry of appeals or applications

9.—(1) Notice of an appeal or an application to be served on any party under these rules shall be served in accordance with Order 6 not less than twenty-eight days before the [(**d**) date fixed for the hearing].

(2) The appellant or applicant shall lodge a copy of the notice with the chief clerk at his office duly endorsed as to service and shall, where notice was served on the respondent by post in accordance with Order 6, attach to the copy any certificate of posting.

[(**e**) . . .]

(**a**) Words deleted by S.R. 1989 No. 306 with effect from 01.09.89
(**b**) Rule 7 revoked by S.R. 1989 No. 306 with effect from 01.09.89
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Rule 9(3) revoked by S.R. 1995 No. 151 with effect from 01.09.95

ORDER 50

[(a)Adoption]

(a) Order 50 revoked by S.R. 2003 No. 272 with effect from 1.6.03

[(a) ORDER 50A

Parental orders under section [(b) 54] of the Human Fertilisation and Embryology Act [(c) 2008]

[(d) *Interpretation*

1.—(1) In this Order unless the context otherwise requires—

"the 1990 Act" means the Human Fertilisation and Embryology Act 1990 and expressions which are defined in the 1990 Act have the same meaning as in that Act;

"the 2008 Act" means the Human Fertilisation and Embryology Act 2008 and expressions which are defined in the 2008 Act have the same meaning as in that Act;

"the 1987 Order" means the Adoption (Northern Ireland) Order 1987 and expressions which are defined in the 1987 Order have the same meaning as in that Order;

"chief clerk" means the chief clerk for the county court division in which the application is being made;

"the birth mother" means the woman who carried the child;

"the other parent" means any person, other than the birth mother, who is a parent of the child but is not one of the petitioners and includes any man who is the father by virtue of section 35 of the 2008 Act or any woman who is a parent by virtue of section 42 or 43 of the 2008 Act;

"the birth parents" means the birth mother and the other parent.]

(2) The notes appended to Forms 389 to 395 do not form any part thereof and are appended only for the purpose of assisting in their proper completion.

Commencement of proceedings

2.—(1) An application for a parental order shall be commenced by petition in Form 389.

(2) The petitioners shall be the [(e) the persons who may apply for a parental order pursuant to section 54 of the 2008 Act] and the respondents shall be the birth parents (except where the petitioners seek to dispense with their consent) and any other persons or body in whom the parental rights and duties relating to the child are vested at the time of the application.

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) On filing the petition the petitioners shall pay the appropriate fee and supply three copies of the petition together with any other documents required to be supplied under this Order.

Appointment of guardian ad litem

3.—(1) As soon as practicable after the petition has been filed the chief clerk shall appoint a guardian ad litem of the child and shall send to him a copy of the petition together with any documents attached thereto.

(a) Order 50A inserted by S.R. 1995 No. 48 with effect from 20.03.95
(b) Number substituted by S.R. 2010 No. 115 with effect from 09.04.10
(c) Year substituted by S.R. 2010 No. 115 with effect from 09.04.10
(d) Paragraph (1) substituted by S.R. 2010 No. 115 with effect from 09.04.10
(e) Words substituted by S.R. 2010 No. 115 with effect from 09.04.10

(2) The guardian ad litem shall be an officer of a Board or of an HSC trust or a person employed by such other organisation as the Department may approve.

Duties of guardian ad litem

4.—(1) With a view to safeguarding the interests of the child before the court the guardian ad litem shall—

(*a*) investigate so far as is reasonably practicable the matters set out in [(**a**) section 54(1) to (8) of the 2008 Act]; and

(*b*) so far as he considers necessary, investigate any matter contained in the petition or other matter which appears relevant to the making of a parental order.

(2) On completing his investigations the guardian ad litem shall make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application and shall notify the petitioners that he has done so.

(3) The guardian ad litem shall also perform, at any time before the final determination of the application, such other duties as appear to him to be necessary or as the court may direct.

(4) With a view to obtaining the directions of the court on any matter, the guardian ad litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the chief clerk shall notify the petitioners.

(5) The guardian ad litem shall attend any hearing of the application if so required by the court.

(6) Any report made to the court under this rule shall be confidential.

Agreement

5.—(1) Any document signifying the agreement of the birth parents to the making of a parental order shall be in Form 390 and shall, if executed in Northern Ireland, be witnessed by a now lay magistrate.

(2) If the document is executed before the commencement of proceedings, it shall be filed with the petition.

(3) If the document is executed outside Northern Ireland it shall be witnessed by one of the persons specified in rule 6(2), (3) or (4) of Order 50.

Notice of hearing

6.—(1) As soon as practicable after being notified by the guardian ad litem that he has made his report to the court, the petitioners shall apply to the chief clerk to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the chief clerk shall fix a date and time for the hearing and shall take account of any directions given under paragraph (5).

(3) The chief clerk shall inform the petitioners and the guardian ad litem of the date and time fixed for hearing and the petitioners shall serve notice of the hearing in Form 391 on all the parties and any Board, HSC trust or voluntary organisation which has at any time provided accommodation for the child.

(4) If the petitioners have no solicitor acting for them the notice in Form 391 shall be signed by the chief clerk.

(5) Anyone wishing to object to the making of a parental order, shall within 14 days of the date of service on him of the notice of hearing give the chief clerk written notice of his intention to object in Form 392.

(a) Reference substituted by S.R. 2010 No. 115 with effect from 09.04.10

(6) If at any stage before the hearing of the application it appears to the court that directions for the hearing are required the court may give such directions as it considers necessary.

Objections

7.—(1) Where the chief clerk receives notice of objection under rule 6(5) he shall notify [(**a**) the judge], the petitioners (or their solicitor) and the guardian ad litem, and [(**a**) the judge] shall direct what steps are to be taken.

(2) [(**a**) The judge] may direct that the person who served notice of objection shall appear before him in his chambers on a date fixed by him and upon hearing the nature of or grounds for objection made by him or his legal representative on his behalf make such direction or order as appears just.

The hearing

8.—(1) On the hearing of the petition, any person upon whom notice is required to be served under rule 6 may attend and be heard on the question whether a parental order should be made.

(2) Any member or employee of a party which is an organisation or authority may address the court if he is duly authorised in that behalf.

(3) The court shall not make a parental order except after the personal attendance before it of the petitioners.

(4) If there are special circumstances which, having regard to the report of the guardian ad litem, appear to the court to make the attendance of any other person necessary or desirable, the court may direct that that person shall attend.

Proof of identity of child, etc.

9. Where the child who is the subject of the application is identified in the petition by reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be the child to whom the form of agreement refers.

Notices and copies of orders etc.

10.—(1) A parental order shall be made in Form 393.

(2) Within 14 days of the making of the parental order the chief clerk shall forward to the Registrar General a sealed copy thereof by registered post or by the recorded delivery service in an envelope marked "Confidential".

(3) Where a parental order is made or refused the chief clerk shall serve notice to that effect on every respondent.

(4) A copy of a parental order may be supplied to the petitioners.

(5) A copy of a parental order may be supplied to any other person with the leave of the court.

Application, in respect of removal of, or for return of, child

11.—(1) An application under Article 28,(1) or 30(1) or (2) of the 1987 Order shall be made by sending notice of application in Form 394 to the chief clerk.

(2) Subject to paragraph (4), the chief clerk shall serve a copy of the notice of application, together with a notice of the date of hearing on all the parties to the proceedings in respect of the relevant parental order, on an guardian ad litem appointed at the date of the application and on any other person or body, not being the child, as the court thinks fit.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(3) Anyone who wishes to object to the application shall, within 14 days of the service of the application on him, send written notice of his objection to the chief clerk.

(4) The chief clerk shall serve a copy of the written notice of objection on each person served with a copy of the application.

(5) The court may at any time give directions, as to the appointment of a guardian ad litem of the child or, as to the conduct of the application under this rule.

(6) Where an application under this rule is determined the chief clerk shall serve notice in Form 395 of the effect of the determination on all the parties.

Application for amendment of orders and revocation of directions

12.—(1) An application

(*a*) under Article 52 of the 1987 Order for the amendment of a parental order or for the revocation of a direction for the marking of an entry in the Register of Births or the Parental Order Register, to the Registrar General; or

(*b*) under Rule 10(5) for the supply of a copy of, or information relating to, a parental order; or

(*c*) under Article 50(3) of the 1987 Order for an order for the furnishing of information contained in the books kept by the Registrar General under Article 50(1)(*c*);

may be made ex parte in the first instance, but the judge may require notice of the application to be served on such persons as he may direct.

(2) Where an application referred to in paragraph (1)(*a*) is granted, the chief clerk shall send to the Registrar General a notice specifying the date of the parental order and the names of the petitioners and of the child as given in the parental order and either stating the amendments to the parental order made by the court or informing him of the revocation of the direction, as the case may be.

(3) Where an application referred to in paragraph (1)(*c*) is granted, the chief clerk shall send a copy of the order of the court to the Registrar General.

(4) Such notice or order shall be contained in an envelope marked "Confidential" and sent by registered post or the recorded delivery service.

Service and filing of documents

13.—(1) Any document or copy thereof required to be served or sent under the 1987 Order or under this Order may be served personally on the person to be served or sent by registered post or by the recorded delivery service in an envelope addressed to the person to be served at his place of residence or, in the case of service on a Board, HSC Trust or other body, addressed to it at its official address or by delivering it personally to the secretary, clerk or other responsible officer of the authority or body at its office.

(2) Proof of service of documents under the 1987 Order as applied with modifications by the Parental Orders Regulations or under this Order shall be by affidavit.

(3) Where a document is served by post in accordance with this rule—

(*a*) the envelope in which it is enclosed shall be marked "Confidential"; and

(*b*) the receipt for its posting shall be attached to the copy thereof referred to in the affidavit of posting.

(4) A petition submitted to the chief clerk and any notice, affidavit, or other document or copy thereof required to be filed with the chief clerk under this Order shall be so submitted, or, as the case may be, filed either by delivery thereof to him personally or to some responsible person at this office or by sending the document by registered post or by the recorded delivery service in an envelope addressed to him at that office.

(5) Notwithstanding anything in Order 6, any notice, petition or other document referred to in this rule may be served by a process server, a solicitor or member of the staff of that solicitor's office over sixteen years of age.

Costs

14. On the determination of proceedings to which this Order applies [(a) the judge] may make such an order as to the costs as he thinks just and, in particular, may order the petitioners to pay—

(*a*) the expenses incurred by the guardian ad litem;

(*b*) the expenses incurred by any respondent attending the hearing or such part of those expenses as the judge thinks proper.

Custody, inspection and disclosure of documents and information

15.—(1) All documents relating to proceedings for a parental order shall, while they, are in the custody of the court, be kept in a place of special security.

(2) A party who is an individual and is referred to in a confidential report supplied to the court by a guardian ad litem may inspect, for the purpose of the hearing, that part of any such report which refers to him, subject to any directions given by the court that—

(a) no part of the report shall be revealed to that party; or

(b) the part of the report referring to that party shall be revealed only to that party's legal advisers; or

(c) the whole or any other part of the report shall be revealed to that party.

(3) Any person who obtains any information in the course of, or relating to, proceedings for a parental order shall treat that information as confidential and shall only disclose it if—

(a) the disclosure is necessary for the proper exercise of his duties; or

(b) the information is requested—

(i) by a court (whether in Northern Ireland or not) having power to determine proceedings for a parental order and related matters, for the purpose of the discharge of its duties in that behalf; or

(ii) by a person who is authorised in writing by the Department to obtain the information for the purposes of research.

(4) Save as required or authorised by a provision of any enactment or of this Order or with the leave of the court, no document or order held by or lodged with the court in relation to proceedings for a parental order shall be open to inspection by any person, and no copy of any such document or order, or of an extract from any such document or order, shall be taken by or issued to any person.]

(a) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(a) ORDER 51

[(b) Family Proceedings]

[(b) PART I]

CHILD ABDUCTION AND CUSTODY ACT 1985

Interpretation

1. In this [(b) Part of this] Order—

(*a*) a section referred to by number means the section so numbered in the Child Abduction and Custody Act 1985(c); and

(*b*) "the Hague Convention" means the Convention defined in section 1(1);

"the High Court" includes the High Court of Justice in England and Wales [(d) and the High Court of Justice of the Isle of Man].

Stay of pending custody proceedings

2.—(1) Where proceedings relating to the merits of the rights of custody (as construed in section 9) are pending before a court and that court receives notification from the High Court or the Court of Session of proceedings under the Hague Convention in respect of the child concerned, those pending proceedings shall be stayed and the chief clerk shall notify the parties to the pending proceedings accordingly.

(2) Where a court in which pending proceedings have been stayed under paragraph (1) receives notification from the High Court or the Court of Session that an order has been made under Article 12 of the Hague Convention for the return of the child concerned, those pending proceedings shall be dismissed and the chief clerk shall notify the parties to those proceedings accordingly.

(3) Where a court in which pending proceedings have been stayed under paragraph (1) receives notification from the High Court or the Court of Session that the application under the Hague Convention has been dismissed, the stay on the pending proceedings shall be removed and the chief clerk shall notify the parties to those proceedings accordingly.

Notification of registration under section 16

3. Where any proceedings such as are mentioned in section 20(2) are pending before a court and that court receives notification from the High Court or the Court of Session—

(*a*) that an application has been made under section 16 for registration of a decision relating to custody (other than a decision mentioned in section 20(3)) in respect of the child concerned; or

(*b*) that such a decision is registered under section 16;

and the condition specified in section 20(1)(*b*) is satisfied, the chief clerk shall notify the parties to the pending proceedings accordingly.

Application for copy court order

4.—(1) Any person who intends to make an application under the Hague Convention in a Contracting State (as defined in section 2) other than the United Kingdom may apply in writing to the chief clerk of a court for a copy of any order of that court relating to the child concerned.

(2) An application under paragraph (1) shall specify—

(*a*) the name and date of birth of the child concerned;

(a) Order 51 Rules 1-5 inserted by S.R. 1986 No. 218 with effect from 1.8.86
(b) Words substituted by S.R. 1988 No. 112 with effect from 4.4.88
(c) 1985 c. 60
(d) Words inserted by S.R. 1995 No. 48 with effect from 20.3.95

(*b*) the date (or approximate date) of the proceedings to which the court order relates and the nature of those proceedings;

(*c*) the Contracting State in which the applications under the Hague Convention is to be made; and

(*d*) the relationship of the applicant to the child concerned.

(3) On receipt of an application under paragraph (1), and upon being satisfied as to the applicant's intention to make an application under the Hague Convention relating to the child concerned, the chief clerk shall send to the applicant a copy of any such order.

(4) The court seal, duly authenticated as provided by Rule 3(2) of Order 56, shall be affixed to a copy order provided under this Rule.

Application for declaration under section 23(2)

5. An application under section 23(2) in custody proceedings (as defined in section 27(1)), for a declaration that the removal from the United Kingdom of the child concerned was unlawful, shall be made by notice in those proceedings under Rule 1 of Order 14.]

[(**a**) PART II

FAMILY LAW ACT 1986

Interpretation

6. In this Part of this Order, unless the context otherwise requires,—

"the Act" means, the Family Law Act 1986(**b**);

"the appropriate court" means, in relation to England and Wales, the High Court and, in relation to Scotland, the Court of Session [(**c**) and in relation to a specified dependent territory, the corresponding court in that territory;]

[(**d**) "the appropriate officer" means, in relation to the High Court in England and Wales, the Secretary of the Principal Registry of the Family Division; in relation to the Court of Session, the Deputy Principal Clerk of Session; and in relation to the appropriate court in a specified dependent territory, the corresponding officer of that court;]

"custody order" means a custody order within the meaning of any of sections 1, 32, 40 and 42(5) and (6) of the Act;

[(**e**) . . .]

"register" means the register kept for the purposes of the Act;

"registration" means registration under Part I of the Act, and registered shall be construed accordingly.

[(**d**) "specified dependent territory" means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991(**f**).]

Application for Recognition and Enforcement of Custody Orders

7.—(1) An application under section 27 of the Act for the registration of a custody order made by a county court shall be made by filing in the office of that court a certified copy of the order, together with a certified copy of any order which has varied any of the terms of the original order and an affidavit by the applicant, and a copy thereof, which shall state—

(*a*) the name and address of the applicant and his interest under the order;

(**a**) Part II inserted by S.R. 1988 No. 112 with effect from 4.4.88
(**b**) 1986 c. 55
(**c**) Words inserted by S.R. 1995 No. 48 with effect from 20.3.95
(**d**) Definitions inserted by S.R. 1995 No. 48 with effect from 20.3.95
(**e**) Definitions deleted by S.R. 1995 No. 48 with effect from 20.3.95
(**f**) S.I. 1991/1723 as amended by S.I. 1994/2800

(*b*) the name and date of birth of the child in respect of whom the order was made, his whereabouts or suspected whereabouts and the name of the person with whom he is alleged to be;

(*c*) the name and address of any other person who is known to the applicant to have an interest under the order and whether it has been served on him;

(*d*) whether the order is to be registered in England and Wales or Scotland [(**a**) or a specified dependent territory or (stating which) in more than one of these;]

(*e*) that, to the best of the applicant's information and belief, the order is in force;

(*f*) whether, and if so where, the order is already registered; and

(*g*) details of any order known to the applicant which affects the child and is in force in the jurisdiction in which the custody order is to be registered,

and there shall be exhibited to the affidavit any document relevant to the application.

(2) Where the documents referred to in paragraph (1) are to be sent to the appropriate court, the chief clerk shall—

(*a*) retain the affidavit in the records of the court and send the copy thereof and the other documents to [(**a**) the appropriate officer] indicating, where the order relates to more than one child, with respect to which child or children it is to be registered, and

(*b*) record the fact of transmission in the records of the court.

(3) On receipt of the notice of the registration of a custody order in the appropriate court the chief clerk shall note the fact of registration in the records of the court.

Refusal to Register

8.—(1) If it appears to the chief clerk that the custody order is no longer in force with respect to a child or more than one child or that a child or more than one child has attained the age of 16, he shall refuse to send the documents referred to in Rule 7(1) to the appropriate court or shall indicate thereon with respect to which child or children the order is not to be registered, and shall within 14 days give notice to the applicant of his refusal or indication and the reason for it.

(2) If the chief clerk refuses to send the documents to the appropriate court, the applicant may apply to [(**b**) the judge] in chambers for an order that the documents be sent to the appropriate court, or that they be sent with respect to a particular child or children.

Revocation or variation of registered order

9.—(1) Where a custody order which is registered in the appropriate court is revoked or varied by a county court, the chief clerk of the court making the subsequent order shall—

(*a*) send a copy of the subsequent order to [(**a**) the appropriate officer] and to the court which made the custody order, if that court is different from the court making the subsequent order, for filing by that court;

(*b*) record the fact of transmission in the records of the court, and

(*c*) retain the subsequent order in the records of the court.

(2) On receipt of notice from the appropriate court of the amendment of its register, the chief clerk of the court which made the custody order and of the court which made the subsequent order if different shall each record the fact of amendment.

(**a**) Words substituted by S.R. 1995 No. 48 with effect from 20.03.95
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

Other proceedings

10. A party to proceedings in a county court for or relating to a custody order who knows of other proceedings (including proceedings out of the jurisdiction and concluded proceedings) which relate, to the child concerned shall file an affidavit which shall state—

(*a*) in which jurisdiction and court the other proceedings were instituted;

(*b*) the nature and current state of such proceedings and the relief claimed or granted;

(*c*) the names of the parties to such proceedings and their relationship to the child; and

(*d*) if applicable, and if known, the reasons why the relief claimed in the proceedings for or relating to the custody order was not claimed in the other proceedings.

Stay of proceedings

11.—(1) Where under section 22(2) of the Act a county court stays proceedings on an application for a custody order it shall cause notice of the stay to be given to the parties to the proceedings.

(2) Where under section 22(3) of the Act a county court removes a stay granted in accordance with section 22(2) it shall cause notice of the removal of the stay to be given to the parties to the proceedings and shall proceed to deal with the application accordingly.]

[(a) PART III

REGISTRATION OF MAINTENANCE ORDERS UNDER PART II OF THE MAINTENANCE AND AFFILIATION ORDERS ACT (NORTHERN IRELAND) 1966

Interpretation

12. In this Part—

"the Act" means the Maintenance and Affiliation Orders Act (Northern Ireland) 1966(**b**);

"maintenance order" has the meaning assigned to it by section 10(2) of the Act.

Application for registration

13.—(1) An application under section 11 of the Act for the registration in a court of summary jurisdiction of a maintenance order made by a county court may be made—

(*a*) on the making of the maintenance order or an order varying the maintenance order; or

(*b*) at any other time by lodging with the chief clerk a certified copy of the maintenance order and an affidavit by the applicant, together with a copy thereof, stating—

(i) the address and occupation of the person liable to make payments under the maintenance order;

(ii) the reason why registration of the maintenance order in a court of summary jurisdiction is desired.

(iii) the amount of any arrears due to the applicant under the maintenance order, the date to which those arrears have been calculated and the date on which the next payment falls due;

(**a**) Part III inserted by S.R. 1989 No. 306 with effect from 01.09.89

(**b**) 1966 c. 35 as amended by Article 42(1) of, and Schedule 2 to, the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 [S.I. 1989/677 (N.I. 4)]

(iv) the date of birth of each child (if any) named in the maintenance order;

(v) that the maintenance order is not already registered under the Act; and

(vi) whether any proceedings are pending for the enforcement of the maintenance order.

(2) The chief clerk on receipt of the certified copy of a maintenance order and accompanying affidavit shall refer the application to [(**a**) the judge] in chambers.

(3) Where the application is granted on the making of the maintenance order or an order varying the maintenance order the applicant shall lodge a statement signed by the applicant or his solicitor, and a copy thereof, giving the address of the person entitled to receive payments under the maintenance order and the particulars mentioned in paragraph (1)(*b*)(i), (iii) and (iv).

(4) The period required to be prescribed for the purpose of section 11(2) of the Act shall be 14 days.

(5) The chief clerk shall send the certified copy of the maintenance order, as required by the said section 11(2), to the clerk of petty sessions acting for the petty sessions district in which the defendant appears to be, indorsed with a note that the application for registration of the maintenance order has been granted and to be accompanied by a copy of the affidavit or statement lodged under paragraph (1) or (3), as the case may be.

(6) On receipt of notice that a maintenance order made by a county court has been registered in a court of summary jurisdiction in accordance with section 11(5) of the Act the chief clerk shall enter particulars of the registration in the court minutes.

Variation or discharge of registered order

14.—(1) Where a county court makes an order varying or discharging a maintenance order registered in a court of summary jurisdiction under Part II of the Act, the chief clerk shall send a certified copy of the first-mentioned order to the clerk of petty sessions concerned.

(2) Where a certified copy of an order varying a maintenance order made by a county court and registered in a court of summary jurisdiction under Part II of the Act is received from the clerk of petty sessions, the chief clerk shall file the copy and enter particulars of the variation in the court minutes.

Cancellation of registration

15. On receipt of notice from a clerk of petty sessions that the registration in a court of summary jurisdiction under Part II of the Act of a maintenance order made by a county court has been cancelled, the chief clerk shall enter particulars of the cancellation in the court minutes.]

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(a) ORDER 52

Miscellaneous Enactments

PART I

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

Notice to insurer

1. The notice of proceedings to be given by a claimant to an insurer (or the giver of a security) under Article 98 of the Road Traffic (Northern Ireland) Order 1981(**b**) shall be in Form 292, with such variations as the circumstances may require.

[(**c**)...]

[(**d**)...]

[(**e**) PART II

MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

Interpretation

3. In this Part—

(*a*) an Article referred to by number means the Article so numbered in the Mental Health (Northern Ireland) Order 1986(**f**) and expressions which are defined in that Order have the same meaning as they have in that Order;

(*b*) "the Order" means the Mental Health (Northern Ireland) Order 1986;

(*c*) "place of residence" means, in relation to a patient who is receiving treatment as an in-patient in a hospital or other institution, that hospital or institution.

(**a**) Order 52 Part I inserted by S.R. 1986 No. 218 with effect from 01.09.86
(**b**) S.I. 1981/226 (N.I. 6)
(**c**) Rule 2(1)-(4) revoked by S.R. 1999 No. 129 with effect from 12.04.99
(**d**) Rule 2(5) revoked by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Part II inserted by S.R. 1988 No. 100 with effect from 01.05.88
(**f**) S.I. 1986/595 (N.I. 4)

Where proceedings may be commenced

4.—(1) Subject to paragraph (2), an application under Part II of the Order shall be made to the court for the division in which the patient's place of residence is situated.

(2) An application under Article 37 for the discharge of an order made under Article 36 (appointment by county court of acting nearest relative) may be made to the court which made the order.

Notice of application under Part II of the Order

5.—(1) Notice of application under Part II of the Order shall be given in Form 299, 301 or 303, as the case may be.

(2) The Notice shall be served on the chief clerk and the respondent not less than [(**a**) 28 days before the date fixed for the hearing] or within such other period as [(**b**) the judge] may direct.

[(**c**)...]

(4) Where an application is made under Part II of the Order by a person other than an officer of the responsible Board, and the Board is not otherwise a respondent to that application, notice of the application shall be served on the Board in accordance with paragraph (2).

Respondents to applications under Part II of the Order

6.—(1) Where an application is made under Article 25(3) (to transfer guardianship to the responsible Board or to some other person) the person having guardianship of the patient shall be the respondent.

(2) Where an application is made under Article 36 (appointment by county court of acting nearest relative) the nearest relative of the patient shall be the respondent unless the application is made on the ground specified in paragraph (3)(*a*) of Article 36 or the court otherwise directs.

(3) Where an application is made under Article 37 (discharge and variation of orders under Article 36) the respondent shall be—

(*a*) in the circumstances specified in paragraph (1)(*a*), (2) or (3) of Article 37, the person who was the respondent to the original application under Article 36;

(*b*) in the circumstances specified in paragraph (1)(*b*) of Article 37, the person having the functions of the nearest relative of the patient by virtue of the order under Article 36.

(4) Without prejudice to paragraphs (1) to (3), the court may direct that any other person, not being the patient, shall be made a respondent to an application under Part II of the Order.

Evidence

7.—(1) On the hearing of an application under Part II of the Order the court may accept as prima facie evidence of the facts stated therein any report made by a medical practitioner and any report made in the course of his official duties by—

(*a*) a probation officer; or

(*b*) an approved social worker.

(**a**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Rule 5(3) revoked by S.R. 1995 No. 151 with effect from 01.09.95

(2) The respondent shall be informed of the substance of any part of the report bearing on his fitness or conduct which [(**a**) the judge] considers to be material to the manner in which the application should be dealt with.

Sitting in chambers

8. Unless [(**a**) the judge] directs otherwise, an application under Part II of the Order shall be heard and determined in chambers.

Power to interview the patient

9.—(1) For the purpose of determining an application under Part II of the Order the judge may interview the patient either in the presence of or separately from the parties and either at the court or elsewhere.

(2) [(**a**) The judge] may direct the [(**b**) district judge] to interview the patient as provided for by paragraph (1) and report to [(**a**) the judge] in writing.]

[(**c**) PART III

SOLICITORS (NORTHERN IRELAND) ORDER 1976

Interpretation

10. In this Part—

"the Order" means the Solicitors (Northern Ireland) Order 1976.

Application in respect of contentious business agreement

11.—(1) An application to the court under Part V of the Order in respect of a contentious business agreement shall be made by notice in Form 314.

(2) An application to the [(**b**) district judge] under Part V of the Order in respect of a contentious business agreement shall be made by notice in Form 315.

(3) The notice under paragraph (1) or (2) shall be served on the respondent and a copy thereof on the chief clerk together with a copy of the contentious business agreement to which the application relates, not less than [(**d**) 28 days before the date fixed for the hearing].

[(**e**)...]

(5) Unless otherwise directed, the application shall be heard and determined in chambers.

(6) An order or determination of the court pursuant to an application made under paragraph (1), or where an application was made under paragraph (2) and the [(**b**) district judge] has required the opinion of the court, shall be in Form 316.

Application for order for taxation under Article 71F of the Order

12.—(1) An application to the court under Article 71F(1) of the Order shall be made by notice in Form 317 and an order upon such application shall be in Form 318.

(2) An application to the [(**b**) district judge] for an order under Article 71F(2) shall be made by notice in Form 319 and an order upon such application shall be in Form 320.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**c**) Part III and IV inserted by S.R. 1989 No. 480 with effect from 01.01.90
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Rule 11(4) revoked by S.R. 1995 No. 151 with effect from 01.09.95

(3) The notice under paragraph (1) or (2) shall be served on the respondent and a copy thereof on the chief clerk together with a copy, if available, of the bill of costs to which the application relates, not less than [(**a**) 28 days before the date fixed for the hearing].

[(**b**)...]

(5) Unless otherwise directed, the application shall be heard and determined in chambers.

PART IV

COPYRIGHT, DESIGNS AND PATENTS ACT 1988:

FORFEITURE ORDERS

Application for forfeiture orders under the Copyright, Designs and Patents Act 1988

13.—(1) [(**c**) An application under section 114, 204, or 231 of the Copyright, Designs and Patents Act 1988 (c.48) or an application under section 97 of the Trade Marks Act 1994 (c. 26) shall be made by Notice in Form 323.]

(2) The applicant shall serve notice of the application on all persons, so far as reasonably ascertainable, having an interest in the copy or other article which is the subject of the application, including any person in whose favour an order could be made in respect of the copy or other article under any of the said sections of the Act of 1988 or [(**c**) under section 97 of the Trade Marks Act 1994], not less than [(**a**) 28 days before the date fixed for the hearing].

(3) The applicant shall file a copy of the Notice of Application in the Office not less than [(**a**) 28 days before the date fixed for the hearing].

[(**b**)...]

[(**d**) (4) Where [(**e**) the judge] makes an order for delivery up, forfeiture or destruction of infringing goods or articles designed or adapted to make such goods the defendant shall pay the costs of complying with the order unless [(**e**) the judge] orders otherwise.

(5) Without prejudice to any other provisions of these Rules, [(**e**) the judge] may, where he finds that an intellectual property right has been infringed, order appropriate measures for the dissemination and publication of the judgment to be made at the expense of the defendant.]

[(**f**) PART V

ACCESS TO HEALTH RECORDS (NORTHERN IRELAND) ORDER 1993

Interpretation

14. In this Part:

"the Order" means the Access to Health Records (Northern Ireland) Order 1993(**g**);

"the Regulations" means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994(**h**);

"the holder of the health record" has the same meaning as in the Order;

"Health professional" has the same meaning as in the Order;

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Rule 12(4) and 13(4) revoked by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words substituted by S.R. 2006 No. 521 with effect from 08.01.07
(**d**) Rule 13(4) and (5) inserted by S.R. 2006 No. 521 with effect from 08.01.07
(**e**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**f**) Part V inserted by S.R. 1995 No. 48 with effect from 30.03.95
(**g**) S.I. 1993/1250 (N.I. 4)
(**h**) S.R. 1994 No. 158

"complaint" means a complaint made in accordance with the Regulations;

"date of complaint" has the same meaning as in the Regulations;

"the report" means a report made in accordance with the Regulations in response to a complaint.

Application under Article 10 of the Order

15.—(1) An application under Article 10 of the Order may be made by notice of application in Form 396 and may be brought:

(*a*) where the holder of the health record is a general practitioner or a health professional, in the county court division in which he practices; or

(*b*) in any other case, in the county court division in which the principal office of the holder of the health record is situated.

(2) An application under the said Article 10 may be brought:

(*a*) where the applicant has received a report in accordance with regulation 5 of the Regulations, within one year of the date of the report;

(*b*) where the applicant has not received such a report, within 18 months of the date of the complaint.

(3) An affidavit shall be lodged in support of the notice of application setting out the steps taken in accordance with the Regulations to secure compliance with any requirement of the Order, and there shall be exhibited to the affidavit:

(*a*) a copy of the application under Article 5 or Article 8 of the Order as appropriate;

(*b*) a copy of the complaint made in accordance with the Regulations;

(*c*) a copy of any report given by the holder of the health record if applicable.

(4) A copy of the said affidavit shall be served on the defendant with the notice of application.]

[(a) PART VI

PROTECTION FROM HARASSMENT (NORTHERN IRELAND) ORDER 1997

Interpretation

16. In this Part "the Order" means the Protection from Harassment (Northern Ireland) Order 1997(**b**).

Division where proceedings may be commenced

17. Proceedings under Article 5 of the Order shall be commenced—

(*a*) in a court for the division in which the plaintiff resides or carries on business; or

(*b*) in a court for the division in which the defendant resides or carries on business.

Warrants of arrest

18. An application for the issue of a warrant for the arrest of the defendant under Article 5(3) of the Order shall—

(*a*) state that it is an application for the issue of a warrant for the arrest of the defendant;

(*b*) set out the grounds for making the application and be supported by an affidavit or evidence on oath;

(**a**) Part VI inserted by S.R. 1999 No. 129 with effect from 12.04.99
(**b**) S.I. 1997/1180 (N.I. 9)

(*c*) state whether the plaintiff has informed the police of the defendant's conduct on which the application is grounded; and

(*d*) state whether, to the plaintiff 's knowledge, criminal proceedings are being pursued.

Form of warrant

19. A warrant of arrest issued in accordance with Article 5(3) of the Order shall be in Form 265A.

Proceedings

20. The court before whom a person is brought following his arrest may—

(*a*) determine whether the facts and the circumstances which led to the arrest amounted to disobedience of the injunction, or

(*b*) adjourn the proceedings and, where such an order is made, the arrested person shall be released and—

(i) may be dealt with within 14 days of the day on which he was arrested; and

(ii) be given not less than 2 days' notice of the adjourned hearing.

Saving

21. This Part shall apply to injunctions granted on or after the date of the commencement of this Part and injunctions granted before that date shall be treated as if this Part had not come into operation.]

[(**a**) PART VII
THE HUMAN RIGHTS ACT 1998

Interpretation

22. In this Part—

"the Act" means the Human Rights Act 1998(**b**);

"appropriate person" has the same meaning as in Section 9(5) of the Act;

"Convention rights" has the same meaning as in section 1 of the Act";

"judicial act" has the same meaning as in section 9(5) of the Act;

"originating process" means a civil bill, petition, notice of application or any other method of commencing proceedings in a county court;

"public authority" has the same meaning as in section 6(3) of the Act.

Commencement of proceedings

23.—(1) Subject to paragraph (2), proceedings under section 7(1)(*a*) of the Act may be brought in a county court in accordance with such provisions as relate to the action or other type of proceeding which it is sought to bring.

(2) Proceedings under section 7(1)(*a*) of the Act in respect of a judicial act may be brought in a county court only by exercising a right of appeal.

Proceedings

24.—(1) A party who intends to rely on a Convention right or rights in proceedings before a county court shall state that fact and shall specify such details as are referred to in paragraph (3)—

(*a*) if he is a plaintiff, petitioner or applicant, in the originating process;

(*b*) if he is an appellant, in the notice of appeal;

(*c*) if he is a defendant or a respondent to a petition, application or appeal, or in any other case, on a notice in Form 397.

(2) A notice in Form 397 shall be delivered to the chief clerk and served on each of the other parties to the proceedings—

(**a**) Part VII inserted by S.R. 2000 No. 282 with effect from 02.10.00
(**b**) 1998 c. 42

(a) at the same time as any notice of intention to defend is so delivered and served; or

(b) in a case where there is no notice of intention to defend, as soon as practicable after notice of the proceedings has been received.

(3) The following shall be specified in accordance with paragraph (1)—

(a) details of the Convention right or rights which it is alleged have been (or would be) infringed and details of the alleged infringement;

(b) the relief sought;

(c) whether the relief sought includes a claim for damages in respect of a judicial act to which section 9(3) of the Act applies;

(d) where the proceedings are brought following a finding by another court or tribunal that a public authority has acted in a way which is made unlawful by section 6(1) of the Act, details of that finding;

(e) where the proceedings relate to a judicial act which is alleged to have infringed a Convention right or rights of a party as provided by section 9 of the Act, details of the judicial act complained of and of the court or tribunal which is alleged to have performed that act.

(4) Paragraph (1) shall not apply to an appellant in any appeal brought to a county court except where such an appellant intends to rely on a Convention right or rights not relied upon by him before the court or tribunal from whose decision the appeal is brought.

Proceedings in respect of judicial act: Notice to appropriate person

25.—(1) Where proceedings under section 7(1)(*a*) of the Act in respect of a judicial act are brought in a county court in accordance with section 9(1)(*a*) of the Act, the Court shall give notice of those proceedings in Form 398 to the appropriate person.

(2) The notice referred to in paragraph (1) shall be given by the Court having had regard to the list of authorised Northern Ireland Departments or authorised Departments of the Government of the United Kingdom published in pursuance of section 17 of the Crown Proceedings Act 1947(**a**).

Proceedings in respect of a judicial act: joinder of appropriate person

26.—(1) Subject to paragraph (3), where notice has been given under Rule 25, the appropriate person shall be joined as a party on giving notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) shall be in Form 399 and—

(*a*) shall be lodged with the chief clerk not later than 21 days, or such other period as the Court may specify, after the date of service of notice under Rule 25;

(*b*) a copy shall be served on each of the parties to the proceedings as soon as practicable thereafter; and

(*c*) where a Minister has nominated a person or a government department under section 9(5) of the Human Rights Act 1998, shall be accompanied by a copy of that nomination in writing.

(3) Where the appropriate person does not give notice within the time allowed by paragraph (2), the Court may direct that the appropriate person be joined as a party to the proceedings.

(**a**) 1947 c. 44 as applied to Northern Ireland by S.I. 1981/233

(4) Where the appropriate person is joined as a party to the proceedings under paragraphs (2) or (3), the Court may give such directions as it considers necessary for the future conduct of the proceedings.]

[(a) PART IX

EXTRADITION ACT 2003

Interpretation

27. In this Part—

(*a*) "the Act" means the Extradition Act 2003;

(*b*) a section referred to by number means the section so numbered in the Act; and

(*c*) expressions which are defined in the Act have the same meaning in this Part as they have in the Act.

Application for live link direction

28.—(1) An application for a live link direction under section 206A of the Act shall be made by giving notice in Form 400.

(2) An application under paragraph (1) shall be made not less than 7 days before the day fixed for the hearing to which the application relates.

(3) The applicant shall serve a copy of the notice under paragraph (1) on—

(a) the chief clerk, and

(b) every other party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 3 days of the date that the notice under paragraph (1) was served on him, notify the applicant and the chief clerk, in writing, of the grounds for the objection.

(5) Except where an objection is received in accordance with paragraph (4), the court may—

(*a*) determine the application in favour of the applicant without a hearing; or

(*b*) direct a hearing.

(6) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (4) of his opposition to the application, the chief clerk shall fix a date for the hearing of the application.

(7) Where a hearing is to take place in accordance with paragraphs (5) or (6), the chief clerk shall notify each party to the proceedings of the time and place of hearing.

(8) A party notified in accordance with paragraph (7) may be present at the hearing and may make representations in respect of the application.

(9) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 401.

(10) The court may if it considers it is in the interest of justice to do so, allow an application required under this rule to be given in a different form, or orally.

Application for rescission of a direction

29.—(1) An application under section 206B of the Act to rescind a live link shall be made in writing and shall give reasons why the direction should be rescinded.

(2) An application under paragraph (1) shall be served on the chief clerk and on each party to the proceedings as soon as reasonably practicable.

(3) Paragraphs (4) to (10) of rule 28 shall apply to an application to rescind a live link direction as they apply to an application for a live link direction.]

(a) Part IX inserted by S.R. 2010 No. 115 with effect from 09.04.10

[(a) ORDER 53

Applications for Declarations under Part V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(b)

PART I

INTERPRETATION

Interpretation

1. In this Order "the Order" means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.

[(c) . . .]

PART III

DECLARATIONS AS TO ADOPTIONS EFFECTED OVERSEAS

Commencement of Proceedings

4.—(1) An application under Article 33 of the Order for a declaration as to an adoption effected overseas shall be commenced by petition in Form 309.

(2) There shall be attached to the petition a copy of the petitioner's birth certificate (if it is available, this should be the certificate made after the adoption referred to in the petition) and a certified copy of the adoption order effected under the law of any country outside the United Kingdom, the Channel Islands and the Isle of Man.

(3) Where a document produced by virtue of paragraph (2) is not in English it shall be accompanied by a translation certified by a notary public or authenticated by affidavit.

5. The following persons shall, if alive, be respondents to the application—

(*a*) those whom the petitioner claims are his adoptive parents for the purposes of Article 40 of the Adoption (Northern Ireland) Order 1987(**d**);

(*b*) those whom the petitioner claims are not his adoptive parents for the purpose of that Article.

(**a**) Order 53 substituted by S.R. 1989 No. 306 with effect from 1.9.89
(**b**) S.I. 1989/677 (N.I. 4)
(**c**) Part II revoked by S.R. 2002 No. 255 with effect from 4.11.02
(**d**) S.I. 1987/2203 (N.I. 22)

PART IV

GENERAL PROVISIONS

Application

6. The provisions of this Part apply to all proceedings whether commenced under [(**a**) . . .] Part III.

Affidavit in support of petition

7.—(1) The petition shall be supported by an affidavit by the petitioner giving particulars of every person whose interest may be effected by the proceedings and his relationship to the petitioner.

Provided that if the petitioner is under the age of 18 the affidavit shall be made by his next friend.

Notice of the petition to be given to the Attorney-General

8.—(1) A copy of the petition and every document accompanying it shall be given by the petitioner to the Crown Solicitor, on behalf of the Attorney-General at least one month before the petition is filed and it shall not be necessary thereafter to serve these documents upon him.

(2) On the petition being filed in accordance with Rule 9, notice of filing shall be given by the petitioner to the Crown Solicitor on behalf of the Attorney-General, who shall notify the chief clerk in writing within fourteen days of such notice if he intends to intervene in the proceedings.

(3) The Attorney-General, in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for and may inspect a copy of any document filed or lodged in the court which relates to any other matrimonial proceedings referred to in the proceedings.

Filing of Petition

9. The petition and accompanying documents shall be submitted to the chief clerk together with copies for service and a copy for the use of the court, and he shall issue the petition by indorsing on it a notice in Form 310 and shall file the original and return the copies for service.

Service of Petition

10. Not less than twenty-eight days before the date fixed for hearing the petitioner shall serve every respondent other than the Attorney-General with a copy of the petition.

Objections

11. A respondent wishing to object to the making of the declaration sought shall, within the time limit specified in Form 310, serve notice or objection in Form 311 on the chief clerk and a copy on every other party to the proceedings, including the Crown Solicitor on behalf of the Attorney-General.

Reply by Attorney-General

12. Where the Attorney-General has given the chief clerk notice of intention to intervene in the proceedings he shall, at least ten days before the dated fixed for

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(**a**) Words deleted by S.R. 2002 No. 255 with effect from 4.11.02

hearing, file a summary of his argument in the court office and shall deliver a copy thereof to all other parties to the proceedings.

Form of declaration

13. [(**a**) . . .]

(2) Declarations made in accordance with Article 33 of the Order shall be in Form 313.]

(**a**) Rule 13(1) revoked by S.R. 2002 No. 255 with effect from 4.11.02

[(a) ORDER 54

Criminal Damage, Criminal Injuries to the Person and Emergency Provisions Compensation Appeals

PART I

INTERPRETATION

Interpretation

1.—(1) In this Order—

"the 1977 Order" means the Criminal Damage (Compensation) (Northern Ireland) Order 1977(**b**);

"the 1988 Order" means the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(**c**);

"the 1978 Act" means the Northern Ireland (Emergency Provisions) Act 1978(**d**);

"the 1991 Act" means the Northern Ireland (Emergency Provisions) Act 1991(**e**).

(2) Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954(**f**), service of any document under this Order may be by registered post or by the first class postal recorded delivery service and, in either case, using the advice of delivery form.

(3) In the application of this Order to an application for compensation under the 1977 Order a reference to a determination includes a reference to a decision or order.

(4) For the purposes of appeals under the 1978 Act:

(*a*) references in this Order and in Forms 373 to 386 to section 63, section 63(2), section 63(3) and section 63(4) of the 1991 Act shall be construed as references to section 28, section 28(2), section 28(4) and section 28(5) of the 1978 Act respectively; and

(*b*) a reference in the Forms to any other provision of the 1991 Act shall be construed as a reference to the corresponding provision in the 1978 Act.

PART II

APPEALS TO THE COUNTY COURT

Lodging of certain appeals to the county court

2.—(1) This rule shall apply to an appeal to the county court under—

(*a*) Article 15 of the 1977 Order;

(*b*) Article 16 of the 1988 Order;

(a) Order 54 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) S.I. 1977/1247 (N.I. 14)
(c) S.I. 1988/793 (N.I. 4)
(d) 1978 c. 5
(e) 1991 c. 24
(f) 1954 c. 33 (N.I.)

(*c*) section 28(4) or (5) of the 1978 Act and for the purposes of appeals under the 1978 Act references in this Order and in Forms 373 to 386 to section 63(3) of the 1991 Act shall be construed as references to section 28(4) of the 1978 Act and references to section 63(4) of the 1991 Act shall be construed as references to section 28(5) of the 1978 Act;

(*d*) section 63(3) or (4) of the 1991 Act.

(2) Subject to any directions under Article 4 of the Order, an appeal shall be heard at the ordinary sittings of the county courts mentioned in paragraph (3) at such times as the Lord Chancellor may appoint in accordance with Article 6 of the Order.

(3) An appeal to which this rule applies shall—

(*a*) in respect of applications for compensation under the 1977 Order, lie to the county court for the division specified in Article 2(3) of the 1977 Order;

(*b*) in respect of applications for compensation under the 1980 Order, lie to the county court for the division in which the criminal injury was sustained; and

(*c*) in respect of applications for compensation under the 1978 Act or the 1991 Act, lie to the county court for the division in which the property taken, occupied, destroyed, damaged or otherwise interfered with is situated or, in the case of moveable property, was situated at the time when the act giving rise to the claim for compensation was committed.

(4) An appeal shall be by notice in one of Forms 324 to 327, 347 or 373 to 375 as appropriate and the appellant shall serve a copy on the Secretary of State at the address of the department dealing with the application for compensation.

(5) The appellant shall lodge the appeal by delivering the notice to the chief clerk at his office duly endorsed as to service and attach to it—

(*a*) any certificate of posting;

(*b*) a copy of any notice of determination served on the appellant under Article 15(1) of the 1977 Order, Article 12(1) or (2) of the 1988 Order or section 63(3) or (4) of the 1991 Act as appropriate endorsed with a certificate as to the date of service of the notice on him;

(*c*) a copy of any written notice of intention to apply for compensation served on the Secretary of State in accordance with Article 7(1) of the 1977 Order or Article 5(4)(*b*) of the 1988 Order; and

(*d*) a copy of any written form of application for compensation made under Article 8 of the 1977 Order, Article 4 of the 1988 Order or section 63(2) of the 1991 Act.

(6) The notice shall state whether the appeal is against the entire determination or only against so much thereof as the appellant disputes and in every case the grounds of appeal.

(7) Nothing in this rule shall prevent the court from considering other items specified in the determination or from considering grounds of appeal not referred to in the notice.

(8) The appellant shall request the chief clerk to enter the appeal for hearing by delivering to the chief clerk at his office a certificate of readiness in Form 346 and the appellant shall serve a copy on the Secretary of State at the address of the department dealing with the application for compensation.

(9) Upon receipt of a certificate of readiness the chief clerk shall enter the appeal for hearing [(**a**) . . .], and shall cause notice of such hearing to be given to the parties.

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

(10) Without prejudice to paragraph (7), the chief clerk may enter an appeal for hearing and shall cause notice of such hearing to be given to the parties notwithstanding that a certificate of readiness has not been delivered by the appellant.

(11) A certificate for the purposes of section 25 of the Crown Proceedings Act 1947(**a**) of an order allowing an appeal under Article 15 of the 1977 Order, Article 16 of the 1988 Order or section 63 of the 1991 Act shall be in one of Forms 328 to 331, 348 or 376 to 377 as appropriate and an order dismissing such appeal shall be in one of Forms 332 to 334, 349 or 378 to 381 as appropriate.

Payment into court

3.—(1) This rule shall apply to a payment into court made by virtue of—

(*a*) Article 15(3) of the 1977 Order; or

(*b*) Article 16(3) of the 1988 Order; or

(*c*) paragraph (2) of this rule.

(2) The Secretary of State may make a payment into court in accordance with this rule in respect of a claim to compensation made under section 63 of the 1991 Act.

(3) Payment into court by the Secretary of State may be made at any lime within 21 days from service of the copy of the notice of appeal upon him by lodging in court—

(a) such sum of money as the Secretary of State thinks sufficient to satisfy so much of the appellant's claim to compensation under Article 3 of the 1977 Order, Article 3 of the 1988 Order or section 63 of the 1991 Act as is in dispute and hence the subject of the appeal;

(b) such sum of money as the Secretary of State thinks sufficient in respect of the costs and expenses incurred by the appellant in making out and verifying his claim to compensation;

(c) a written undertaking to pay to the appellant any costs or expenses reasonably incurred by him between the date on which the Secretary of State served on him his determination and the date of lodgment.

(4) Notice to the appellant in Form 335, 350 or 382 as appropriate of payment into court by the Secretary of State shall be given at the time of such lodgment.

(5) Money shall be paid into court by lodging it in the County Court Bank to the credit of the Criminal Injuries Account in accordance with Order 45 Part I, and where any money is lodged a copy of the notice sent to the appellant under paragraph (4) shall be lodged with the chief clerk and a copy shall also be lodged with the bank, such last-mentioned copy being headed with the additional words "Criminal Injuries Account".

(6) Money paid into court shall remain in court subject to further order unless the appellant elects to take it out as provided by this rule.

(7) The appellant may, either before the expiration of a period of 21 days commencing on the date of service upon him of the notice in Form 335, 350 or 382 as appropriate or before the commencement of the sittings at which the appeal is to be heard, whichever first occurs, or subsequently with the consent of the Secretary of State, sign and serve on the Secretary of State and lodge with the chief clerk a notice in Form 336, 351 or 383 as appropriate accepting the amount in satisfaction of his claim.

(8) Subject to paragraph (11), where the money is accepted by the appellant under paragraph (7) all further proceedings in the appeal by the appellant shall be stayed and the money paid into court shall be paid out to the appellant without the

(**a**) 1947 c. 44

necessity of any decree or order of the court and the Secretary of State shall not be liable to any further costs other than those payable under the undertaking referred to in paragraph (3)(*c*).

(9) Where the costs and expenses referred to in paragraph (3)(*c*) are not agreed between the Secretary of State and the appellant, they shall be settled by the district judge subject to an appeal to [(**a**) the judge], notice of which appeal shall be served on the Secretary of State and the district judge not more than 2 days after the costs are so settled.

(10) The Secretary of State shall, within 14 days from the day on which the parties agree on the sum due under the undertaking referred to in paragraph (3)(c) or on which the sum is settled by the district judge or, as the case may be, determined by [(**a**) the judge], pay that sum to the appellant.

(11) Where notice of acceptance under paragraph (7) is served by, or on behalf of, an appellant under a legal disability—

(*a*) the money paid into court shall not be paid out without an order of [(**a**) the judge];

(*b*) a notice of intention to apply to [(**a**) the judge] for approval of such acceptance shall also be served on the Secretary of State and lodged in the office of the chief clerk;

(*c*) the application to [(**a**) the judge] shall be made at the time the appeal would, if no notice of acceptance had been served, have been heard by [(**a**) the judge]; and

(*d*) the appellant shall be entitled to his costs of the application unless [(**a**) the judge] otherwise directs.

(12) An order approving acceptance by a person under a disability in satisfaction of a sum lodged by the Secretary of State shall be in Form 337, 352 or 384 as appropriate.

Costs where payment into court by Secretary of State not accepted

4.—(1) Where money has been paid into court by the Secretary of State in accordance with this Order and the appellant does not serve notice of acceptance in accordance with Rule 3(7) and does not on appeal obtain an order for the recovery, in relation to such items in the decision or determination of the Secretary of State as are the subject of the appeal, of an amount of compensation or, where appropriate, any sum payable in respect of the amount payable in accordance with rule 3(3)(*b*) greater than the amount paid into court, then, where the appellant is not under a legal disability, he shall not be entitled to any costs against the Secretary of State and shall be liable for the costs of the Secretary of State in such amount as the court may determine.

(2) Where the Secretary of State becomes entitled to costs under this rule such costs shall be paid to him out of the money paid into court before any payment out of the said money is made to the appellant.

*Payment into court not to be communicated to [(**a**) the judge]*

5. Where money has been paid into court in accordance with this Order that fact shall not be communicated to [(**a**) the judge] before the determination of the appeal.

Form of order where notice of acceptance not served

6. Where money has been paid into court by the Secretary of' State and the appellant does not serve notice of acceptance in accordance with Rule 3(7), an order made on the appeal shall be in one of Forms 328, 338, 339, 353, 354, 355, 385 or 386 as appropriate.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

Lodgment and payment out

7. All monies paid into the Criminal Injuries Account in the County Court Bank to be paid out under this Order shall be paid out by cheque signed by the chief clerk and drawn on the said account.

Applications to the court for an order directing offender to reimburse to the Secretary of State whole or part of compensation paid under the 1977 Order or the 1988 Order

8.—(1) An application by the Secretary of State for an order of reimbursement under Article 16 of the 1977 Order or Article 17 of the 1988 Order may be made by notice in Form 340 or 364 as appropriate at any time after the conviction of the offender and may be heard in respect of a claim for compensation under the 1977 Order at any ordinary sitting of the court for the division specified in Article 2(3) of the 1977 Order or in respect of a claim for compensation under the 1988 Order at any ordinary sitting of the court for the division in which the criminal injury was sustained.

(2) Except as provided by paragraph (4), such notice shall be served on the offender and a copy on the chief clerk not less than 15 days before the day appointed for the commencement of the sitting at which the application is to be heard.

(3) Upon receipt of such copy the chief clerk shall enter the application for hearing.

(4) Where on appeal to a county court an offender's conviction of an offence to which a criminal injury or criminal damage to property is directly attributable is affirmed, an application under Article 16(1) of the 1977 Order or Article 17(1) of the 1988 Order for the reimbursement of compensation may be made by the Secretary of State at the time of its affirmation, by furnishing the offender forthwith with a copy of the application made to the court.

(5) An order for reimbursement under Article 16(1) of the 1977 Order shall be in Form 341 and an order for reimbursement under Article 17(1) of the 1988 Order shall be in Form 365.

Applications to vary orders for reimbursement

9.—(1) An application under Article 16(4) of the 1977 Order or Article 17(4) of the 1988 Order by the Secretary of State or by an offender for the variation of an order for reimbursement shall be in Form 342 or 366 as appropriate and such application shall be served on the respondent and a copy served on the chief clerk within the same period as is specified in Rule 8(2) and shall be entered for hearing in the same manner as is provided by Rule 8(3).

(2) An order under Article 16(4) of the 1977 Order or Article 17(4) of the 1988 Order shall be in Form 343 or 367 as appropriate.

Applications to the court for an order requiring victim to reimburse to the Secretary of State whole or part of compensation

10.—(1) An application by the Secretary of State for an order of reimbursement under Article 17(4) of the 1977 Order or Article 18(4) of the 1988 Order may be made by notice in Form 340 or 371 as appropriate and may be heard at any ordinary sitting of the court for the division in which the criminal injury was sustained or the damaged property or any part of it is situated.

(2) Such notice shall be served on the person to whom the compensation has been paid and a copy on the chief clerk not less than 15 days before the day appointed for the commencement of the sitting at which the application is to be heard.

(3) Upon receipt of such copy the chief clerk shall enter the application for hearing.

(4) An order for reimbursement under Article 17(4) of the 1977 Order or Article 18(4) of the 1988 Order shall be in Form 341 or 372 as appropriate.

Application of Order 28 to payment into court under Article 12(3) or 14(1)(ii) of the 1977 Order

11. The provisions of Order 28 (Payment into court by Trustees) shall apply to payment into court under Article 12(3) or Article 14(1)(ii) of the 1977 Order with the following modifications—

(*a*) in Rule 1(1) the reference to section 63 of the Trustee Act (Northern Ireland) 1958(a) shall be construed as a reference to Article 12(3) or Article 14(1)(ii) of the 1977 Order and Form 132 (Affidavit on Payment into Court under section 63 of the Trustee Act (Northern Ireland) 1958) may be modified as may be necessary;

(*b*) in Rule 1(5) for the reference to Form 133 there shall be substituted a reference to Form 344; and

(*c*) in Rule 1(6) for the reference to Form 134 there shall be substituted a reference to Form 345.

Application of Order 28 to payment into court under Article 21(1) of the 1988 Order

12. The provisions of Order 28 (Payment into court by Trustees) shall apply to payment into court under Article 21(1) of the 1988 Order with the following modifications—

(*a*) in Rule 1(1) the reference to section 63 of the Trustee Act (Northern Ireland) 1958(a) shall be construed as a reference to the said Article 21(1) and Form 132 (Affidavit on Payment into Court under section 63 of the Trustee Act (Northern Ireland) 1958) may be modified as may be necessary;

(*b*) in Rule 1(5) for the reference to Form 133 there shall be substituted a reference to Form 368; and

(*c*) in Rule 1(6) for the reference to Form 134 there shall be substituted a reference to Form 369.

Application of Order 28 to payment into court by Secretary of State in respect of a claim under the 1991 Act

13.—(1) Where compensation is payable under an award by the county court on appeal under section 63(4) of the 1991 Act by the respondent under section 63 of the 1991 Act and—

(i) the respondent receives notice that by virtue of any assignment or operation of law the rights of the appellant have passed to another person;

(ii) the appellant is under a disability or out of the United Kingdom; or

(iii) the address of the person entitled to compensation cannot be ascertained without undue expense or delay,

the respondent may pay the compensation into court.

(2) The provisions of Order 28 shall apply to payment into court under paragraph (1) with the following modifications—

(a) 1958 c. 23 (N.I.)

(*a*) in Rule 1(1) the reference to section 63 of the Trustee Act (Northern Ireland) 1958(**a**) shall be construed as a reference to paragraph (1) and Form 132 (affidavit on payment into court under section 63 of the Trustee Act (Northern Ireland) 1958) may be modified as necessary;

(*b*) in Rule 1(5) for the reference to Form 133 there shall be substituted a reference to Form 387; and

(*c*) in Rule 1(6) for the reference to Form 134 there shall be substituted a reference to Form 388.

Notice of evidence in appeals under the 1988 Order

14.—(1) Notice specifying any new matter in respect of which the appellant is to adduce evidence in accordance with Article 16(4)(*b*) of the 1988 Order shall be in Form 370 and shall be served on the Secretary of State not less than 7 days before the day on which the appeal is to be heard.

(2) Where the Secretary of State intends at the hearing of the appeal to adduce evidence of any matter relevant to Article 5(9) or Article 6(1)(*b*) of the 1988 Order, such evidence shall not be admitted at the hearing of the appeal unless—

(*a*) the Secretary of State, not less than 7 days before the day on which the appeal is to be heard, serves on the appellant written notice specifying particulars of that evidence, including a list of any convictions which he intends to adduce in evidence; or

(*b*) the appellant consents to that evidence being adduced; or

(*c*) the court gives leave for that evidence to be adduced.

Provided that where the Secretary of State fails to comply with the requirements of sub-paragraph (*a*) [(**b**) the judge] may adjourn the appeal in order to allow the required notice to be served on the appellant and any costs occasioned by any such adjournment shall be in the discretion of [(**b**) the judge].

Applications under Article 14 of the 1988 Order

15.—(1) Order 44 shall apply to compensation awarded under the 1988 Order as if the amount determined as payable to the person under a disability by the Secretary of State had been damages agreed to be paid in proceedings in the county court.

(2) An application under Article 14 of the 1988 Order shall be made to the court by which an appeal would have been beard under Rule 2(3)(*b*) had there been an appeal against the determination.

(3) Notice of application under Article 14 of the 1988 Order shall be in Form 356 and shall—

(*a*) be served on the Secretary of State; and

(*b*) be lodged in the office of the chief clerk duly endorsed as to service together with any certificate of posting.

(4) An order approving a determination by the Secretary of State under Article 14(2)(*a*) of the 1988 Order shall be in Form 357 and an order under Article 14(2)(*b*) of the 1988 Order shall be in Form 358.

Applications under Article 16(6) or Article 15 of the 1988 Order

16.—(1) The provisions of Rule 1 of Order 14 with any necessary modifications shall apply to an application under Article 16(6) of the 1988 Order (applications to extend time for making or serving any report, notice or application referred to in

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(**a**) 1958 c. 23 (N.I.)
(**b**) Words amended by S.R. 2013 No.19 with effect from 25.02.13

Article 5(4), 5(5)(*a*) or 11(1)) or under Article 15 of the 1988 Order (applications for declaration as to delay in determining compensation) as if it were an interlocutory application in the course of an action or matter.

(2) Any such application shall be made to the county court for the division in which the criminal injury was sustained.

(3) Notice of an application under Article 16(6) of the 1988 Order shall be in Form 359.

(4) An order made on an application under Article 16(6) of the 1988 Order shall be endorsed on the notice and an order dismissing the application shall be in Form 360.

(5) Notice of an application under Article 15 of the 1988 Order shall be in Form 361 and a declaration under that Article shall be in Form 362 and endorsed on the notice.

(6) An order dismissing an application for a declaration under Article 15 of the 1988 Order shall be in Form 363.

(7) A notice of application to which this rule applies shall be lodged in the office of the chief clerk and a copy thereof shall be served on the solicitor for the Secretary of State.

(8) The notice lodged in the office shall be duly endorsed as to service and accompanied by any certificate of posting.]

ORDER 55

Costs

Decrees to carry costs

1. A decree granted by a county court shall, except as otherwise provided by any statute or rule, carry such costs as are provided by this Order.

Scales of costs

2.—(1) Subject to Rule 7(2), in all actions, suits and matters and other proceedings [(**a**)...] there shall be payable—

(*a*) to counsel and solicitors, costs according to the scales set out in Appendix 2 and subject to the provisions hereinafter in this Order specified;

(*b*) to or in respect of witnesses, fees and expenses subject to the provisions hereinafter in rule 6 specified.

[(**b**)(1A) The costs awarded to solicitors and counsel in an appeal—

(*a*) under Article 15 of the 1977 Order shall be in accordance with Table 3 of Part VII of Appendix 2;

(*b*) under Article 16 of the 1988 Order shall be in accordance with Table 4 of Part VII of Appendix 2; and

(*c*) under section 28(5) of the 1978 Act or section 63(4) of the 1991 Act shall be in accordance with Table 5 of Part VII of Appendix 2.]

[(**a**)...]

[(**c**) *Enhanced costs where solicitor conducts trial or hearing*

2A.—(1) Where a solicitor conducts a trial or hearing without counsel he shall be entitled to an enhancement of his costs in addition to the scale costs set out in Appendix 2.

(2) The amount of any enhancement under this rule shall be 50 per cent of the scale fee in Appendix 2 to which counsel, if conducting the trial or hearing, would have been entitled.]

Party and party costs

3.—(1) The above-mentioned costs, fees and expenses together with all court and service fees shall be payable between party and party.

(2) Where in any proceedings a decree is given for the plaintiff against one or more but not all the defendants, [(**d**) the judge or district judge as the case may be] may in his discretion either—

(*a*) order the unsuccessful defendant or defendants to pay the costs of the successful defendant or defendants; or

(*b*) order the plaintiff to pay the costs of the successful defendant or defendants and add those costs to the costs which the unsuccessful defendant is ordered to pay to the plaintiff;

and an order under sub-paragraph (*b*) shall be in Form 263.

(**a**) Words deleted by S.R. 1993 No. 322 with effect from 01.09.93
(**b**) Rule 1A inserted by S.R. 1992 No. 248 with effect from 01.07.92
(**c**) Rule 2A substituted by S.R. 1993 No. 322 with effect from 01.09.93
(**d**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(**a**) *Value added tax*

4. In addition to the costs, fees and expenses referred to in rule 2 a successful party may, as between party and party, recover a sum equivalent to the value added tax at the appropriate rate on so much of the amount of those costs, fees and expenses as were incurred in respect of any taxable supply of goods or services within the meaning of the Value Added Tax Act 1983(**b**); but only insofar as the tax is not deductible as input tax by the successful party.]

[(**c**) *Solicitor and client costs*

5. As between solicitor and client a solicitor shall be entitled to make such reasonable charges as are appropriate to work in the county court and in relation to remitted actions to work in both the High Court and county court having regard to the nature and importance of the case to his client, the time spent, and the amount of money of the property involved, after giving credit to the client for any party and party costs actually received by the solicitor. In preparing his bill the solicitor shall take into account the relevant county court scales, both on amount awarded and on amount claimed, having regard to the degree of responsibility necessarily assumed by him in the interest of his client.]

[(**d**) *Taxation of costs pursuant to an order under Part V of the Solicitors (Northern Ireland) Order 1976*

5A.—(1) Where the court or [(**e**) district judge] has made an order for taxation under Part V of the Solicitors (Northern Ireland) Order 1976 the solicitor whose bill of costs, or who was a party to the contentious business agreement to which the order relates shall within two months of the service of the order lodge in the Office:-

(*a*) a copy of the order;

(*b*) his bill of costs or the contentious business agreement as the case may be, together with copies for service;

(*c*) all necessary papers and vouchers.

(2) On receipt of the documents mentioned in paragraph (1) the chief clerk shall send a copy of the bill or agreement as the case may be to any other party entitled to be heard on the taxation and shall give to all parties not less than 14 days notice in Form 321 of the day and time fixed for the taxation.

(3) The [(**e**) district judge] shall tax the costs payable under the bill or agreement and at the conclusion of the taxation proceedings shall issue a certificate in Form 322 of the costs allowed by him.

(4) In this rule "other party entitled to be heard on the taxation" means—

(a) a person who was a party to the contentious business agreement or to whom the bill of costs was addressed;

(b) a person, or the representative of a person, liable to pay or whose property will be chargeable with the amount due on taxation.

(**a**) Rule 4 substituted by S.R. 1985 No. 31 with effect from 25.03.85
(**b**) 1983 c. 55
(**c**) Rule 5 substituted by S.R. 1982 No. 120 with effect from 01.06.82
(**d**) Rule 5A and 5B inserted by S.R. 1989 No. 480 with effect from 01.01.90
(**e**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

5B.—(1) Any party to a taxation under Rule 5A who is dissatisfied with the decision of the [(**a**) district judge] may within 14 days after the taxation request the [(**a**) district judge] to review his decision.

(2) A request under paragraph (1) shall be made in writing specifying the item or items objected to and the nature and grounds of the objection and the party making the request shall serve a copy on each other party to the taxation.

(3) On the making of a request under paragraph (1) the [(**a**) district judge] shall review his decision as to the item or items objected to and shall notify each party of his decision on the review and of his reasons for it.

(4) Any party who is dissatisfied with the [(**a**) district judge's] decision on the review may within 14 days apply to [(**b**) the judge] to review the taxation as to the item or items to which the decision relates.

(5) An application for a review under paragraph (4) shall be made on notice stating the nature and grounds of the applicant's objection to the district judge's decision.

(6) Unless [(**b**) the judge] otherwise directs, no further evidence shall be received on the hearing of an application under paragraph (4), and no ground of objection shall be raised which has not been raised in the applicant's notice.

(7) On an application under this rule [(**b**) the judge] may make such order as the circumstances require and in particular may order the [(**a**) district judge's] certificate of the taxation to be amended or, except where the dispute as to the item under review is as to amount only, order the item to be remitted to the [(**a**) district judge] for re-taxation.]

Witnesses' fees and expenses

6. Without prejudice to any discretion exercisable by the Taxing Master of the Court of Judicature under the Solicitors (Northern Ireland) Order 1976(**c**) there may be allowed to or in respect of witnesses such fees and expenses as [(**b**) the judge or district judge as the case may be] shall in his discretion think just.

Exercise of discretion in respect of costs

7.—(1) In any suit or proceedings for which no scale of costs is prescribed, the amount of costs shall be in the discretion of [(**b**) the judge or district judge as the case may be].

(2) Where, in any suit or proceedings for which a scale of costs is prescribed, [(**b**) the judge or district judge as the case may be] is satisfied that any party has unreasonably and for the primary purpose of increasing his costs included in his claim an amount in respect of any undisputed loss or damage, [(**b**) the judge or district judge as the case may be] may reduce the amount of costs payable to that party by such amount as he shall think fit.

[(**d**) (3) The costs awarded on any application under Article 14 of the 1988 Order shall be in the discretion of [(**b**) the judge or district judge as the case may be].

(4) The costs awarded on an application under—

(*a*) Article 7(3), 8(1), 16(1) or 16(4) of the 1977 Order;

(*b*) Article 15, 16(6), 17 or 18(4) of the 1988 Order;

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) S.I. 1976/582 (N.I. 12)
(**d**) Paragraphs inserted by S.R. 1992 No. 248 with effect from 01.07.92

(c) section 28(4) of the 1978 Act or section 63(3) of the 1991 Act,

shall be in the discretion of [(**a**) the judge or district judge as the case may be] both as to incidence and amount.

(5) In this Order—

"the 1977 Order" means the Criminal Damage (Compensation) (Northern Ireland) Order 1977(**b**);

"the 1978 Act" means the Northern Ireland (Emergency Provisions) Act 1978(**c**);

"the 1988 Order" means the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(**d**);

"the 1991 Act" means the Northern Ireland (Emergency Provisions) Act 1991(**e**).];

Exercise of discretion in absence of party

8. Any discretion exercisable by [(**a**) the judges] as to the amount to be allowed for any fees or costs may be exercised notwithstanding that the party liable to pay such fees or costs is not present or represented.

Taxation of costs

9. [(**f**)...]

(2) In taxing costs incurred in the High Court in any suit or action previous to the remittal thereof to the county court. or during the progress thereof, the [(**g**) district judge] shall tax those costs when required by [(**a**) the judge] according to the costs and fees payable in the High Court, subject to revision by [(**a**) the judge].

(3) In any taxation of costs, whenever items appear for disbursement, they shall be vouched in such manner as the taxing officer considers, proper, subject to the decision of [(**a**) the judge] appealed to.

(4) With respect to any costs and allowances which are discretionary, the officer on taxation shall take into consideration the amount or value of the subject matter of the suit and the general nature and circumstances of the particular case as well as the work actually done.

(5) In addition to the amount of costs allowed to a party on taxation in respect of the supply of goods or services on which value added tax is chargeable, there may be allowed as a disbursement a sum equivalent to value added tax at the appropriate rate on that amount in so far as the tax is not deductible as input tax by that party.

(6) Where any party seeks to have the taxation of costs reviewed by [(**a**) the judge], he shall serve on the [(**g**) district judge] notice of the items to which he objects.

Counterclaim

10.—(1) Where both claim and counterclaim are dismissed, as between party and party each decree shall carry costs on the scale of a defendant's costs of a dismiss on the amount claimed. Provided that [(**a**) the judge or district judge as the case may be] may direct that one decree, only shall issue for the difference, if any, between the costs of the parties, or if such costs are of the same amount that no decree shall issue.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**b**) S.I. 1977 No. 1247 (N.I. 14)
(**c**) 1978 c. 5
(**d**) S.I. 1988 No. 793 (N.I. 4)
(**e**) 1991 c. 24
(**f**) Rule 9(1) revoked by S.R. 2002 No. 412 with effect from 03.03.03
(**g**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

(2) Where both the claim and the counterclaim are established, then, subject to paragraph (3) hereof, as between party and party each decree shall carry costs on the scale appropriate to the amount decreed.

(3) Where both the claim and the counterclaim are established and a balance is decreed in accordance with rule 8(1) of Order 25 then, in the absence of any special order by [(**a**) the judge or district judge as the case may be] under paragraph (2) of such rule, the costs as between the parties shall be in accordance with the scale appropriate to such balance as decreed.

(4) Where a plaintiff succeeds on his claim and a counterclaim against him is dismissed, or where a defendant succeeds on his counterclaim and the claim against him is dismissed, [(**a**) the judge or district judge as the case may be] shall upon application at the hearing decide what proportion (if any) of the scale costs appropriate to a dismiss on the amount claimed in the unsuccessful suit shall be payable to the successful party by way of additional costs occasioned by the defence of the other party's claim, and such costs (if any) shall be added to the scale costs on the amount decreed.

(5) As between solicitor and client, subject to rule 5 of this Order, the solicitor shall be entitled to such additional costs as are appropriate to any additional work or responsibility occasioned by the prosecution or the defence of the counterclaim; but he shall not be entitled to additional costs on the counterclaim in respect of any item common to both claim and counterclaim.

(6) In this Rule the expression "costs" includes any witnesses' expenses allowed by [(**a**) the judge or district judge as the case may be].

[(**b**) **11**.—(1) This rule only applies where the plaintiff's cause of action (or if there is more than one cause of action the principal cause of action):

(*a*) related to contracts for works of building or engineering construction, contracts of engagement of architects, engineers or quantity surveyors, the sale of goods, insurance, banking, the export or import of merchandise, shipping or other mercantile matters, agency, bailment, carriage of goods, professional or clinical negligence or title to land;

(*b*) claimed assault, battery, wrongful arrest or false imprisonment and where a named defendant is the Ministry of Defence, Chief Constable of the Police Service of Northern Ireland or Head of the Northern Ireland Prison Service; [(**c**)...]

[(**d**) (ba) claimed diffuse mesothelioma or any asbestosis related disease; or]

(*c*) was brought under:

(i) Part IV of the Sex Discrimination (Northern Ireland) Order 1976(**e**);

(ii) Part III of the Race Relations (Northern Ireland) Order 1997(**f**);

(iii) Part IV of the Fair Employment and Treatment (Northern Ireland) Order 1998(**g**);

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13
(**b**) Rule 11 inserted by S.R. 2002 No. 412 with effect from 3.3.03
(**c**) Word omitted by S.R. 2013 No. 19 with effect from 25.2.13
(**d**) Sub-paragraph inserted by S.R. 2013 No. 19 with effect from 25.2.13
(**e**) S.I. 1976/1042 (N.I. 5)
(**f**) S.I. 1997/869 (N.I. 6)
(**g**) S.I. 1998/3162 (N.I. 21)

(iv) Part III of the Disability Discrimination Act 1995(**a**);

(v) section 76 of the Northern Ireland Act 1998(**b**);

[(**c**) (vi) regulations 24 or 25 of the Employment Equality (Age) Regulations (Northern Ireland) 2006(**d**); [(**e**)...]

(vii) regulations 5 to 17 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006(**f**)];

[(**g**) (viii) the Consumer Credit Act 1974; or

(ix) the Special Educational Needs and Disability (Northern Ireland) Order 2005.]

(2) Subject to paragraph (4) where, at the conclusion of a cause of action to which this rule applies, [(**h**) the judge or district judge as the case may be] is satisfied that the issues in the case were of particular complexity, he may order that the parties receive an enhancement of their costs in addition to the scale costs set out in Appendix 2.

(3) The amount of any enhancement under this rule shall be one-third of the scale fee in Appendix 2 to which the parties are entitled.

[(**i**)...]

Costs of party appearing in person

12. The amount of any costs awarded to a party other that a solicitor appearing in person in accordance with section 1 of the Litigants in Person (Costs and Expenses) Act 1975(**j**) shall be such as may be determined by [(**h**) the judge or district judge as the case may be].

Additional services

13. Where it is necessary to serve more than one copy of a civil bill or other document initiating proceedings there shall be payable for each copy after the first a further sum of [(**k**) £1.00].

Costs in undefended cases

[(**l**) **14.**—(1) Where a defendant pays the amount due or delivers up possession, as the case may be, within 21 days from service of the civil bill and also within that period pays 50% of the solicitor's costs in column 2 of [(**m**) Table 2] of Part I or of Table 1 of Part III of Appendix 2 as appropriate, together with all of the plaintiff's outlay including counsel's fee (if any) properly incurred to the date of settlement he shall not be liable for any further costs.

(2) The costs awarded to a solicitor where he enters judgment on behalf of a plaintiff in accordance with Order 12 Rule 1 shall be the scale fee in accordance with [(**m**) Table 2] in Part I of Appendix 2.

(**a**) 1995 c. 50
(**b**) 1998 c. 47
(**c**) Sub-paragraphs (vi) and (vii) inserted by S.R. 2007 No. 500 with effect from 07.01.08
(**d**) S.R. 2006 No. 261
(**e**) Word omitted by S.R. 2013 No. 19 with effect from 25.02.13
(**f**) S.R. 2006 No. 439
(**g**) Sub-paragraph inserted by S.R. 2013 No. 19 with effect from 25.02.13
(**h**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**i**) Paragraphs 4 & 5 of rule 11 omitted by S.R. 2013 No. 19 with effect from 25.02.13
(**j**) 1975 c. 47
(**k**) Figure substituted by S.R. 1999 No. 464 with effect from 06.12.99
(**l**) Rule 14 substituted by S.R. 1995 No. 282 with effect from 01.09.95
(**m**) Words substituted by S.R. 2006 No. 521 with effect from 08.01.07

[(**a**) (3) Subject to paragraphs (4), (5) and (6) where judgment is entered on behalf of a plaintiff in accordance with Order 12, rule 2 and damages are assessed under Order 12, rule 13 or 16 the costs awarded to a solicitor or counsel shall be 50% of the scale fee payable under the relevant Table (as determined by the cause of action) in Appendix 2.

(4) Costs shall only be awarded to counsel in accordance with paragraph (3) if [(**b**) the judge or district judge as the case may be] has certified that it was necessary to instruct counsel in that case.

(5) Notwithstanding paragraph (3), the amount of 50% of the scale fee prescribed by paragraph (3) (being the costs payable to a solicitor and, if allowed, to counsel where judgment is entered on behalf of a plaintiff in accordance with Order 12, rule 2 and damages are assessed under Order 12, rules 13 or 16) may be increased at the discretion of the judge or district judge.

(6) Notwithstanding paragraphs (3) to (5), in any case whether commenced by civil bill or on petition, where the approval of [(**b**) the judge or district judge as the case may be] is required under Order 44, rule 1(1)(*a*), the costs payable to a solicitor and counsel shall be the full scale fee allowable under Appendix 2, Part 1.]

Lands not separately rated

15. In any proceedings for recovery of possession of lands not separately valued for rating [(**b**) the judge] may make any apportionments of valuation necessary for the determination of the costs applicable.

Fee for preparation of brief

16. The solicitor's remuneration provided by the scales in Appendix 2 include a fee for the preparation of a brief to counsel (if any).

[(**c**) *Services fee for postal service*

17. Where service of a civil bill or other document has been effected by post under Rule 3(2)(*a*) of Order 6, the solicitor shall be entitled to a fee inclusive of outlay in lieu of the fees payable to process servers as follows—

(*a*) £2.78 as from 25 February 2013; or

(*b*) £2.84 as from 25 February 2014.]

Injunctions claimed other than in equity proceedings

18. In proceedings where an injunction is claimed under Article 13 of the Order, not being proceedings within the equity jurisdiction, the costs in relation to the hearing of the claim for an injunction shall be in the discretion of [(**b**) the judge or district judge as the case may be], both as to incidence and amount.

*Proceedings in which the amount awarded does not exceed [(**d**) "certain limits"]*

[(**e**) **19**.—(1) In any proceedings before a [(**b**) judge], other than an appeal under the 1977 Order, the 1988 Order, the 1978 Act or the 1991 Act, if the award by [(**b**) the judge] does not exceed—

(*a*) [(**f**) £10,000], only two-thirds of the amount of the scale costs shall be allowed, unless [(**b**) the judge] otherwise orders; or

(*b*) [(**g**) £3,000], no costs, save those which would be awarded under Order 26, Rules 43 to 46, shall be allowed if [(**b**) the judge] is satisfied that the proceedings should have been brought under Article 30(3) of the Order.

(**a**) Paragraphs 3-6 inserted by S.R. 2002 No. 412 with effect from 03.03.03
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Rule 17 substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words substituted by S.R. 1993 No. 322 with effect from 01.09.93
(**e**) Rule 19 substituted by S.R. 2002 No. 255 with effect from 04.11.02
(**f**) Figure substituted by S.R. 2013 No. 19 with effect from 25.02.13
(**g**) Figure substituted by S.R. 2011 No. 100 with effect from 02.05.11

(2) In any proceedings before a district judge, if the award by the district judge does not exceed [(**a**) £3,000], no costs, save those which would be awarded under Order 26, Rules 43 to 46 shall be allowed if the district judge is satisfied that the proceedings should have been brought under Article 30(3) of the Order.

[(**b**) *Penalty in costs where oral evidence not reasonably necessary*

20.—(1) Where it appears to [(**c**) the judge or district judge as the case may be] in any proceedings that—

(*a*) any witness has been called to give oral evidence where his evidence could have been put before the court in some other manner, and

(*b*) his giving oral evidence was not reasonably necessary, [(**c**) the judge or district judge as the case may be] may order that the costs occasioned by calling the witness to give oral evidence shall fall upon the party who caused his so to be called, and for this purpose may make such provision as he thinks fit either by fixing the amount of such costs in default of agreement between the parties or by making and order for taxation of such costs.

(2) Any costs required to be taxed pursuant to an order under this Rule shall be taxed in the same manner as costs in equity suits or proceedings.]

[(**d**) *Applications under Article 42A(2) or 42B of the Order*

21. Where an application is made in accordance with Order 14 rule 10A or Order 15 rule 5A for an order under Article 42A(2) or 42B the person against whom the order is sought shall, unless the court otherwise directs, be entitled to his costs of the application and of complying with any order made thereon.]

(**a**) Figure substituted by S.R. 2011 No. 100 with effect from 02.05.11
(**b**) Rule 20 inserted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Rule 21 inserted by S.R. 1996 No. 295 with effect from 02.09.96

ORDER 56

County Court seal and Authentication of documents

County Court seal

1. For every county court division there shall be a county court seal. [(**a**)...]

Custody of the seal

2. The county court seal shall be kept by and in the custody of the chief clerk.

Affixing and authentication of the seal

3.—(1) The seal shall be affixed by or under the direction of the chief clerk to any document required by these Rules or any other enactment to be scaled with the county court seal.

(2) Every seal affixed to any document shall, subject to paragraphs (3) and (4), be authenticated by the signature of the chief clerk or registrar and no authentication of the seal shall be necessary.

(3) Where any order directs that the [(**b**) district judge] or other officer shall do any act or take any accounts or inquiries, the seal on such order shall be authenticated by the signature of the chief clerk, as the case may be, and no further authentication shall be necessary.

(4) In the event of sickness or absence of the chief clerk, the seal may be authenticated and any certificate required by these rules may be given by such officer of the court as [(**c**) the judge] may from time to time direct.

Documents to be sealed

4. The county court seal shall be affixed to—

(*a*) every document which immediately prior to the passing of the Order was required to be sealed with the county court seal;

(*b*) every document which under the provisions of these Rules or any other enactment is required to be sealed with the county court seal; and

(*c*) every document issued by a county court for which a form marked with the word "seal" is prescribed in Appendix 1.

[(**d**) *Interpretation*

5. The county court seal may be affixed by placing the seal on the relevant document—

(*a*) by hand; or

(*b*) by printing a facsimile of the seal on the document whether electronically or otherwise.]

(**a**) Words deleted by S.R. 2006 No. 521 with effect from 08.01.07
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Rule 5 inserted by S.R. 2006 No. 521 with effect from 08.01.07

ORDER 57

Penal and disciplinary provisions

Proceedings on complaint of a contempt of court

1.—(1) Where it is alleged that any person has—

(*a*) wilfully insulted or acted contumaciously towards [(**a**) the judge or district judge as the case may be], or any witness, or any officer of the court during his sitting or attendance in court or in chambers or at any hearing before an officer of the court or in going to or returning from the court or chambers or a hearing before an officer of the court;

(*b*) wilfully interrupted the proceedings of a county court or otherwise misbehaved in court or in chambers or at a hearing before an officer of the court; or

(*c*) been duly summoned and has refused or neglected without sufficient cause to appear or to produce any documents or has refused to be sworn or to give evidence;

and the alleged offender has not been taken into custody and brought before [(**a**) the judge] or dealt with summarily by [(**a**) the judge], [(**b**) the district judge], chief clerk or other [(**c**) civil servant in the Department of Justice] acting as clerk of the court—

(i) shall issue a summons in Form 264 which shall be served by a process server on the alleged offender personally at least two days before the return day appointed in such summons; or

(ii) if [(**a**) the judge] so directs, shall forthwith issue a warrant in Form 265 addressed to a superintendent of the Police Service of Northern Ireland for the apprehension and bringing before the court of the alleged offender.

(2) The fee payable to process server in respect of the service of a summons under paragraph (1)(i) shall be payable by the chief clerk and chargeable as part of his office expenses.

(3) Where a person has been found to have committed any offence mentioned in paragraph (1), an order in Form 266, may be made against him.

(4) After imposing a fine on or committing to prison any person for an offence mentioned in paragraph (1), [(**a**) the judge] may direct the chief clerk to give notice to such person that if he has any cause to show why an order should not be made against him, he may show cause in persons or by affidavit or otherwise on a day to be named in the notice, and [(**a**) the judge] after considering the cause may make such order as he thinks fit.

Proceedings consequent on order under rule 1

2. A warrant for committal to prison under an order made under rule 1 shall be in Form 267; and all other warrants shall be in the forms specified in the Fines Act (Ireland) 1851(**d**).

Revocation of order of committal

3. An order revoking an order under Rule 1 committing a person to prison and, if he is already in custody, ordering his discharge, shall be in Form 268 with such modifications as may be necessary, and the chief clerk shall deliver a sealed copy of the order by post or otherwise to the governor of the prison in which the person is held in custody.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**c**) Words substituted by S.R. 2010 No. 133 with effect from 12.4.10
(**d**) 1851 c. 90

Repayment of fine

4. If, in any case, after a fine has been paid the person on whom it was imposed shows cause which satisfies [(**a**) the judge] that if cause had been shown at an earlier date, he would not have imposed a fine or would have imposed a smaller fine, or would not have ordered payment or full payment to be enforced, [(**a**) the judge] may order the fine or any part thereof to be repaid.

Decrees enforceable by committal

5.—(1) Decrees in the nature of an injunction and all decrees within the competence of the court which, if they were made in an action or matter in the High Court could in that court be enforced by committal may in accordance with this Order be enforced, by order of [(**a**) the judge], by committal.

(2) Any such decree which requires any person to do an act thereby ordered shall state the time, or the time after service of the decree, within which the act is to be done.

Notice of motion for decree enforceable by committal

6. A notice of motion for a decree which may be enforced by committal may be in Form 269 and shall, except where [(**a**) the judge] otherwise determines, be supported by affidavit of the party making the application.

Procedure for enforcement

7.—(1) When a decree enforceable by committal has been made for the benefit of one party (in this Rule called "the applicant") against another party (in this Rule called "the respondent") the chief clerk shall, on the application of the applicant, endorse on a certified copy of the decree a notice in Form 270 and the copy so endorsed shall be served on the respondent personally.

(2) If the respondent fails to obey the decree, the applicant shall at least two days before the hearing serve on: the respondent personally a notice in Form 271 and shall send to the chief clerk a notice in Form 272.

(3) [(**a**) The judge] may hear such application at any time and place he considers suitable.

(4) On the day named in the notice, [(**a**) the judge], on being satisfied that the respondent has failed to obey the decree and, if the respondent does not appear, that the endorsed copy of the decree and the notice have been served on him, may order a warrant of committal to issue; but [(**a**) the judge] may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

(5) The order for the issue of a warrant shall be in Form 273 and the warrant shall be in Form 274.

Application, as to discharge from custody

8.—(1) [(**a**) The judge] may at any time and at any place hear any application as to the discharge of any person in custody committed for contempt of court and may make such order regarding that person as he might make if sitting in open court.

(2) Notice of an application for discharge from custody of a person committed for contempt of court shall be in Form 275 and shall be served on the opposite party (if any) at least two days before the day on which the application is intended to be heard, and an order for the discharge from custody of a person so committed shall be in Form 276, but [(**a**) the judge] may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

Procedure for grant of sequestration order

9.—(1) Rule 6 and paragraphs (1) to (4) of Rule 7 shall apply to motions for the grant of an order for sequestration against an individual under Article 111 of the Judgments Enforcement (Northern Ireland) Order 1981 or against a company under Article 113 of that Order with the modification that in the said Rules and in Forms 269, 270, 271 and 272 for a reference to committal or to an order of committal there shall be substituted a reference to sequestration or to an order for sequestration as the case may be.

(2) A sequestration order granted against an individual shall be in Form 277 and that against a company shall be in Form 278.

ORDER 58

[(a) Overriding objective, interpretation, revocations, extent, commencement and citation

(b) "*The overriding objective*

1.—(1) The overriding objective of these Rules is to enable the Court to deal with cases justly.

(2) Dealing with a case justly includes, so far as is practicable—

(*a*) ensuring that the parties are on an equal footing;

(*b*) saving expense;

(*c*) dealing with the case in ways which are proportionate to—

(i) the amount of money involved;

(ii) the importance of the case;

(iii) the complexity of the issues; and

(iv) the financial position of each party;

(*d*) ensuring that it is dealt with expeditiously and fairly; and

(*e*) allotting to it an appropriate share of the Court's resources, while taking into account the need to allot resources to other cases.

(3) The Court must seek to give effect to the overriding objective when it—

(*a*) exercises any power given to it by the Rules; or

(*b*) interprets any Rule.".]

Interpretation

2.—(1) In these Rules, the expression—

[(c) "controller" means a person appointed as controller for a patient under Article 101 of the Mental Health (Northern Ireland) Order 1986;]

"Court Funds Rules" means rules made by the Lord Chancellor, with the concurrence of the Treasury, under section 82 of the Judicature (Northern Ireland) Act 1978;

[(d) . . .]

"enactment" mean a statute or statutory instrument made under a statute, by whatsoever Parliament passed or by whomsoever made, for the time being in force in Northern Ireland;

[(e) . . .]

"folio" means seventy-two words, each single figure being reckoned as a word;

[(c) "patient" has the meaning assigned to it in Article 2(2) of the Mental Health (Northern Ireland) Order 1986;]

"statutory instrument" includes an Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation or bye-law;

(a) Words inserted by S.R. 2002 No. 255 with effect from 4.11.02
(b) New Rule 1 inserted by S.R. 2002 No. 255 with effect from 4.11.02
(c) Words inserted by S.R. 1988 No. 100 with effect from 1.5.88
(d) Words deleted by S.R. 1985 No. 31 with effect from 25.3.85
(e) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

"the Order" means the County Courts (Northern Ireland) Order 1980;

"the Crown Proceedings Act" means the Crown Proceedings Act 1947(**a**) as extended to Northern Ireland by the [(**b**) Crown Proceedings (Northern Ireland) Order 1981(**c**).]

(2) References in these Rules to service by registered post (however expressed) shall, unless the contrary intention appears, be construed as including references to service by means of the recorded delivery service.

(3) In these Rules "decimal currency" means the new currency provided for by the Decimal Currency Act 1967(**d**) and where it is necessary for the purposes of these Rules to calculate the amount in decimal currency corresponding to an amount in shillings and pence, the calculation shall be made in accordance with Schedule 1 to the Decimal Currency Act 1969(**e**).

Forms

3. The general forms set forth in Appendix 1 shall, subject as aforesaid, be used in proceedings under these Rules to which they are relevant.

Application to Crown

4. Save as otherwise provided by the Crown Proceedings Act or by these Rules—

(*a*) these Rules and any County Court Rules for the time being in force shall, so far as may be, apply to all proceedings by or against the Crown in like manner as they apply to proceedings between subjects; and

(*b*) proceedings by or against the crown shall, so far as may be, take the same form as proceedings between subjects.

Revocations

5. The Statutory Rules set out in columns 1 and 2 of Appendix 3 are revoked to the extent specified in column 3 of that Appendix.

Rules apply to civil proceedings except as otherwise provided

6. Without prejudice to Part II of Order 32, in its application to cases stated under Article 61 of the Order on appeal from magistrate's courts, [(**f**) or to Part IIA of Order 32,] these Rules shall apply only to civil proceedings.

Citation and commencement

7. These Rules may be cited as the County Court Rules (Northern Ireland) 1981.

(**a**) 1947 c. 44
(**b**) Words substituted by S.R. 1982 No. 120 with effect from 1.6.82
(**c**) S.I. 1981/233
(**d**) 1967 c. 47
(**e**) 1969 c. 19
(**f**) Words inserted by S.R. 1994 No. 472 with effect from 1.1.95

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

JAMES A. BROWN
J. P. HIGGINS
R. T. ROWLAND
D. W. R. McALISTER
TIMOTHY T. FERRIS
C. NELSON M. ROUNTREE
T. F. GLASS
HAROLD McKEE
HARRY COLL
H. COLLEN

Dated 5th June 1981

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 12th October 1981.

Dated 2nd July 1981 HAILSHAM OF ST. MARYLEBONE, C.

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(a) Forms 249-262 substituted by S.R. 1989 No. 307 with effect from 01.10.89

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(**a**) Words inserted by S.R. 2004 No. 216 with effect from 31.05.04
(**b**) Words inserted by S.R. 2002 No. 255 with effect from 04.11.02
(**c**) Form 126 inserted by S.R. 2009 No. 176 with effect from 18.05.09
(**d**) Form 68C inserted by S.R. 1990 No. 269 with effect from 03.09.90

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(**a**) Form 68B inserted by S.R. 1990 No. 269 with effect from 03.09.90
(**b**) Form 43 inserted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Form 40 revoked by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**e**) Form 10A inserted by S.R. 1995 No. 471 with effect from 01.01.96
(**f**) Title amended by S.R. 2002 No. 255 with effect from 04.11.02

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(**a**) Reference substituted by S.R. 2009 No. 19 with effect from 09.02.09

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(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Form 321 inserted by S.R. 1989 No. 480 with effect from 01.01.90
(**c**) Forms 324 to 372 inserted by S.R. 1992 No. 249 with effect from 01.07.92

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(a) Forms 137A-137I substituted by S.R. 2003 No. 485 with effect from 1.1.04

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(a) Forms 137N to 137S inserted by S.R. 2005 No. 143 with effect from 18.04.05
(b) Forms 137T and 137U inserted by S.R. 2009 No. 19 with effect from 09.02.09
(c) Form 57 revoked by S.R. 1995 No. 151 with effect from 01.09.95

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(a) Forms 53, 55 and 56 inserted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Forms 127 to 129 inserted by S.R. 2002 No. 455 with effect from 04.11.02

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(a) Form 57 inserted by S.R. 1995 No. 282 with effect from 01.09.95
(b) Form 58 revoked by S.R. 1995 No. 151 with effect from 01.09.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(b) Form 322 inserted by S.R. 1989 No. 480 with effect from 01.01.90
(c) Forms 68, 68B and 68C inserted by S.R. 1990 No. 269 with effect from 03.09.90
(d) Form 68A omitted by S.R. 2013 No. 19 with effect from 25.02.13
(e) Form 69 substituted for Form 68 by S.R. 1990 No. 269 with effect from 03.09.90

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(a) Words inserted by S.R. 1998 No. 21 with effect from 20.04.98
(b) Form 126 inserted by S.R. 2009 No. 176 with effect from 18.05.09
(c) Forms 400 and 401 inserted by S.R. 2010 No. 115 with effect from 09.04.10

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(a) Form 136 inserted by S.R. 1989 No. 211 with effect from 01.09.89
(b) Forms 397 to 399 inserted by S.R. 2000 No. 282 with effect from 02.10.00
(c) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(d) Forms 194-211 substituted by S.R. 1997 No. 61 with effect from 20.02.97

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(a) Forms 196A, 197B and 204A substituted by S.R. 1997 No. 61 with effect from 20.2.97
(b) Form 200A inserted by S.R. 2004 No. 463 with effect from 29.11.04

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(a) Forms 211A-211D inserted by S.R. 2004 No. 463 with effect from 29.11.04
(b) Forms 308-313 inserted by S.R. 1989 No. 306 with effect from 1.9.89
(c) Forms 308 and 312 revoked by S.R. 2002 No. 255 with effect from 4.11.02

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(a) Forms 373 to 388 inserted by S.R. 1992 No. 249 with effect from 1.7.92

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(a) Forms inserted by S.R. 1996 No. 295 with effect from 2.9.96
(b) Form 293 revoked by S.R. 1999 No. 129 with effect from 12.4.99
(c) Forms 314, 315, 317, 319 and 323 inserted by S.R. 1989 No. 480 with effect from 1.1.90. Form 323 amended by S.R. 2006 No. 521 with effect from 8.1.07

NOTICE: *(Continued)*	*Form No.*
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(a) Forms 314, 315, 317, 319, 321 and 323 inserted by S.R. 1989 No. 480 with effect from 01.01.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(c) Forms 109A, 109B and 109C inserted by S.R. 1999 No. 490 with effect from 17.01.00
(d) Form 126 inserted by S.R. 2009 No. 176 with effect from 18.05.09
(e) Forms 42 and 42A substituted by S.R. 1995 No. 282 with effect from 01.09.95

NOTICE: *(Continued)*	*Form No.*
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(a) Forms 109A, 109B and 109C inserted by S.R. 1999 No. 490 with effect from 17.01.00
(b) Form 98A inserted by S.R. 1992 No. 478 with effect from 01.01.93
(c) Form 68A omitted by S.R. 2013 No. 19 with effect from 25.02.13
(d) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(e) Form 51A revoked by S.R. 1995 No. 151 with effect from 01.09.95

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(a) Form 318 inserted by S.R 1989 No. 480 with effect from 1.1.90
(b) Form 68E inserted by S.R 1996 No. 295 with effect from 2.9.95
(c) Form 69 substituted for Form 68 by S.R 1990 No. 269 with effect from 3.9.90
(d) Form 69A inserted by S.R 1983 No.164 with effect from 1.9.83
(e) Forms 109D and 109E inserted by S.R 1999 No. 490 with effect from 17.1.2000

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(a) Forms 316 to 320 inserted by S.R 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R 1991 No. 230 with effect from 28.6.91
(c) Form 294 revoked by S.R 1999 No. 129 with effect from 12.4.99

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(a) Forms 395, 393 and 389 inserted by S.R. 1995 No. 48 with effect from 20.03.95
(b) Form 389 substituted by S.R. 2010 No. 115 with effect from 09.04.10
(c) Form 307A inserted by S.R. 1997 No. 61 with effect from 20.02.97

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(a) Form 392 inserted by S.R. 1995 No. 48 with effect from 20.3.95
(b) Form 246-248 deleted by S.R. 1989 No. 306 with effect from 1.9.89
(c) Form 280 inserted by S.R. 1983 No. 14 with effect from 14.3.83

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(a) Paragraph moved from Arbitration to Small Claims and Forms added by S.R. 2004 No. 216 with effect from 31.5.04
(b) Words inserted by S.R. 2002 No. 255 with effect from 04.11.02
(c) New form 126 inserted by S.R. 2009 No. 176 with effect from 18.05.09
(d) Forms 314-320 and 322 inserted by S.R. 1989 No. 480 with effect from 01.01.90
(e) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(f) Form 265A inserted by S.R. 1999 No. 129 with effect from 12.04.99

[(**a**) YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999:	*Form No.*
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(a) Forms 137J-137M inserted by S.R. 2004 No. 463 with effect from 29.11.04

APPENDIX 1

FORM 1

General form of title of proceedings
(where not otherwise provided)

ORDER 58 RULE 2

[ACTIONS]

No.....

BY THE COUNTY COURT JUDGE/RECORDER/[(**a**) DISTRICT JUDGE]/
[(**b**) CHIEF CLERK]

In the County Court for the Division of

BETWEEN

A.B. of

in the county of

[*description*]

Plaintiff

AND

C.D. of

in the county of

and division of

[*description*]

Defendant

[MATTERS]

No.....

BY THE COUNTY COURT JUDGE/RECORDER/[(**a**) DISTRICT JUDGE]/
[(**b**) CHIEF CLERK]

In the County Court for the Division of

IN THE MATTER OF [*here state the title of any Act, other than the County Courts (Northern Ireland) Order 1980, by which the court is given power to entertain the proceedings*]

IN THE MATTER OF [*here refer to the trust, settlement or other particular matter in respect of which the proceedings are brought*].

BETWEEN

A.B. of

in the county of

[*description*]

Applicant
[*or* petitioner *or* appellant]

AND

C.D. of

in the county of

and division of

[*description*]

Respondent
[*or as the case may be*]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(b) Words inserted by S.R. 1998 No. 21 with effect from 20.04.98

FORM 2

General form of affidavit
(where not otherwise provided)

I, [*full name of deponent*] of [*residence of deponent followed by his occupation*]

MAKE OATH and say as follows:

[Here set out in numbered paragraphs, the facts deposed to]

Sworn at in the

County of

this.....

day of 20

Before me.....

[*Chief Clerk, Commissioner for Oaths, Lay Magistrate or an Officer of the Court appointed by the* [(**a**) *judge or district judge*] *for the purpose*]

(*Description*) .....

Address of
Commissioner for Oaths
or Lay Magistrate .....

This affidavit is filed on behalf of .....

(a) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13

FORM 3

Notice to plaintiff that defendant defends on behalf of others

ORDER 3, RULE 7(3)(*b*)

[*Title as in Form 1*]

TAKE NOTICE that the defendant has obtained an order for leave to defend this action [*or matter*] on behalf of or for the benefit of [*state names of persons as in order*] as well as on his own behalf.

Signed — Defendant/Solicitor for the Defendant.

Address

Date

FORM 4

Notice to persons on whose behalf defendant has obtained leave to defend

ORDER 3, RULE 7(3)(*b*)

[*Title as in Form 1*]

TAKE NOTICE that the above-named defendant has obtained an order to defend this action [*or matter*] on your behalf, or for your benefit, as well as on his own behalf.

You may if you think fit object at the hearing to the defendant defending on your behalf.

A copy of the order and of the civil bill in the action [*or matter*] is served herewith and the affidavit on which the order was made has been filed at the office of the Chief Clerk and may be inspected by you.

Signed — Defendant/Solicitor for the Defendant.

Address

Date

FORM 5

Undertaking by next friend of person under legal disability to be responsible for defendant's costs

ORDER 3, RULE 14(1)(*a*); ORDER 4, RULE 2(1)

[*Title as in Form 1*]

I, the undersigned
of
being the next friend [(a) controller] of
who is a minor [*or in the case of other legal disability, state its nature*] and who has commenced or is desirous of commencing an action in this Court against
of HEREBY UNDERTAKE to be responsible for the costs of those proceedings in such manner as the Court shall order and I will forthwith after such order pay the same to the Chief Clerk of the Court.

Dated this day of 19 .

Signed

Signed by the above-named
in my presence

Solicitor of the Supreme Court
or Officer of the Court
or Justice of the Peace
or Commissioner for Oaths.

Address

(a) Word substituted by S.R. 1988 No. 100 with effect from 1.5.88

FORM 6

Affidavit on application on behalf of person under legal disability for appointment of guardian ad litem

ORDER 3, RULE 15(1)(*a*)

[*Title as in Form 1*]

I,
of
MAKE OATH and say as follows:

1. The above-named defendant,
is a minor [*or in the case of other legal disability, state its nature*].

2. of is a fit and proper person to act as guardian ad litem of the said defendant and so far as I am aware has no interest in the matters in question in this action or matter adverse to that of the said defendant, and his consent to act as such guardian is hereto appended.

Sworn, etc.

[*Conclusion — Form 2*]

I. of
CONSENT TO ACT as guardian ad litem of the above-mentioned defendant in this action or matter. And I declare that I have no interest in the matters in question in this action or matter adverse to that of the said defendant.

Signature of Guardian.

FORM 7

Order appointing guardian ad litem

ORDER 3, RULE 15(1)(*b*)

[*Title as in Form 1*]

ON THE APPLICATION OF
and on reading the affidavit of sworn on
the day of 19 and the consent thereto
annexed.

IT IS ORDERED that
of
be appointed to act as guardian ad litem of the defendant
a minor [*or in the case of other legal disability, state its nature*].

(Seal) Chief Clerk

FORM 8

Notice to plaintiff of appointment of guardian ad litem

ORDER 3, RULE 15(1)(*b*)

[*Title as in Form 1*]

TAKE NOTICE that
of
has been appointed to act as guardian ad litem of the defendant
a minor [*or in the case of other legal disability, state its nature*].

Dated this day of 19

Chief Clerk.

[(a) FORM 9

Ordinary civil bill

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

THE DEFENDANT is hereby required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the Chief Clerk to answer the plaintiff's claim for £ [for damages] for [here state the cause or causes of action and if more than one, divide into paragraphs: if interest is claimed state the claim and set out particulars of the claim for interest or refer to a separate document wherein such particulars are set out].

Warning

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.

Dated this day of 19 .

Signed

Plaintiff/Solicitor for the Plaintiff

Address

Served on the [named] defendant this day of 19 [by means of ordinary first class post addressed to the defendant at the above address].

Signed

Plaintiff/Solicitor for the Plaintiff

Address]

(a) Form 9 substituted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 10

Endorsement on ordinary* civil bill

ORDER 5, RULE 1(5)

Costs and outlay if paid within [(**a**) 21] days from date of service: £

NOTE: Costs and outlay if paid after [(**a**) 21] days from service will be payable on a higher scale.

*This endorsement not to be made on civil bills in title jurisdiction or for defamation.

[(**b**) FORM 10A

Endorsement on Civil Bill for debt or liquidated amount not exceeding [(c) £3,000]

If you wish to defend this action you have the right to have it dealt with under the small claims procedure. If you wish to have it dealt with in this way, you must include in your notice of intention to defend the following statement:

"Take notice that I wish this action to be dealt with under the small claims procedure".]

(a) Figures substituted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Form 10A substituted by S.R. 2002 No. 255 with effect from 04.11.02
(c) Figure substituted by S.R. 2011 No. 100 with effect from 02.05.11

FORM 11

Civil bill ejectment on the title

TITLE JURISDICTION

ORDER 5, RULE 1(1)

[Title as in Form 1]

[**(a)** . . .]

WHEREAS the plaintiff now claims to be entitled to the possession of [*here describe the premises*] situate in whole or in part in the Division aforesaid and that the defendant(s) wrongfully withhold(s) the possession thereof;

AND WHEREAS [**(b)** the value of such premises does not exceed—

(i) in the case where the premises have a net annual value, £4,060;

(ii) in the case where the premises have a capital value, £400,000

and where the premises have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

THE DEFENDANT(S), therefore, and all persons having or claiming any interest in the premises is [are] hereby [**(c)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim brought by him for the recovery of the possession of the said lands [*premises*] by reason of the matters aforesaid.

[**(d) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office], If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

[**(a)** . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 12

Civil bill ejectment for overholding [and arrears of rent]

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the defendant lately held part of the land of in the parish of and barony of situate in whole or in part in the Division aforesaid as tenant to the plaintiff under at a rent of £ per , which tenancy determined on the day of 19 , and whereas the annual value of such lands [*premises*] does not exceed [(b) £1,000];

[AND WHEREAS the plaintiff is entitled to recover arrears of rent due and owing to the plaintiff under the said tenancy to the said day on which the said tenancy determined amounting to £];

AND WHEREAS the defendant(s) is [are] in actual possession of the lands [*premises*] and no other person is in possession of any part thereof as tenant or under-tenant;

THE DEFENDANT(S), therefore, and all persons claiming to have any interest in the lands [*premises*] is [are] hereby [(c) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim for the recovery of the possession of the said lands [*premises*] [and of the said rent] [(d), together with £ , being interest thereon in accordance with [*set out particulars of the claim for interest or refer to a separate document wherein such particulars are set out; delete if inapplicable*]] by reason of the matters aforesaid.

[(e) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Figure substituted by S.R. 1992 No. 439 with effect from 1.11.92
(c) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(d) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83
(e) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 13

Endorsement on ejectment civil bill

ORDER 5, RULE 1(5)

Costs and outlay if defendant delivers up possession within [(a) 21] days from date of service: £ .

NOTE: Costs and outlay if possession delivered up after [(a) 21] days from service will be payable on a higher scale.

(a) Figures substituted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 14

Civil bill ejectment for non-payment of rent where one year's rent due

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

WHEREAS the defendant holds [part of the lands of] in the parish of and barony of , situate in whole or in part in the Division aforesaid, as tenant to the plaintiff under at the yearly rent of £ ;

And whereas the annual value of such lands [*premises*] does not exceed [(**b**) £1,000];

And whereas at least one year's rent is in arrear and remains unpaid in respect of the said lands [*premises*];

[and whereas the said defendant is in actual possession of the lands [*premises*] as under-tenant thereof] and no other persons are in possession thereof;

The defendant, therefore, and all persons having or claiming any interests in the lands [*premises*], are hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim for the recovery of the possession of the said lands [*premises*] by reason of the matters aforesaid.

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

The plaintiff claims after all just and fair allowances up to the time of bringing this ejectment £ , being for year(s) rent up to the day of 20 , [(**e**) together with £ , being interest thereon in accordance with [*set out particulars of the claim for interest or refer to a separate document wherein such particulars are set out; delete if inapplicable*]]; the times at which the sum [(**e**) for rent] accrued due being as follows—

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1992 No. 439 with effect from 01.11.92
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Words inserted by S.R. 1983 No. 102 with effect from 01.06.83

Rent due and ending the	day of	£
Rent due and ending the	day of	£

And if the amount thereof be paid to the plaintiff or his solicitor together with the sum of† in full payment of all costs of such ejectment proceedings within [(**a**) 21] days from the service thereof, all further proceedings will be stayed.

Signed

Plaintiff/Solicitor
for the Plaintiff.

Address

[(**b**) . . .]

†Costs as per column 2, Table 1 (Part III), of Appendix 2, Footnote 1.

(a) Figure substituted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 15

Civil bill ejectment for deserted land

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the defendant holds part of the lands of in the parish of and barony of situate in whole or in part in the Division aforesaid, as tenant to the plaintiff under , at a rent of £ per , and whereas at least six months' rent amounting to the sum of £ of the rent aforesaid ending on the day of last became and still is due to the plaintiff, after all just and fair allowances;

AND WHEREAS the defendant on the day of 19 , deserted or otherwise abandoned the land, leaving any premises thereon unoccupied [*or* the land not farmed in accordance with the rules of good husbandry];

THE DEFENDANT, therefore, is hereby [(b) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim for the recovery of the possession of the said lands by reason of the matters aforesaid.

[(c) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 16

Civil bill ejectment against a permissive occupant

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the plaintiff on the day of 19 put the defendant into possession or occupation of the lands of in the parish of and barony of situate in whole or in part in the Division aforesaid, by permission [*or* as servant or caretaker or as a tenant strictly at will or on sufferance, as the case may be];

AND WHEREAS the plaintiff on the day of 19 required the defendant to quit and deliver up possession of the same to the plaintiff, but the defendant has neglected or refused so to do;

THE DEFENDANT therefore is hereby [(b) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim for the recovery of the possession of the said lands by reason of the matters aforesaid.

[(c) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 17

Civil bill for arrears of rent under section 45 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the plaintiff claims that the defendant is indebted to him [*here state how the plaintiff is entitled, whether in his own right or how otherwise*] in the sum of £ being arrears of rent due by the defendant [*or; if the defendant is sued in a representative capacity, state by whom due and whether defendant is executor or administrator*] to the plaintiff in respect of rent in arrear payable by the said defendant [*if executor or administrator, state as such executor or administrator as aforesaid*] to the plaintiff out of the lands of up to and for the day of 19 [(b) together with £ , being interest thereon in accordance with [*set out particulars of the claim for interest or refer to a separate document wherein such particulars are set out; delete if inapplicable*]], which lands are situate in whole or in part in the Division aforesaid and are held under a certain [*here state lease or other contract of tenancy and the date and parties thereto*] and the annual value of the said lands does not exceed [(c) £1,000];

THE DEFENDANT therefore is hereby [(d) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's said claim.

[(e) Warning

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83
(c) Figure substituted by S.R. 1992 No. 439 with effect from 1.11.92
(d) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 18

Civil bill for use and occupation of lands or premises under section 46 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 5, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the plaintiff claims that the defendant is indebted to him [*here state how the plaintiff is entitled, whether in his own right or how otherwise*] in the sum of £ , being a reasonable satisfaction for the use and occupation of the lands of [*or* premises consisting of] for ending the day of 19 [(b) together with £ , being interest thereon in accordance with [*set out particulars of the claim for interest or refer to a separate document wherein such particulars are set out; delete if inapplicable*]], which lands are situate in whole or in part in the Division aforesaid and have been held and occupied by the defendant [*or, if the defendant is sued in a representative capacity, state by whom and whether the defendant is executor or administrator*] from the day of 19 to the day of 19 and the annual value of the said lands does not exceed [(c) £1,000];

THE DEFENDANT therefore is hereby [(d) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's said claim.

[(e) Warning

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83
(c) Figure substituted by S.R. 1992 No. 439 with effect from 1.11.92
(d) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 19

Civil bill for legacy or distributive share of assets

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

THE DEFENDANT therefore is hereby [(**b**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim for the sum of £ for that the defendant, as executor [*or* administrator, *as the case may be*] of deceased, is justly liable to pay to the plaintiff the sum of £ as a legacy [*or* distributive share of assets or other cause of action, as the case may be] due and payable to the plaintiff under the will of the said or upon the distribution of the assets of the said, *as the case may be*].

† [The gross value of the estate of the said deceased does not exceed [(**c**) £45,000.]]

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

[(**a**) . . .]

*To be included where claim exceeds [(**e**)£15,000]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(c) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Figure erroneously amended to £30,000 by S.R. 2013 No. 19 but corrected to £15,000 by S.R. 2013 No. 140

FORM 20

Equity civil bill, by a creditor for the administration of the Estate of a deceased intestate debtor

ORDER 5 RULE 1(1)

No.

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

Between

of in the County of

[*description*]

Plaintiff;

AND

of in the County of

[*description*]

Administrator of , deceased.

Defendant.

[**(a)** . . .]

THE PLAINTIFF avers that—

1. , deceased, at the time of his decease was indebted to the plaintiff in the sum of £ , the particulars of which claim are set forth at the foot hereof.

2. The deceased died intestate on or about the day of 20 †.

3. The defendant is administrator of the estate and effects of the deceased.

4. The estate to which this suit relates so far as it consists of property other than land does not exceed [**(b)** £45,000] in amount or value, and so far as it consists of land [**(c)** the value of the land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000.

and where the land has a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

The plaintiff seeks payment of the said sum from the defendant as such administrator, or that the estate of the deceased may be administered under the order of the Court.

THE DEFENDANT therefore is hereby [**(d)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's said claim.

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

[**(a) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20

Signed Plaintiff/Solicitor
for the Plaintiff

Address

PARTICULARS OF CLAIM

Date	*Nature of claim*	*Amount*
		£ p

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

[**(b)** . . .]

(a) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 21

Equity civil bill by a creditor against an executor for administration of the estate of a deceased debtor

ORDER 5 RULE 1(1)

No.

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

BETWEEN

A.B. of in the County of

[*description*]

Plaintiff:

AND

C.D. of in the County of

[*description*]

Executor of , deceased.

Defendant.

[(**a**) . . .]

1. The deceased at the time of his decease, was indebted to the plaintiff in the sum of £ , the particulars of which claim are set forth at the foot hereof.

2. The deceased died on or about the day of 20 having made his will bearing date the day of 20 †.

3. Probate of the said will was granted to the defendant on or about the day of 20 .

4. The estate to which this suit relates so far as it consists of property other than land does not exceed [(**b**) £45,000] in amount or value, and so far as it consists of land [(**c**) the value of the land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000.

and where the land has a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

The plaintiff seeks payment of the said sum from the defendant as such executor, or that the estate of the deceased may be administered under the order of the Court.

The defendant therefore is hereby [(**d**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk to answer the plaintiffs said claim.

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

[**(a) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20

Signed Plaintiff/Solicitor
for the Plaintiff

Address

PARTICULARS OF CLAIM

Date	*Nature of claim*	*Amount*
		£ p

†If the defendant does not reside with the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

[**(b)** . . .]

(a) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 22

Equity civil bill by a legatee for the administration of the estate of a testator

ORDER 5, RULE 1(1)

[Title as in Form 21]

[(**a**) . . .]

THE PLAINTIFF avers that—

1. The deceased died on or about the day of 20 , having made his will bearing date the day of 20 †.

2. The plaintiff is a legatee under the said will for the sum of £ and the said legacy is still unpaid.

3. Probate of the said will was granted to the defendant on or about the day of 20 .

4. The estate to which this suit relates so far as it consists of property other than land does not exceed [(**b**) £45,000] in amount or value, and so far as it consists of land [(**c**) the value of the land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000.

and where the land has a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

The plaintiff seeks payment of the said legacy from the defendant as such executor, or that the estate of the deceased may be administered under the order of the Court.

THE DEFENDANT therefore is hereby [(**d**) required to appear at[ ] courthouse on a date and at a time to be notified to the parties by the chief clerk to answer the plaintiffs said claim.

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20

Signed Plaintiff/Solicitor
for the Plaintiff

Address

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

[(**a**) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 23

Equity civil bill by a next-of-kin for administration of the estate of an intestate

ORDER 5, RULE 1(1)

[Title as in Form 20]

[(**a**) . . .]

THE PLAINTIFF avers that—

1. The said died on or about the day of 20 , intestate†.

2. The defendant obtained administration to the estate of the said deceased on or about the day of 20 .

3. The plaintiff is a [*state relationship*] and one of the next-of-kin of the said deceased.

4. The estate to which this suit relates so far as it consists of property other than land does not exceed [(**b**) £45,000] in amount or value, and so far as it consists of land [(**c**) the value of the land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000.

and where the land has a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

The plaintiff seeks to have the estate of the said deceased administered under the order of the Court.

THE DEFENDANT therefore is hereby [(**d**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk to answer the plaintiff's said claim.

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

[(**a**) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 24

Equity civil bill for raising amount of mortgage

ORDER 5 RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

THE PLAINTIFF avers that—

1. By deed, bearing the date the day of 20 , the defendant mortgages the land of to the plaintiff [*or* to EF, *as the case may be*] to secure the sum of £ with interest thereon at the rate of £ per cent. per annum.

[If the plaintiff sues as an assignee of the mortgage, insert a paragraph showing his title.]

2. The sum of £ is due to the plaintiff for principal and the sum of £ for interest, making together the sum of £ .

[(**b**) 3. The value of the lands does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.

4. The lands are situate in whole or in part within the aforesaid Division.]

The plaintiff seeks payment of the said sum of £ ... ... and costs and that such payment be enforced by sale or by a receiver, or both, as the Court may direct.

THE DEFENDANT therefore is hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claim.

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

[(**a**) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 25

Equity civil bill by mortgagor for redemption

ORDER 5, RULE 1(1)

[Title as in Form 1]

[**(a)** . . .]

THE PLAINTIFF avers that—

1. By deed, bearing date the day of 20 , the plaintiff mortgaged the lands of to the defendant [*or as the case may be*] for the sum of £ with interest at the rate of £ per cent. per annum.

2. The said sum of £ is now due to the defendant for principal, together with the sum of £ for interest, making together the sum of £ .

3. †The plaintiff tendered to the defendant the said sum of £ , but he refused to accept it.

[**(b)** 4. The value of the lands does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.

5. The said lands are situate within the aforesaid Division.]

The plaintiff seeks to have the said lands redeemed on payment of the amount due on foot of the said mortgage.

THE DEFENDANT therefore is hereby [**(c)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's said claim.

[**(d)** **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

† If no tender has been made, omit this paragraph.

[**(a)** . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 26

Equity civil bill by equitable mortgagee to raise charge

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(a) . . .]

THE PLAINTIFF avers that—

1. On or about the day of 20 , it was agreed by parole that the plaintiff should advance certain sums to the defendant on having the same secured by an equitable mortgage by deposit of the title deeds of certain premises hereinafter mentioned.

2. On the day of 20 , in pursuance of the said agreement the defendant deposited with the plaintiff the title deeds of [*set out deeds and property]* and the plaintiff advanced the sum of £ .

3. There is now due to the plaintiff on foot of the said equitable mortgage a sum of £ for principal and a sum of £ for interest, making together a sum of £ .

[(b) 4. The value of the said lands does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.

5. The said lands are situate in whole or in part within the Division aforesaid.]

The plaintiff claims—

1. That it may be declared that the plaintiff is entitled under and by virtue of the said deposit of title deeds to a charge on the said lands and premises.

2. That an account may be taken of what is due by the defendant to the plaintiff on foot of the said charge, and payment of the sum when so ascertained [*or, if the amount is clearly ascertained,* payment of the said sum of £] and the costs of this suit.

3. That such payment may be enforced by a sale of the said premises, or by a receiver, or by both, as the court may direct.

THE DEFENDANT therefore is hereby [(c) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiffs said claims.

[(d) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[(a) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 27

Equity civil bill to raise a registered charge

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

THE PLAINTIFF avers that—

1. The defendant is owner [if fee simple] of certain lands and premises known as situate at which said lands and premises are registered pursuant to the Local Registration of Title, Ireland, Act 1891 and entered on Folio No. of the Register of for the County of .

2. The defendant on the day of 20 , duly executed an instrument of charge [*or as the case may be*] charging the said lands and premises with a sum of £ [*set out the form of charge*], together with interest at the rate of per cent. per annum in favour of the plaintiff and upon the day of 20 , the plaintiff was registered as owner of the said charge, pursuant to the provisions of the aforesaid Act and the said charge was entered upon the said Folio.

3. There is now due and owing to the plaintiff on foot of the said charge a sum of £ for principal and £ for interest, making together the sum of £ .

[(**b**) 4. The value of the lands to which the suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.

5. The said lands are situate in whole or in part within the Division aforesaid.]

The plaintiff claims—

1. That the said sum of £ may be declared well charged upon the said lands.

2. Payment of the said sum and that the same may be enforced by a sale of the lands, or by a receiver, or both, as the Court may direct.

3. That the defendant may be ordered to pay the costs of this suit.

THE DEFENDANT therefore is hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[(**a**) . . .]

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95.
(**b**) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 28

Equity civil bill for specific performance

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

THE PLAINTIFF avers that—

1. By agreement bearing the date the day of 20 , and made between the plaintiff and the defendant, the defendant agreed *[state generally the terms of the agreement of which performance is sought]*.

2. The plaintiff has always been ready and willing to perform the said agreement on his part but the defendant has refused to perform the said agreement.

[(**b**) 3. The purchase money of the property, the subject-matter of this suit, does not exceed £45,000 [or as respects a letting, the value of the lands does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied]

4. [The said lands are situate in whole or in part within the Division aforesaid.]]

The plaintiff seeks to have specific performance of the said agreement.

THE DEFENDANT therefore is hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

[(**a**) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 29

Equity civil bill for relief against fraud or mistake

ORDER 5, RULE 1(1)

[Title as in Form 1]

[**(a)** . . .]

THE PLAINTIFF avers that—

1. [*state particulars of the fraud or mistake.*]

2. [*state the interest of the plaintiff and defendant.*]

3. [*If the fraud or mistake arose in connection with any instrument, state the relevant provisions of the instrument.*]

4. [*State the circumstances under which the fraud or mistake has arisen.*]

5. The damage sustained [*or* the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed [**(b)** £45,000] [**(c)** the value of the lands the subject-matter of this suit does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, that both conditions in paragraphs (i) and (ii) are satisfied].

6. The lands to which this suit relates are situate in whole or in part within the Division aforesaid.

The plaintiff claims the following relief—

THE DEFENDANT therefore is hereby [**(d)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[**(e)** **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[**(a)** . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 30

Equity civil bill in partnership suit

ORDER 5, RULE 1(1)

[Title as in Form 1]

[**(a)** . . .]

THE PLAINTIFF avers that— *[delete inapplicable paragraphs]*—

1 . The plaintiff and the defendant carried on the business of in the town of [*if the defendant does not reside or carry on business within the Division aforesaid insert here*— situate within the Division aforesaid] under the terms of a deed of partnership bearing date the day of 20 , under which the plaintiff and the defendant entered into the mutual covenants therein contained, of which those material to these proceedings are— [*set them out*] [*or if there was no deed of partnership,* no deed of partnership nor any agreement in writing for the same was ever made or executed by the said co-partners or either of them in reference to the said business].

2. The whole assets of the said partnership do not exceed [**(b)** £45,000] in amount or value.

3. The defendant resides [*or* carries on business] within the Division aforesaid.

4. On the day of 20 , the said partnership was duly dissolved by notice to the defendant from the plaintiff.

5. No settlement or statement of the accounts of the said partnership has been made or come to between the Plaintiff and the defendant, although since the dissolution of the said partnership the plaintiff has made frequent applications to the defendant to come to a final settlement with respect thereto.

The plaintiff seeks *[delete inapplicable paragraphs]*—

1. A declaration as to the existence and terms of the partnership.

2. An account of the partnership dealings between himself and the defendant.

3. That the affairs of the partnership be wound up and that the partnership be dissolved under the order of the Court.

4. That the defendant may be ordered to pay to the plaintiff what, if anything, shall upon taking such account appear to be due from him to the plaintiff on the plaintiff being ready and willing and hereby offering to pay to the defendant what, if anything, shall appear to be due from him to the defendant.

5. That for the purposes aforesaid all necessary and proper directions may be given.

THE DEFENDANT therefore is hereby [**(c)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[**(d) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[**(a)** . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 31

Equity civil bill for partition or sale in lieu of partition

ORDER 5, RULE 1(1)

[Title as in Form 1]

[(**a**) . . .]

THE PLAINTIFF avers that the lands of situate in whole or in part within the Division aforesaid and containing about acres are held [*here set out the title to the property and the respective interests of the parties therein*].

[The said lands are [*set out nature to show reason for sale*] and a sale and division of the proceeds would be more beneficial to the parties interested than a division of the said lands.]

[(**b**) The value of the said lands, the subject-matter of this suit, does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied].

The plaintiff seeks [*delete inapplicable paragraphs*]—

1. To have the said lands partitioned and one thereof allotted to him in severalty under the order of the Court.

2. A sale of the said lands under the order of Court in lieu of partition and that for the purposes of such sale all necessary acts and deeds may be done and executed by the proper parties.

3. That the proceeds of such sale, after providing for the costs of this suit including the costs of such sale, may be divided between the persons interested in the said lands in proportion to their respective interests therein.

THE DEFENDANT therefore is hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[(**d**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[(**a**) . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

Form 32

Equity civil bill by a landlord against a tenant to stay waste

Order 5, Rule 1(1)

[*Title as in Form 1*]

[**(a)** . . .]

THE PLAINTIFF avers that—

1. The defendant holds part of the lands situate wholly or in part within the Division aforesaid as under a .

2. The defendant by the said [agreement] is bound [*give relevant details*].

3. The defendant has recently [*state particulars of waste complained of*] though cautioned by the plaintiff not to do so.

[**(b)** 4. The value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied].

The plaintiff seeks to have the defendant restrained from .

THE DEFENDANT therefore is hereby [**(c)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer the plaintiff's claims.

[**(d) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed

Plaintiff/Solicitor
for the Plaintiff

Address

[**(a)** . . .]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 33

Petition under Settled Land Acts for appointment of person to exercise powers on behalf of minor, for liberty to grant leases or for appointment of trustees

ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITION of of the tenant for life [under the above settlement], a minor by of his next friend, showeth as follows—

1. [*Set out the settlement and facts on which the application is founded.*]

2. [*Set out the name of the person to be appointed, his qualifications and consent to act.*]

3. The property the subject of these proceedings does not exceed in capital value [(**a**) £45,000] [(**b**) . . .]

YOUR PETITIONER therefore humbly prays as follows [*delete inapplicable paragraphs*]—

1. That the powers conferred upon a tenant for life by sections 6 to 13 and sections 16 to 20 of the settled Land Act 1882 [*or such other power as it is desired to exercise*] may be exercised by the said on behalf of the said during his minority.

2. That the applicant [*or, in the case of a minor;* that the said during the minority of the said] and each of his successors in title [*or, in the case of a minor,* each of the successors in title of the said], being a tenant for life or having the powers of a tenant for life under the aforesaid Act may, pursuant to section 10 of the Settled Land Act 1882 be authorised from time to time to make building [mining] leases of the land compromised in the said settlement for the term of years [*or* in perpetuity] on the conditions specified in the said Act [*or* on conditions other than those specified in sections 7 to 9 of the said Act].

3. That of and of may be appointed trustees under the above-mentioned settlement for the purposes of the above-mentioned Act.

4. That the costs of this application may be taxed as between solicitor and client and that the same when taxed may be paid out of the property subject to the said settlement, and that for that purpose all necessary directions may be given.

5. That such other order may be made as to the Court may seem right.

It is intended to serve a copy of this petition on in the said petition named.

Dated this day of 20 .

Signed etc.

(a) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(b) Words omitted by S.R. 2007 No. 192 with effect from 01.04.07

FORM 34

Petition for the appointment of new trustees

ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITION of of showeth:

1. That by [indenture] dated the day of 20 , the said assigned to as trustees certain lands called etc. [*or as the case may be*] to hold upon trust [*state shortly the trusts*].

2. [*State what the trust fund now consists of.*]

3. [*State the names and addresses of the persons interested.*]

4. [*State the names and addresses of the retiring trustees and the reasons for their retiring.*]

5. [*State names and addresses of proposed new trustees.*]

6. The property to which this petition relates so far as it does not consist of land does not exceed in value [(**a**) £45,000] and so far as it consists of land [(**b**) the value of the land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000.

and where the land has a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

THE PETITIONER [*or* at least one of the trustees] resides in [*or* a fund to which the proceedings relate has been lodged in the Court for] the aforesaid Division.

THE PLAINTIFF seeks to have the said [*names of new trustees*] appointed as new trustees of the said [indenture] of the day of 20 . and for such order vesting the trust premises in such new trustees as the court may think fit.

Dated this day of 20 .

Signed etc.

(a) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07

FORM 35

Petition for advancement by a minor

ORDER 5, RULE (1)

[Title as in Form 1]

THE PETITION of of by of , his next friend showeth:

1. By [indenture] dated the day of 20 , and made between [*state parties and show interest of petitioner and nature, origin and amount of trust fund*].

2. The petitioner is [*state facts necessitating application for funds*] and for that purpose will require an advance out of the trust fund of £ .

The petitioner seeks that , as the trustee under the said deed, should advance to the petitioner the amount of £ out of the trust fund for the purpose above-mentioned, or that the trust be administered under the order of the Court [*or as the case may require*].

THE MINOR resides within [*or* money to which the proceedings relate has been lodged in the Court for] [*or* land to which the proceedings relate is situate in whole or in part within] the Division aforesaid.

Dated this day of 20 .

Signed etc.

Petition by a minor for approval of a settlement in a claim for damages, appointment of guardian and application of funds

ORDER 5, RULE 5(1)

[*Title as in Form 1*]

THE PETITION of of in the County of , a minor, by of his and next friend showeth:

1. YOUR PETITIONER is a minor under the age of 18 years and is now years of age, having been born on the day of 19 , and has no testamentary or other guardian (except his).
2. The right of action the subject-matter of these proceedings does not exceed [(a) £45,000] in amount or value.
3. [The Father of your petitioner died on the day of 19 , and the nearest relatives of the petitioner are .]
4. Your Petitioner met with an accident on the day of 19 , when he was [*set out circumstances and particulars of the person who caused the injury*] and he sustained injury to his . Your Petitioner has now recovered and does not suffer from any serious or permanent disability [other than].
5. The said has agreed to pay a sum of £ damages in settlement of all claims which your Petitioner may have in respect of the matters aforesaid, together with all medical and legal costs incurred by the said including the costs of this petition and order thereon and all costs of and incidental to the said settlement, and the said on behalf of your Petitioner has, subject to being authorised by this Honourable Court, consented to accept such settlement on the said damages being lodged in Court to the separate credit of the Petitioner.
6. The said sum for damages is made up as follows—

YOUR PETITIONER therefore prays—

(*a*) That the said may be appointed Guardian of the estate [and person] of your Petitioner.

(*b*) That the said may be authorised to make the aforementioned settlement and that the said damages be lodged in Court to the separate credit of the Petitioner.

(*c*) That out of the said damages there may be paid out of Court the sum of £ to the said for the use and benefit of the Petitioner for the purpose of .

(*d*) Such further order as the nature of the case may require.

Dated this day of 19 .

Signed Next friend.

Address

(a) Figure substituted by S.R. 1993 No. 322 with effect from 1.9.93

FORM 37

Endorsement on copies of petition for service

ORDER 5, RULE 5(2)

[*Title as in Form 1*]

TAKE NOTICE that [(a) . . .] the Petition in this matter [(b) will be heard on the day of 19 at]. If you do not attend either in person or by your solicitor at the aforesaid Court at the hour of on the day of 19 *, such order will be made and proceedings taken as the court thinks fit.

Dated this day of 19 .

Signed Chief Clerk.

[(b)* Day for hearing as fixed by chief clerk].

FORM 38

Oath to be taken by process server on appointment

ORDER 6, RULE 2(2)

YOU SWEAR that you will endeavour to the best of your ability to serve all [(c) ordinary and equity civil bills], civil bill ejectments, notices, witnesses' summonses and other documents delivered to you for service, that all processes received by you for service will be entered in your book with the reasons for the non-service of any left unserved, that the entries in your books and the endorsements made by you will be accurate.

AND YOU DO ALSO SWEAR that the documents served by you will be properly stamped and that you will have such originals with you for copies you serve as you are required by law so to have.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words substituted by S.R. 1995 No. 282 with effect from 1.9.95

FORM 39

Oath to be taken by process servers at each sitting of the Court

[(a) ORDER 6, RULE 2(13)]

YOU AND EACH OF YOU SWEAR that you have endeavoured to the best of your ability to serve all [(a) ordinary and equity civil bills,] civil bill ejectments, notices, witnesses summonses and other documents delivered to you for service since the last sittings of this Court, that all processes received by you for service since the last sittings of this Court have been entered by you in your several books with the reasons for the non-service of any left unserved, that the entries in your books of service and the endorsements made by you are accurate, that the several defendants resided at the time of service within this division unless in the cases noted by special endorsement.

AND YOU DO ALSO SWEAR that the documents served by you were properly stamped, that you had such originals with you for copies you served as you are required by law so to have and that you will make true answer to all such questions as shall be demanded of you touching the service of the above-mentioned documents.

FORM 40

[(b) . . .]

(a) Words substituted by S.R. 1995 No. 282 with effect from 1.9.95
(b) Form 40 revoked by S.R. 1995 No. 151 with effect from 1.9.95

FORM 41

Defendant's statements in equity suits

ORDER 7, RULE 1

[*Title as in civil bill*]

In the answer to the plaintiff's averments in this suit, I the undersigned defendant [*or* one of the defendants] states that—

I DISCLAIM all interest under the will of the said named in the civil bill (or as next-of-kin or one of the next-of-kin, of the said deceased, named in the said civil bill);

OR, I admit [*or* deny] [*here repeat in the language of the civil bill the statements admitted or denied*] and I submit that upon the true construction of the agreement or deed or will stated in the civil bill [*here state question of law the defendant seeks to raise*];

OR, the plaintiff has conveyed [*or* assigned] his interest in the said Mortgage or equity of redemption to of ;

OR, that I have conveyed or assigned to of by way of further charge for securing the sum of £ , the equity of redemption in the property sought by the suit to be sold;

OR, the partnership in the civil bill mentioned has been dissolved, and the plaintiff has executed a deed whereby he convenanted to discharge all debts and liabilities of the firm, and to release me from all claims and accounts in respect of the partnership;

OR, as the case may be.

Signed Defendant

Address

When filed by a solicitor add "The statement is filed by , solicitor for the defendant".

[(a) FORM 42

Notice of Intention to Defend a Civil Bill

ORDER 8, RULE 2

[Title as in Form 1]

TAKE NOTICE that the defendant intends to defend these proceedings.

Dated this day of 20 .

Signed Defendant/Solicitor
for the Defendant

Address

Notes for Guidance

1. This notice must be served on the plaintiff and a copy served on all the other parties to the proceedings within 21 days from service of the civil bill.

2. A copy of this notice, together with a copy of the civil bill, must be delivered to the chief clerk at the courthouse mentioned in the WARNING on the civil bill, at the same time as the notice is served on the plaintiff.

FORM 42A

Notice of Intention to Defend a Third Party Notice

ORDER 11, RULE 2A

[Title as in Form 1]

TAKE NOTICE that the third party intends to defend these proceedings.

Dated this day of 20 .

Signed Third Party/Solicitor
for the third Party

Address

Notes for Guidance

1. This notice must be served on the defendant and a copy served on all the other parties to the proceedings within 21 days from service of the civil bill.

2. A copy of this notice must be delivered to the chief clerk at the courthouse mentioned in the WARNING on the third party notice, at the same time as the notice is served on the defendant.]

(a) Forms 42 & 42A substituted by S.R. 1995 No. 282 with effect from 01.09.95

[(a) FORM 43

Certificate of Readiness

[Title as in proceedings]

To the chief clerk

Sir/Madam

I/We request that you enter these proceedings for hearing.

I/We certify [on behalf of the plaintiff]—

(1) that to the knowledge of the plaintiff;

(*a*) there are no remaining interlocutory issues between the parties; and

(*b*) that these proceedings are ready for hearing; and

(2) that the plaintiff estimates that the hearing will last not more than hour(s)*.

Signed

Plaintiff/Solicitor
for the Plaintiff

Date

To: The defendant and to the chief clerk

*Note: This information will assist the chief clerk in assessing the likely duration of the hearing.]

FORM 44

Interpleader summons in an action to person making adverse claim to debt or other thing in action, money or goods

ORDER 10, RULE 1(3)

[Title as in Form 1]

WHEREAS the plaintiff has sued the defendant in this action for the recovery of [*here state amount and cause of action as in original civil bill*] and whereas the defendant has had notice that you claim the [part of] subject-matter of this action and a copy of an affidavit made by the defendant is attached:

YOU THEREFORE are hereby required to appear at the aforesaid Court to be held at at the hour of on the day of 20 *, when the claim between you and the plaintiff will be determined and a decree given determining the rights and claims of the plaintiff, the defendant and yourself.

Dated this day of 20 .

Signed

Defendant/Solicitor
for the Defendant.

Address

*Day for hearing, as in civil bill.

(a) Form 43 substituted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 45

Interpleader summons to persons making adverse claim to debt or other thing in action, money or goods not the subject of an action

ORDER 10, RULE 1(3)

BY THE COUNTY COURT JUDGE/RECORDER [(a)/DISTRICT JUDGE]

In the County Court for the Division of

Between [*name, address and occupation*]

Applicant.

and

[*name, address and occupation*]

and

Claimants.

[*name, address and occupation*]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 20 and will be held at [(b) . . .]

WHEREAS I of have made an affidavit (a copy whereof is hereto annexed) stating that I have received adverse claims from of and of to [*here state the debt, thing in action, money or goods to which the adverse claims are made*].

YOU THEREFORE are hereby required to appear at the aforesaid Court at the hours of on the day of 20 *, when the claim between you and the other claimant will be determined and a decree given determining the rights and claims of the applicant, the other claimant and yourself.

Dated this day of 20 .

Signed Applicant/Solicitor for the Applicant

Address

[(c)* Day for hearing as fixed by chief clerk]

(a) Words inserted by S.R. 2013 No. 19 with effect from 25.02.13
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(c) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 46

Notice to plaintiff where interpleader summons issued to person making adverse claim to debt or other thing in action, money or goods

ORDER 10, RULE 1(3)

[Title as in Form 1]

TAKE NOTICE that the defendant in this action in which you are plaintiff has had notice that of claims the [part of] subject-matter of this action and a copy of an affidavit made by the defendant is attached and that application will be made to this Court at the hearing of the action for the determination of the claims between you and the other claimant.

Dated this day of 20 .

Signed

Defendant/Solicitor for the Defendant.

Address

FORM 47

Interpleader order where there is an action

ORDER 10, RULE 3(2)

BY THE COUNTY COURT JUDGE/RECORDER [**(a)** /DISTRICT JUDGE]
In the County Court for the Division of
Between [*name, address and occupation*]

Plaintiff

and

[*name, address and occupation*]
Defendant

and

[*name, address and occupation*]
Claimant

WHEREAS a civil bill was served by the plaintiff on the defendant for hearing at this Court claiming [*state cause of action and amount claimed*];

AND WHEREAS the claimant has made a claim to [*state particulars*] [part of] the subject-matter of the action;

AND IT APPEARING to the Court that a summons to appear [**(b)** . . .] has been duly served on the claimant and that notice of the said claim was duly served on the plaintiff.

IT IS THEREFORE DECREED touching the claims of the plaintiff and the claimant that the claim of the plaintiff [*or* claimant] is valid and that the claimant [*or* plaintiff] has no claim to the subject-matter in this action;

IT IS FURTHER DECREED that the plaintiff [*or* claimant] do recover against the defendant the sum of £ for debt and £ for costs and £ for witnesses' expenses, amounting together to the sum of £ ;

[*If the claimant fails to appear and on order is made barring his claim, proceed as follows*:

And the claimant not appearing, it is declared that the said claimant and all persons claiming under him are for ever barred as against the plaintiff and all persons claiming under him];

AND IT IS FURTHER DECREED that the plaintiff [*or* claimant] do recover from the claimant [*or* plaintiff] the sum of £ for costs and the sum of £ for witnesses' expenses [*add costs, if any, awarded to the defendant against the plaintiff or claimant*] and that the defendant do recover the sum of £ for costs and the sum of £ for witnesses' expenses from the plaintiff [*or* claimant].

Dated this day of 20 .

Chief Clerk

(Seal)

Plaintiff/Claimant/
Solicitor for the Plaintiff/
Claimant

(a) Words inserted by S.R. 2013 No. 19 with effect from 25.02.13
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 48

Interpleader order where there is no action

ORDER 10, RULE 3(2)

BY THE COUNTY COURT JUDGE/RECORDER [(**a**) /DISTRICT JUDGE]
In the County Court for the Division of

Between [*name, address and occupation*] Applicant
and

[*name, address and occupation*]
and

Claimants.

[*name, address and occupation*]

WHEREAS the applicant has applied to this Court for relief in the matter of adverse claims made upon him by the claimants in respect of [*here* state debt or other thing in action, money or goods to which the adverse claims were made];

AND IT APPEARING to the court that summonses to appear [(**b**) . . .] were duly served on the claimants;

Now upon hearing

IT IS DECREED [*here set out decree determining the claim as between the applicant and any claimant who appears or, if all the claimants appear, the decree determining the rights and claims of all the parties and the order as to payment*].

[*If any claimant fails to appear and a decree is made barring his claim, proceed as follows:*

And the claimant not appearing, it is declared that the said claimant and all persons claiming under him are for ever barred as against the applicant and all persons claiming under him];

AND IT IS FURTHER DECREED that the applicant [claimant(s)] do recover from the claimant(s) [applicant] the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated this day of 20 .

Chief Clerk

(Seal)

Applicant/Claimant/
Solicitor for the
Applicant/Claimant

(a) Words inserted by S.R. 2013 No. 19 with effect from 25.02.13
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(a) FORM 49

[*Suppl. No. 28 (Sept. 1995)*]

Third party notice

ORDER 11, RULE 1(1)

[*Title as in Form 1*]

TAKE NOTICE that this action has been brought by the plaintiff against the defendant for and that the defendant claims against you that—

[he is entitled to contribution for you to the extent of]

[or other relief, if any sought].

[he is entitled to be indemnified by you against liability in respect of]

The grounds of the defendant's claim are

WARNING

If you wish to dispute this claim against you, within 21 days after service of this third party notice on you, a notice of intention to defend these proceedings in Form 42A must be served on the defendant and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to served such a notice, the court may proceed to hear and determine the plaintiff's claim against the defendant and the defendant's claim against you, and to give judgment against you in your absence without further notice.

Dated this day of 19

[Solicitor for] Defendant

To the Third Party.]

(a) Form 49 substituted by S.R. 1995 No. 282 with effect from 1.9.95

[(a) . . .

FORM 50

FORM 51A

]

(a) Forms 50 and 51A revoked by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 53

[*Suppl. No. 28 (Sept. 1995)*]

Default decree in proceedings for liquidated amount

Order 12, Rule 1

[*Heading as in Form 1*]

No notice of intention to defend having been served by the defendant herein, it is this day ordered and decreed that the plaintiff do recover from the defendant the sum of £ together with the sum of £ for costs.

Dated at this day of 19

(Seal)

Signed

Chief Clerk

FORM 54

Default decree in proceedings for unliquidated damages

Order 12, Rule 2

[*Heading as in Form 1*]

No notice of intention to defend having been served by the defendant herein, it is this day ordered and decreed that the defendant do pay the plaintiff damages to be assessed by the district judge.

Dated at this day of 19

(Seal)

Signed

Chief Clerk]

(a) Forms 53 and 54 substituted by S.R. 1995 No. 282 with effect from 1.9.95

[(a) FORM 55

Default decree in proceedings relating to detention of goods

Order 12, Rule 3

[*Heading as in Form 1*]

No notice of intention to defend having been served by the defendant herein.

It is this day ordered and decreed that the defendant deliver to the plaintiff the goods described in the civil bill as [description of goods] or pay the plaintiff the value of the said goods to be assessed [and also damages for their detention to be assessed].

or

It is this day ordered and decreed that the defendant do pay the plaintiff the value of the goods described in the civil bill to be assessed [and also damages for the detention to be assessed].

Dated at this day of 19 .

(Seal)

Signed

Chief Clerk

FORM 56

Default decree in proceedings for possession of land

Order 12, Rule 4

[*Heading as in Form 1*]

No notice of intention to defend having been served by the defendant herein, it is this day ordered and decreed that the defendant do give the plaintiff possession of the land described in the civil bill as

Dated at this day of 19

(Seal)

Signed

Chief Clerk]

(a) Form 55 and 56 substituted by S.R. 1995 No. 282 with effect from 1.9.95

[(a) FORM 57

Decree in proceedings where damages assessed by the judge/district judge

Order 12, Rule 14

Whereas on the day of 19 interlocutory judgment for damages to be assessed under Order 12, Rule 2 was entered herein by the chief clerk and whereas a summons in Form 70 was issued and served on all the parties for the assessment of damages herein it is this day ordered and decreed that the plaintiff do recover from the defendant the sum of £ for damages, together with the sum of £ for costs and the sum of £ for witness expenses.

Dated at this day of 19

(Seal)

Signed

Chief Clerk.]

[(b) FORM 58

FORM 59

]

(a) Form 57 inserted by S.R. 1995 No. 282 with effect from 1.9.95
(b) Forms 58 and 59 revoked by S.R. 1995 No. 151 with effect from 1.9.95

FORM 60

Notice to plaintiffs in other actions of dismiss in favour of defendant in selected action

ORDER 13, RULE 3(2)

In the County Court Division of

BETWEEN Plaintiff,

and

Defendant,

and

BETWEEN Plaintiff,

and

Defendant.

WHEREAS on the day of 19 it was ordered that the above-mentioned action of

v.

should be stayed until a decision should have been given in the above-mentioned action of

v.

TAKE NOTICE that on the day of 19 , a dismiss was given in the said action of

v.

in favour of the defendant.

AND FURTHER TAKE NOTICE that the said defendant will be entitled to his costs of the above-mentioned action of up to the date of the said order of the day of 19 unless you, the said shall on or before the* day of 19 give written notice to the chief clerk to enter the action of

v.

for hearing.

Dated this day of 19 .

Signed Defendant.

To the above-named Plaintiffs.

*See Order 13, Rule 6.

FORM 61

Notice to plaintiff in other actions of decree in favour of plaintiff in selected action

ORDER 13, RULE 4(2)

[*Title as in Form 1*]

TAKE NOTICE that on the day of 19 a decree was given in the said action of

v.

in favour of the Plaintiff

AND FURTHER TAKE NOTICE that you will be at liberty to proceed with the action of

v.

for the purpose of ascertaining and recovering the debt [*or* damages] and costs and that if you desire so to proceed you must, on or before the* day of 19 , give written notice to me to enter the action of

v.

for hearing.

Dated this day of 19 .

Chief Clerk.

To the above-named Plaintiff.

*See Order 13, Rule 6.

FORM 62

Notice of day fixed for hearing after general adjournment

ORDER 14, RULE 4(3)

[*Title as in Form 1*]

TAKE NOTICE that the hearing of this action which stands adjourned generally will take place at on the day of 19 at o'clock.

Dated this day of 19 .

Signed Chief Clerk.

FORM 63

Application by defendant for security for costs

ORDER 14, RULE 5(1)

[*Title as in Form 1*]

I, THE ABOVE-NAMED DEFENDANT, neither reside nor carry on business within the aforesaid division, and I APPLY for an order directing the plaintiff to deposit in Court a sum of money to be fixed by the [(a) district judge] as security for my costs of this action, on the grounds stated in my affidavit accompanying this application.

Dated this day of 19 .

Defendant.

To the Chief Clerk

FORM 64

Notice to defendant of refusal of application for security for costs

ORDER 14, RULE 5(3)

[*Title as in Form 1*]

TAKE NOTICE that the [(a) district judge] has duly considered the allegations in your affidavit and he refuses your application for an order directing the plaintiff to deposit a sum of money as security for your costs. You must therefore attend the Court on the day fixed for the hearing.

Dated this day of 19 .

(Seal)

Signed Chief Clerk.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 65

Notice to plaintiff to deposit sum of money in Court for security for costs

ORDER 14, RULE 5(4)

[*Title as in Form 1*]

TAKE NOTICE that the defendant, who neither resides nor carries on business within the aforesaid Division, has filed an affidavit showing a defence to this action on the merits, and has applied for an order directing you to deposit a sum of money as security for his costs of this action. An order has been made requiring you within three days from the date hereof to deposit in Court the sum of £ to abide the event of this action;

AND FURTHER TAKE NOTICE that in default of your making such deposit as ordered the action will be struck out, and the defendant will be entitled to claim against you his costs incurred prior to the receipt by him of notice of your default.

Dated this day of 19 .

(Seal)

Signed Chief Clerk.

FORM 66

Notice to defendant of deposit of sum of money for security for costs

ORDER 14, RULE 5(5)(*a*)

[*Title as in Form 1*]

TAKE NOTICE that the plaintiff has this day deposited with me the sum of £ , to abide the event of this action.

You should therefore attend the Court on the day fixed for the hearing.

Dated this day of 19 .

(Seal)

Signed Chief Clerk.

FORM 67

Notice to defendant of failure to deposit sum of money for security for costs

ORDER 14, RULE 5(5)(*b*)

[*Title as in Form 1*]

TAKE NOTICE that the plaintiff has been required by the [(a) district judge] to deposit in Court the sum of £ , to abide the event of this action, but has not deposited the same.

The action will therefore be struck out and you need not attend the Court on the day fixed for the hearing.

Dated this day of 19 .

(Seal)

Signed Chief Clerk.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

[(**a**) FORM 68

List of documents

[(**b**) ORDER 15, RULE 1 (2A)]

[Title as in Form 1]

The following is a list of the documents relating to the matters in question in these proceedings which are or have been in the possession, custody or power of the above-named plaintiff [*or* defendant] AB [and which is served in compliance with the order herein dated the day of 20]

1. The plaintiff [*or* defendant] has in his possession, custody or power the documents relating to the matters in question in these proceedings enumerated in Schedule 1.

2. The plaintiff [*or* defendant] objects to produce the documents enumerated in Part II of Schedule 1 on the ground that [*stating the ground of objection*].

3. The plaintiff [*or* defendant] has had, but has not now, in his possession, custody or power the documents relating to the matters in question in these proceedings enumerated in Schedule 2.

4. Of the documents in Schedule 2, those numbered in that Schedule were last in the plaintiff's [*or* defendants] possession, custody or power on [*stating when*] and the remainder on [*stating when*].

[*Here state what has become of the documents and in whose possession they now are*].

5. Neither the plaintiff [*or* defendant], nor his solicitor nor any other person on his behalf, has now, or ever had, in his possession, custody or power any document of any description whatever relating to any matter in question in these proceedings, other than the documents enumerated in Schedules 1 and 2.

SCHEDULE 1

PART 1

[*Here enumerate in a convenient order the documents (or bundles of documents, if of the same nature, such as invoices) in the possession, custody or power of the party in question which he does not object to produce, with a short description of each document or bundle sufficient to identify it.*]

PART II

[*Here enumerate as aforesaid the documents in the possession, custody or power of the party in question which he objects to produce.*]

(a) Form 68 substituted by S.R. 1990 No. 269 with effect from 03.09.90
(b) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13

SCHEDULE 2

[*Here enumerate as aforesaid the documents which have been, but at the date of service of the list are not, in the possession, custody or power of the party in question.*]

Dated the day of 20 .

Notice to inspect

Take notice that the documents in the above list, other than those listed in Part II of Schedule 1 [and Schedule 2], may be inspected at [the office of the solicitor of the above-named [plaintiff] [defendant] (*insert address) or as may be*] on the day of 20 , between the hours of and , when copies may be taken.

The defendant [*or* plaintiff] C.D. and his solicitor.

Served the day of 20 , by of solicitor for the [plaintiff] [defendant]

[(a) . . .]

(a) Form 68A omitted by S.R. 2013 No.19 with effect from 25.02.13

[(a) FORM 68B

[*Suppl. No. 21 (Sept. 1990)*]

Certificate of application for discovery

ORDER 15, RULE 1(4)

[*Title as in Form 1*]

I, (*name of applicant's solicitor*), solicitor, of (*address*) hereby certify as follows

1. I am the solicitor personally in charge of these proceedings on behalf of the plaintiff/defendant ("this party").

2. I beg to refer to true copies of the Civil Bill, Notice for further and better particulars and replies thereto (and copies of correspondence between the parties) annexed hereto.

3. [On the day of 19 , this party applied by notice in writing to the plaintiff/defendant for discovery in these proceedings. I beg to refer to a true copy of the said notice annexed hereto.]*

4. [Notice for discovery has not been given to the plaintiff/defendant because .]*

5. [To date discovery of the documents so requested has not been made by the plaintiff/defendant.]*

6. This case (has been fixed for hearing at on the day of 19) (has not been fixed for hearing).

7. I believe that discovery of the said documents is necessary for disposing fairly of the proceedings (and/or for saving costs).

8. I therefore respectfully request an order compelling the plaintiff/defendant to make discovery or such other order as may be directed.

Dated

Signed Solicitor

Address

*Delete as appropriate]

(a) Form 68B inserted by S.R. 1990 No. 269 with effect from 3.9.90

[(a) FORM 68C

Affidavit verifying list of documents

ORDER 15, RULE 1(6)

[*Title as in Form 1*]

I, the above-named [plaintiff] [defendant] make oath and say as follows:—

1. The Statements made by me in the paragraphs 1, 3 and 4 of the list of documents now produced and shown to me marked are true.

2. The Statements of Fact made by me in paragraph 2 of the said list are true.

3. The Statements made by me in paragraph 5 of the said list are true to the best of my knowledge, information and belief.

[conclude as in Form 2]]

[(b) FORM 68D

Notice of application for discovery under Article 42A(2) or 42B(2) of the County Courts (Northern Ireland) Order 1980

ORDER 15, RULE 5A

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

TO: of

TAKE NOTICE that I intend to apply to the above county court for an order under Article [42A(2)] [42B(2)] of the County Courts (Northern Ireland) Order 1980 requiring you to make discovery of the documents specified in the attached affidavit on the grounds specified in the said affidavit.

THIS APPLICATION has been fixed for hearing at

on 19 .

Signed

Dated

[(c) Notice to person in possession of documents who is not a party to the proceedings

If you have no objection to the court making an order for the production of the documents specified in the attached affidavit you need not attend court.]

(a) Form 68C inserted by S.R. 1990 No. 269 with effect from 3.9.90
(b) Forms 68D and 68E inserted by S.R. 1996 No. 295 with effect from 2.9.96
(c) New paragraph inserted by S.R. 1998 No. 199 with effect from 1.9.98

FORM 68E

Order for discovery under Article 42A(2) or 42B(2) of the County Courts (Northern Ireland) Order 1980

ORDER 15, RULE 5A

IT IS ORDERED that [on payment by the of the sum of £ into court as security] do within days of the service of this order:

make an affidavit stating whether the following documents are, or at any time have been in his possession, custody or power and if not then in his possession, custody or power when he parted with them and what has become of them;

produce to such of those documents as are in his possession, custody or power.

AND IT IS ORDERED that the costs of this application be

Dated]

[(a) FORM 69

Order for discovery of documents

ORDER 15, RULE 1(8)

[Title as in Form 1]

IT IS ORDERED that on payment by the of the sum of £ into Court as security [*or* without security given by the] the do within days from the service of this order [*and a copy of the receipt for payment into Court] upon him making discovery by serving on a list of the documents in Form 68 which are or have been in the possession, custody power of relating to the matters in question in these proceedings, and return such list, to me for filing, and deliver a copy thereof to the

[AND IT IS ORDERED that the do at the same time file an affidavit in Form 68C verifying the list of documents and deliver a copy thereof to

AND IT IS ORDERED that the costs of this application be

Dated this day of 20 .

Signed Chief Clerk

(Seal)

*Add when payment as security ordered.]

(a) Form 69 substituted by S.R. 1990 No. 269 with effect from 03.09.90

[(**a**) FORM 69A

Order for interrogatories

[(**b**) ORDER 15, RULE 12B(3)]

[Title as in Form 1]

To all Parties

IT IS ORDERED that the be at liberty to serve on the interrogatories in writing as approved by the [(**b**) judge or district judge] and that the do answer the interrogatories by affidavit, and return such answer to the Court for filing and deliver a copy to the within days after service of the interrogatories upon him.

AND IT IS ORDERED that the costs of the application be

Dated

Signed Chief Clerk

(Seal)]

FORM 70

Summons in chambers

[(**c**) ORDER 12, RULE 13(2)(ii);] ORDER 16, RULE 3; ORDER 17, RULE 6(1)(*c*)

[Title as in Form 1]

LET ALL PARTIES concerned attend at on the day of 20 at o'clock, before the judge [(**d**) district judge] for the purpose of [*here state the object for which the attendance is required*].

Dated this day of 20 .

Signed Chief Clerk

To:]

(a) Form 69A inserted by S.R. 1983 No. 164 with effect from 01.09.83
(b) Words substituted by S.R. 2013 No. 19 with effect from 25.02.13
(c) Words inserted by S.R. 1995 No. 282 with effect from 01.09.95
(d) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

[(a) FORM 70A

[*Supplt. No. 35 (Sept. 1998)*]

Notice of application for inspection of property under Article 42A(1) or 42B(3) of the County Courts (Northern Ireland) Order 1980

ORDER 14, RULE 10A

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

TO: of

TAKE NOTICE that I intend to apply to the above county court for an order under Article [42A(1)] [42B(3)]* of the County Courts (Northern Ireland) Order 1980 for the inspection of the property specified in the attached affidavit and on the grounds specified in the said affidavit.

[The proceedings to which this application relates are in respect of personal injuries or a person's death]**

THIS APPLICATION has been fixed for hearing at on 19 .

Signed

Dated

[(b) Notice to person in possession of property who is not a party to the proceedings

If you have no objections to the court making an order for the inspection of the property specified in the attached affidavit you need not attend court.]

*Delete as appropriate
**To be included where the application is made under Article 42B(3)

(a) Form 70A inserted by S.R. 1996 No. 295 with effect from 2.9.96
(b) New paragraph inserted by S.R. 1998 No. 199 with effect from 1.9.98

FORM 71

Primary decree in administration suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .], seeking to have the estate of the said deceased, late of in the County of who died on the day of 20 , administered under the order of this Court;

AND IT FURTHER APPEARING that is the executor [*or* administrator *or* administrator with the will annexed] of the said deceased

AND IT FURTHER APPEARING that the personal estate to which this suit relates does not exceed [(**b**) £45,000], and that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.

And the said suit [having stood adjourned until the day of 20 , at and] having come on this day to be heard].

WHEREUPON on reading the said equity civil bill dated the day of 20 the affidavit of sworn the day of 20 , the probate of the will [*or* letters of administration [with the will annexed] of the personal estate and effects] of the said deceased granted to on the day of 20 , forth of the [District Registry of the [(**d**) Chancery Office of the Chancery Division] of the High Court of Justice in Northern Ireland, situate at ; An extract under the hand of the proper officer certifying that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000,

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

AND UPON HEARING

And the oral evidence of

IT IS ORDERED that the [real and personal] estate of the said deceased be administered in the usual course of administration;

AND IT IS FURTHER ORDERED that it be referred to the [(**e**) district judge] to take and make the following accounts and inquiries at
and certify the result of the same to the Court—

1. The funeral and testamentary expenses of the deceased.

2. The debts of the deceased.

3. The legacies and annuities given by the will of the deceased, and who are the persons entitled to receive payment of the same.

4. Who are the next-of-kin of the deceased, according to the law governing the

---

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(d) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(e) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

distribution of intestates' estates, living at the death of the deceased, and whether any of them are since dead, and, if so, who are their legal personal representatives.

5. The personal estate of the deceased (not specifically bequeathed) which came to the hands of the plaintiff, defendant, or , or to the hands of any other person by his, her, or their orders, or for his, her, or their use.

6. What lands the said deceased died seized or possessed of, which under the provisions of the Administration of Estates Act (Northern Ireland) 1955 or the Local Registration of Title, Ireland, Act 1891 devolved to and became vested in his personal representative, and which should be administered in the same manner as if it were personal estate, and what incumbrances affect the same and the priorities thereof, and which of such incumbrancers consent to a sale thereof, and what is due to each such incumbrancer, respectively, on foot of each incumbrance.

7. The personal estate of the said deceased (if any) outstanding or undisposed of.

AND IT IS FURTHER ORDERED that the plaintiff [*or* defendant] do within one month from the date of this decree lodge with the [(a) district judge] a verified account, as accounting party under this decree, and do within the same time furnish a true copy of the same to the solicitor, and that the do within 10 days after such copy account shall have been furnished, lodge with the [(a) district judge] such surcharge or discharge as he shall be advised to put in (if any), and forthwith furnish a copy to the solicitor for the ;

AND IT IS FURTHER ORDERED that the defendant [*or* plaintiff] do within one week after the certificate on these inquiries shall be made up pay into Court to the credit of this suit all sums of money which shall be found to have come to hands or to the hands of any other person or persons by order, or for use;

*AND IT IS FURTHER ORDERED that if the personal estate of the deceased be found insufficient for carrying out the objects of this suit, then the following further inquiries be made and taken—

8. Who is the heir at law of the deceased.

9. What [further] real estate was the deceased seized of or entitled to at the time of his death.

10. What are the incumbrances (if any) affecting such real estate or any part thereof.

11. An account of what is due to the several incumbrancers, and the priorities of each such incumbrance, and which of such incumbrancers consent to a sale of the lands affected by such incumbrance.

AND IT IS FURTHER ORDERED that for the purpose of the inquiries hereinbefore directed, the [(a) district judge] shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the plaintiff's solicitor. And that the [(a) district judge] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries.

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated day of 20 .

Chief Clerk

(Seal)

Solicitor for the Plaintiff.

* Applicable only in case of deaths before 1st January, 1956.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 72

Primary decree declaring a donatio mortis causa, trusts, and directing inquiries, etc.

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .], seeking ; .

AND IT FURTHER APPEARING that the money to which this suit relates does not exceed [(**b**) £45,000], and that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard;

Whereupon on reading the said equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 , and an extract under the hand of the proper officer certifying that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And upon hearing

And the oral evidence of

IT IS DECLARED that there was a valid and binding *donatio mortis causa* by the deceased to of and that the same did not form part of the personal estate of the said deceased at the time of his [*or* her] death, and that the said are trustees of the said and the money represented thereby for the said ;

AND IT IS ORDERED that the said do concur and do all such acts as may be necessary as of the deceased to secure the payment by to of the sum payable by upon the foot of the said ;

Or IT IS DECLARED that form portion of the estate of and that is a trustee in respect of same, for and on behalf of [and is liable to pay to];

IT IS ORDERED that do forthwith [pay to the sum of £] [execute to at the expense of a proper deed of conveyance of] [transfer to the and execute such transfer or other deed as may be necessary];

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(c) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07

AND IT IS DECLARED that is/are entitled to the costs of this suit, and let the [(a) district judge] tax the same;

IT IS FURTHER ORDERED that do pay to the said costs, when so taxed and ascertained [out of the estate of the said deceased];

IT IS ORDERED that it be referred to the [(a) district judge] to take and make the following accounts and inquiries, at , and certify the result of same to the Court, and for the purpose of such inquiries to cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion of them ordered by the solicitor, and to make such inquiries in any other way which shall appear to him to give the most useful publicity to such inquiries.

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated this day of 20 .

Chief Clerk

(Seal)

Solicitor for

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 73

Primary decree in a mortgage suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [**(a)** . . .] to answer the plaintiff s demand for the sum of £ for principal and interest due on foot of an indenture of mortgage dated the day of 20 , charged on portion of the townland of in the parish of and barony of and County of containing acres roods and perches, statute measure, or thereabouts, held by the defendant in fee simple [or as a leasehold, at yearly rent of £] and the said sum should together with the costs of suit be raised by a sale of the said lands, or by a receiver, or both, as the court might direct:

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard;

AND IT FURTHER APPEARING that [**(b)** the value of the lands to which this suit relates does not exceed —

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And upon reading the equity civil bill dated the day of 20 , the affidavit of sworn the day of 20 , the said mortgage deed dated the day of 20 ;

An extract under the hand of the proper officer certifying that [**(b)** the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000;

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon hearing

and the oral evidence of

THE COURT DOTH DECLARE that there is due by the defendant to the plaintiff on foot of said indenture of mortgage for principal the sum of £ and for interest the sum of £ at the rate of per cent. per annum, up to the day of 20 , and also further interest on the said principal sum at the rate aforesaid until paid;

AND IT IS FURTHER ORDERED AND DECLARED that the plaintiff is entitled to £ costs of this suit with his [her *or* their] demand, and that the [**(c)** district judge] do tax the same; and that, upon the defendant paying into court within three months from the service of a copy of this decree upon the said defendant(s), the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant(s) re-convey the said mortgaged premises free and clear

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(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

from all incumbrances of the plaintiff or any person claiming by, through, or under him [her *or* them] and shall deliver up to the chief clerk all deeds or writings in his [her *or* their] custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the Accountant General shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant(s) paying into Court such sums as aforesaid, by the time aforesaid, then IT IS ORDERED that the [(**a**) district judge] do take and make the following accounts and inquiries at and certify the result of same to the Court—

1 . An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said mortgage in the civil bill mentioned, or any and what part thereof.

2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.

3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant as aforesaid, all the estate and interest of the defendant of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrances affecting the same, by public auction, by a duly qualified auctioneer, at subject to the approval of the Court [*or* subject to a reserved bidding to be fixed by the Court] And it is Further Ordered that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(**a**) district judge] who shall inquire into the title, and that if any doubt or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the [(**a**) district judge] shall direct AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk.

(Seal)

Solicitor for the Plaintiff

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 74

Primary decree in an equitable mortgage suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .] to answer the plaintiff's demand for the sum of £ for principal and interest due on foot of an alleged equitable mortgage by deposit by the defendant with the plaintiff on the day of 20 of the original of the lands of situate in the parish of and barony of and County of containing acres roods perches, statute measure, or thereabouts, held by the defendant in fee simple [*or* as the case may be], and that the said sum together with the costs of suit be raised by a sale of the said lands, or by a receiver, or by both, as the Court might direct;

AND IT APPEARING that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard; Upon reading the said equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 , and an extract under the hand of the proper officer certifying that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon hearing

and the oral evidence of

And it appearing

IT IS DECLARED that the sums of money advanced by to, or on behalf of at his [her *or* their] request, with interest thereon secured by the said equitable mortgage by deposit of the said title deeds with the said is well charged on the said estate and interest in the said lands more particularly set forth in the respective deeds [*or* Land Certificates] and equity civil bill;

AND IT IS DECLARED that there is now due to the said on foot of the said equitable mortgage the sum of £ for principal and the sum of £ for interest thereon, from the day of 20 , to the day of 20 , at the rate of £ per cent. per annum, together with further interest on the said sum of £ until paid;

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07

AND IT IS ORDERED AND DECLARED that the said is entitled to £ costs of this suit with demand, and that the [(**a**) district judge] do tax the same;

And that upon the defendant(s) paying into Court within three months from the date of the service of a copy of this decree upon the said defendant(s), the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant(s) re-convey the said mortgaged premises free and clear from all incumbrances of the plaintiff or any person claiming by, through, or under him [her *or* them] and do deliver up to the chief clerk all deeds or writings in his [her *or* their] custody or power relating thereto, and that upon such re-conveyance being made and deeds and writings being delivered up, the Accountant General shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant(s) paying into Court such sums as aforesaid, by the time aforesaid, then It is Ordered that the [(**a**) district judge] do take and make the following accounts and enquiries, at and certify the result the same to the Court—

1. An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said mortgage in the civil bill mentioned, or any and what part thereof.

2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.

3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant(s) as aforesaid all the estate and interest of the defendant(s) of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrancers affecting the same, by public auction, by a duly qualified auctioneer, at , subject to the approval of the Court [*or* subject to a reserved bidding fixed by the Court];

AND IT IS FURTHER ORDERED that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(**a**) district judge], who shall inquire into the title, and that if any doubts or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the [(**a**) district judge] shall direct.

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk.

(Seal)

Solicitor for the Plaintiff

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 75

Primary decree in a local registration of title charge suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .] to answer the plaintiff's demand for the sum of £ . , principal and interest due on foot of a certain deed of charge which the plaintiff caused to be registered on the day of 20 , against a certain part of the townland of , and County of and barony of , and County of containing acres roods perches, statute measure, or thereabouts, held by the defendant in fee simple [*or* as a leasehold] on Folio of the County Land Registry subject to a Land Purchase Annuity of £ [*or* at the rent of £], and that said sum should, together with the costs of suit, be raised by a sale of the said lands, or by a receiver, or by both, as the Court might direct. And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard.

AND IT FURTHER APPEARING that [(**b**) the value of the lands to which this suit relates does not exceed —

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon reading the equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 , [the Local Registration of Title certificate of charge of the day of 20 ,] [[a certified copy of] the Land Certificate relating to] Folio of the Register of the County of pursuant to the Local Registration of Title, Ireland, Act 1891 and an extract under the hand of the proper officer certifying that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon hearing

and the oral evidence of

THE COURT DOTH DECLARE that the said instrument of charge is well charged on the said defendant's estate and interest in the lands and premises before mentioned, and that there is now due by the defendant to the plaintiff on foot thereof for principal the sum of £ and for interest the sum of £ at the rate of £ per cent. per annum up to the day of 20 , together with further interest on the said principal sum at the rate aforesaid until paid [also the sum of £ costs of registering said instrument of charge].

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07

AND IT IS FURTHER ORDERED AND DECLARED that the plaintiff is entitled to his costs of this suit, with demand, and that the [(**a**) district judge] do tax the same. And that upon the defendant paying into Court within three months from the date of the service of a copy of this decree upon the defendant the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant re-convey the said charged premises free and clear from all incumbrances of the plaintiff or any person claiming by, through, or under him, and do deliver up to the chief clerk all deeds or writings in his custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the Accountant General shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant paying into Court such sum as aforesaid, by the time aforesaid, then It is Ordered that the [(**a**) district judge] do take and make the following accounts and inquiries at and certify the result of same to the Court—

1. An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said charge in the civil bill mentioned, or any and what part thereof.

2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.

3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant as aforesaid, all the estate and interest of the defendant of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrances affecting the same, by public auction, at , by a duly qualified auctioneer subject to the approval of the Court [*or* subject to a reserved bidding to be fixed by the Court] And it is Further Ordered that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(**a**) district judge] who shall inquire into the title, and that if any doubt or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the [(**a**) district judge] shall direct And it is Further Ordered that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk

(Seal)

Solicitor for the Plaintiff

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 76

Primary decree in a partition suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .] seeking

AND IT FURTHER APPEARING that [(**b**) the value of the lands to which this suit relates does not exceed —

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard,

Upon reading the said equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 , and an extract, under the hand of the proper officer, certifying that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000;

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon hearing

and the oral evidence of ;

IT IS ORDERED that it be referred to the [(**c**) district judge to take the following accounts and inquiries at and certify the result of same to the Court, viz—

1. Who are the parties interested in the lands and premises in the said equity civil bill mentioned, and in what shares and proportions, and for what estates and interests respectively.

2. Whether they are parties to this suit, and whether any of the said persons are under any disability.

3. Whether the said lands and premises, or any part thereof are held subject to any statute prohibiting sub-division without the consent of the Department of Finance and if so whether the consent in writing of the said Department that the said lands may be partitioned as the Court may direct, has been obtained.

4. Whether the said lands or any part thereof are charged with any advance repayable by Land Purchase Annuity to the Department of Finance.

5. What are the incumbrances, if any, affecting the lands in the said equity civil bill mentioned or any part thereof.

6. An account of what is due to the several incumbrancers and the priorities of each such incumbrance.

7. What rent or annuity, if any, is payable out of the said lands and to whom.

AND IT IS FURTHER ORDERED that for the purpose of the inquiries hereinbefore directed, the [(**a**) district judge] shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the solicitor. And that the [(**a**) district judge] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries;

[AND IT IS FURTHER ORDERED that be and is hereby appointed to survey the said lands and premises, and to make maps thereof, and to divide the same into equal parts, having regard to quantity and quality, and to report thereon to the Court in the manner provided by Order 33 Rule 4 of the County Court Rules (Northern Ireland) 1976; on or before the day of 20 ;

AND IT IS FURTHER ORDERED that the said report and maps of the said shall be lodged by him in the office of the chief clerk on or before the day of 20 ;

And let copies of said report, accompanied by tracings of said maps, be furnished by the said to the solicitors of the respective parties to this suit, on or before the day of 20].

[AND IT APPEARING that the plaintiff is entitled to have the said lands and premises partitioned, and it is more convenient and beneficial for all the owners for this purpose that the whole of the said lands and premises be sold, and that the proceeds of same be distributed among those entitled, if it shall be certified that all the parties interested are parties to this suit, then—

IT IS ORDERED that the lands and premises in the equity civil bill in this suit mentioned, be forthwith sold by public auction, at by , auctioneer, subject to the approval of the Court [*or* to a reserved bidding fixed by the Court] and that the solicitor shall have carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(**a**) district judge], who shall inquire into the title, and, if any doubt or difficulty shall arise on the title, the abstract and conditions of sale shall be advised upon and settled by counsel as the [(**a**) district judge] shall direct]

[And that all the parties to this suit have liberty to bid at such sale. But if it shall be certified that any of the parties interested are not parties to the suit or that there is a restraint on sub-division and that no consent thereto has been procured, It is Ordered that any of the parties to this suit be at liberty to apply to the Court for a sale, when it shall have been certified that all persons who are not parties and who ought to have been served with notice of this decree have been so served] And the Court doth reserve the costs of this suit;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk

(Seal)

Solicitor for

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(d) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 77

Primary decree for redemption and account

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .], seeking ;

AND IT FURTHER APPEARING that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard

Upon reading the said equity civil bill dated the day of 20 , the affidavit of sworn the day of 20 , and an extract under the hand of the proper officer certifying that [(**b**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

Upon hearing

and the oral evidence of ;

AND IT APPEARING

IT IS DECLARED that the right of redemption of in the premises is still subsisting, and that the defendant is entitled to his costs of this suit.

IT IS ORDERED that the following accounts and inquiries be taken at by the [(**c**) district judge], and the result of same certified to the Court—

1. An account of what is due to the defendant under and by virtue of the mortgage in the equity civil bill mentioned and for his costs of this suit, such costs to be taxed by the [(**c**) district judge].

2. An account of the rents and profits of said lands and premises received by the defendant or any other person or persons by his order or for his use, or which, without his or their wilful default, might have been so received.

AND IT IS ORDERED that what shall appear due on such last mentioned account be deducted from what shall appear due to the defendant for principal, interest and costs in account No. 1;

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(c) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

AND IT IS FURTHER ORDERED that upon the plaintiff paying to the defendant what shall be certified to be due to him as aforesaid, within [three] calendar months from the date of the order confirming the certificate of the [(**a**) district judge] the defendant re-convey unto the plaintiff the mortgaged lands and premises free and clear from all incumbrances of the defendant or any person claiming through or under him, and deliver up to the plaintiff all deeds or documents or writings in the possession or control of the defendant relating to the said lands and premises; but in default of the plaintiff paying to the defendant by the time aforesaid what shall be certified to be due for such principal, interest and costs, after such deduction as aforesaid.

IT IS ORDERED that the plaintiff's suit do, from thenceforth, stand dismissed out of the Court with costs, to be taxed by the [(**a**) district judge] and to be paid by the plaintiff to the defendant;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries, with liberty to either of said parties to apply.

Dated at this day of 20 .

Chief Clerk

(Seal)

Solicitor for

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 78

Primary decree in partnership suit

ORDER 17, RULE 4

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**) . . .], seeking ;

AND IT FURTHER APPEARING that the whole assets of the partnership to which this suit relates do not exceed [(**b**) £45,000] in amount or value;

And the said suit [having stood adjourned until the day of 20 , at , and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 ;

Upon hearing and the oral evidence of ;

IT IS DECLARED that the partnership set forth in the plaintiff's equity civil bill was [validly entered into between the plaintiff and the defendant and that the same was] dissolved [*or* ought to stand dissolved] as from the day of 20 ;

AND IT IS ORDERED that the dissolution thereof as from that date be advertised

AND IT IS FURTHER ORDERED for the preservation of the assets of the partnership that be and is hereby appointed receiver (without being required to enter into any security) over the partnership assets and premises at and that the said receiver do forthwith enter into possession of the said partnership assets, and do forthwith take all necessary steps to sell the good will of the partnership business, and the interest of the partnership in the business premises at , and also to sell in lots or otherwise the stock-in-trade, trade utensils and all other property of the partnership, and that the said sales be advertised, and that the plaintiff and defendant be at liberty to bid at such sales, and that have carriage of the sales, and that the conditions of sale be subject to the approval of the [(**c**) district judge], and that the said receiver, out of the proceeds arising from such sales, do pay the rent, taxes, and all other necessary outgoings, and do forthwith lodge in Court, to the credit of this suit, the balance of such proceeds, and account to the Court in the usual course;

AND IT IS FURTHER ORDERED that it be referred to the [(**c**) district judge] to take and make the following accounts and inquiries at and to certify the result of the same to the Court—

1. An account of the debts and liabilities of the said partnership.

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Figure substituted by S.R. 1993 No. 322 with effect from 1.9.93
(**c**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

2. An account of the credits, property, and effects now belonging to the said partnership.

3. An account of all dealings and transactions between the plaintiff and defendant from the day of 20 , to the day of 20 .

AND IT IS FURTHER ORDERED that for the purpose of the inquiries hereinbefore directed, the [(**a**) district judge] shall cause the usual advertisements to be prepared and the insertion thereof ordered by the plaintiff's solicitor. And that the [(**a**) district judge] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries. And the Court doth reserve the question of costs;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk.

(Seal)

Solicitor for

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 79

Primary decree for specific performance

ORDER 17 RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill [(**a**)…], seeking

AND IT FURTHER appearing that the money to which this suit relates does not exceed [(**b**) £45,000] that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]

And the said suit [having stood adjourned until the day of 20 , at and] having come on this day to be heard;

Upon reading the said equity civil bill dated the day of 20 , the affidavit of sworn the day of 20 , [and an extract under the hand of the proper officer certifying that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital value, £400,000;

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied.]]

Upon hearing

and the oral evidence of ;

THE COURT DOTH DECLARE that the plaintiff is entitled to specific performance of the said agreement dated and doth decree the same accordingly [*or* that the said constitute a binding agreement between the plaintiff and the defendant and ought to be specifically performed and doth decree the same accordingly] [*or* ought not to be specifically performed and doth accordingly refuse such relief but in lieu doth declare that the plaintiff is entitled to the sum of £ assessed damages against the defendant by reason of his non-performance of the said agreement] [that the plaintiff is entitled to compensation in the sum of £ in respect of and that he be at liberty to deduct the same out of the purchase money];

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(**b**) Figure substituted by S.R. 1993 No. 322 with effect from 1.9.93
(**c**) Words substituted by S.R. 2007 No. 192 with effect from 1.4.07

AND IT IS FURTHER DECLARED that the said do forthwith take all necessary steps under the said ;

AND IT IS FURTHER DECLARED ;

AND IT IS DECLARED that the plaintiff is entitled to the costs of this suit, and that the [(**a**) district judge] do tax the same;

AND IT IS ORDERED that it be referred to the [(**a**) district judge] to take the following accounts and inquiries at and certify the result of same to the Court—

1. What sum is due by the in respect of purchase money and interest thereon, under the said agreement of the day of 20 , from the day of 20 , to the day of 20 .

2. An account of the rents and profits of the said premises comprised in the said agreement received by the or by any other person by their order or for their use, from the day of 20 to the day of 20 ;

AND IT IS FURTHER ORDERED that the amount of such rents and profits, when ascertained, shall be deducted from the amount of such purchase money and interest, and that the balance, when ascertained and certified to be due, shall be lodged in Court by the to the credit of this suit;

AND IT IS FURTHER ORDERED that upon the said

so lodging in Court such balance to the credit of this suit, the

do execute a proper conveyance of the premises comprised in the said agreement to the or to whom he shall appoint;

AND IT IS FURTHER ORDERED that the do deliver to the all deeds and writings in their custody or power relating to the said premises; and in the event of disagreement, It is Ordered that the draft of such conveyance be submitted to [(**b**) the judge] for settling;

AND IT IS FURTHER ORDERED that for the purposes of the inquiries hereinbefore directed the [(**a**) district judge] shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the solicitor;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 20 .

Chief Clerk

(Seal)

Solicitor for

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.2.13

FORM 80

Notice to creditor to prove his claim

ORDER 17, RULE 10(1)

[*Title as in Form 1*]

YOU ARE HEREBY REQUIRED to prove the claim sent in by you against the estate of deceased, by filing such affidavit as you may be advised in support thereof, and by giving notice thereof to me on or before the day of next, and by attending at my office at the hour of o'clock on the day of 19 , being the time appointed for adjudicating on the claim and there producing the following deeds and documents in support of your claim—

Dated this day of 19 .

Signed [(a) District Judge]

To

FORM 81

Notice to creditor of disallowance of claim

ORDER 17, RULE 10(4)

[*Title as in Form 1*]

TAKE NOTICE that the claim sent in by you against the estate of deceased has been disallowed.

Signed [(a) District Judge]

(Date)

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 82

Certificate of the [(a) District Judge] in an administration suit

ORDER 17, RULE 12(1)

[*Title as in Form 1*]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree [order] made in this suit on the day of 19 , is as follows—
appeared for the plaintiff
and
for the defendant

ADVERTISEMENTS

Advertisements for creditors appeared in the following newspapers—

NOTICE OF DECREE

Notice of the decree [order] of the day of 19 , has been served upon , being the parties directed by the said decree [order] to be served, and upon :

DEBTS

The debts of the said deceased which have been allowed, are set forth in Part I of the Schedule hereto, and with interest thereon, and the costs set forth in the said Schedule, are due to the persons named therein, and amount altogether to £ . No other person has been allowed or has come in and proved any debt against the estate of the said deceased, save and the time fixed by advertisement for that purpose has expired.

Such of the debts as are specialty debts are set forth in Part IA of the Schedule hereto, and amount to £ and such as are simple contract debts are set forth in Part IB of the Schedule hereto, and amount to £

Interest on the said debts is computed down to the date of this certificate after the rate of [(b) 15] per cent. per annum from the day of 19 , the date of said order, unless otherwise specified.

I disallowed, in full, the claims of the persons set forth in Part II of the Schedule hereto, and I disallowed in part the claims of the persons set forth in Part III of the Schedule hereto, as therein more particularly set forth.

Notice of the disallowance of their claims, in whole or in part, has been given to each of the persons set forth in the said Parts II and III.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Figure substituted by S.R. 1982 No. 120 with effect from 1.6.82

FUNERAL AND TESTAMENTARY EXPENSES

The funeral expenses of the deceased, amounting to the sum of £ are due to the persons set forth in Part IV of the Schedule hereto [*or* were paid by and have been allowed credit for in the personal estate account "A" filed in this suit in items].

The testamentary expenses of the deceased, amounting to the sum of £ are due to the persons set forth in Part V of the schedule hereto [*or* were paid by and have been allowed credit for in the personal estate account "A" filed in this suit in items].

LEGACIES AND ANNUITIES

The pecuniary legacies given by the testator, other than annuities, are set forth in Part VI of the Schedule hereto, and, with the interest therein mentioned, remain due to the persons therein named, and amount altogether to £ .

The legacies, other than pecuniary, so given are set forth in Part VII of the said Schedule.

The annuities given by the testator, with the arrears due thereon, are set forth in Part VIII of the said Schedule.

Such arrears amount to £ .

The interest on such legacies is computed down to the date of this certificate at the rate of [(a) 5] per cent. per annum, from the day of being the end of the year after the testator's death, unless otherwise specified in the said Part VI.

The arrears of the annuities are computed to the date of this certificate, and from the testator's death, unless otherwise specified in the said Part VIII.

NEXT-OF-KIN

The next-of-kin, according to the law governing the distribution of the effects of intestates, of the said , the intestate named in the said decree, living at the time of his death, are set forth in Part IX of the Schedule hereto.

The legal personal representatives of those of the said next-of-kin who have since died are set forth in Part X of the Schedule hereto.

PERSONAL ESTATE ACCOUNT

as executor(s) or administrator(s) of the said deceased has, or have, received personal estate to the amount of £ and had, or have, paid, or are entitled to be allowed credit in respect thereof, sums to the amount of £ leaving a balance of £ due to, or by, him, her, or them on that account. The particulars of the above receipts and payments appear in the account marked "A" verified by the affidavit(s) of filed the day of 20 .

(a) Figure substituted by S.R. 1982 No. 120 with effect from 01.06.82

VARIATIONS FROM ACCOUNTS

In addition to the sums appearing in such account to have been received, the said has, or have, been charged with the sums set forth in Part XI of the Schedule hereto amounting to £ .

In respect of the disbursements in said account, I have disallowed, in full, the sums set forth in Part XII of the said Schedule, and I have disallowed, in part, the sums set forth in Part XIII of the said Schedule, and I have allowed credit for and added to the disbursements in such account the sums set forth in Part XIV of the said Schedule which were not set out in the said disbursements.

NO PERSONAL ESTATE RECEIVED

the executor(s), or administrator(s), of the deceased has, or have, not, nor has, nor have, either of them, or any person, or persons, by his, her, or their, order, or by the order of either of them, for his, her, or their, use, or for the use of either of them, received any part of the personal estate of the said deceased.

OUTSTANDING ESTATE

The personal estate of the said deceased (not specifically bequeathed), outstanding or undisposed of, consists of the particulars set forth in Part XV of the Schedule hereto.

REAL ESTATE

The real estate which the said deceased was seized of, or entitled to, at the time of his decease, consists of the particulars set forth in Part XVI of the Schedule hereto.

INCUMBRANCES ON REAL ESTATE

The incumbrances affecting the said real estate are specified in Part XVII of the Schedule hereto.

RENTS AND PROFITS ACCOUNT

The person or persons named in Part XVIII of the Schedule hereto has or have received rents and profits of the deceased's real estate to the amount of £ and have paid, or are entitled to be allowed credit on account thereof sums to the amount of £ leaving a balance due to or by him, her, or them of £ on that account as set forth in the said Schedule.

NO RENTS AND PROFITS RECEIVED

the executor(s), or administrator(s), of the said deceased has, or have, not, not has, nor have, either of them, or any person, or persons, by his, her, or their, order, or by the order of either of them, for his, her, or their use, or for the use of either of them, received any sum or sums of money on account of the rents and profits of the real estate of the deceased.

HEIR-AT-LAW, ETC.

The heir-at-law of the said deceased is

The residuary legatee(s) of the said deceased is, or are,

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

SCHEDULE

PART I

CREDITORS OF THE TESTATOR

A—SPECIALITY DEBTS

No.	*Name and address*	*Particulars of debt*	*Amount*	*Total*
			£ p	£ p

B—SIMPLE CONTRACT DEBTS

No.	*Name and address*	*Particulars of debt*	*Amount*	*Total*
			£ p	£ p

PART II

CLAIMS AGAINST THE TESTATOR'S ESTATE DISALLOWED IN FULL

No.	*Name and address*	*Particulars of debt claimed*	*Amount of claim*	*Amount disallowed*
			£ p	£ p

PART III

CLAIMS AGAINST THE TESTATOR'S ESTATE DISALLOWED IN PART

No.	*Name and address*	*Particulars of debt*	*Amount of claim*	*Amount allowed*	*Amount disallowed*
			£ p	£ p	£ p

PART IV

FUNERAL EXPENSES

No.	*Name and address*	*Particulars*	*Amount*
			£ p

PART V

TESTAMENTARY EXPENSES

No.	*Name and address*	*Particulars*	*Amount*
			£ p

PART VI

PECUNIARY LEGACIES

No.	*Name and address of legatee*	*Nature of legacy*	*Amount*	*Total*
			£ p	£ p

PART VII

LEGACIES OTHER THAN PECUNIARY

No.	*Name and address of legatee*	*Name of legacy*

PART VIII

ANNUITIES

No.	*Name and address of annuitant*	*Nature of annuity*	*Amount*	*Total*
			£ p	£ p

PART IX

NEXT-OF-KIN

No.	*Name and address*	*Observations*

PART X

LEGAL PERSONAL REPRESENTATIVE OF DECEASED
NEXT-OF-KIN

No.	*Name and address*	*Observations*

PART XI

VARIATION FROM ACCOUNTS
SUMS CHARGED IN ADDITION TO RECEIPTS

No.	*Name and address*	*Particulars*	*Amount*	
			£	p

PART XII

DISALLOWANCES, IN FULL, OF DISBURSEMENTS

No.	*Name and address*	*Particulars*	*Amount*
			£ p

PART XIII

DISALLOWANCES IN PART OF DISBURSEMENTS

No.	*Name and address*	*Particulars*	*Amount claimed*	*Amount allowed*
			£ p	£ p

PART XIV

AMOUNTS ALLOWED AND ADDED TO DISBURSEMENTS IN ACCOUNT

No.	*Name and address*	*Particulars*	*Amount*
			£ p

PART XV

PERSONAL ESTATE OUTSTANDING

PART XVI

REAL ESTATE

PART XVII

INCUMBRANCES

No.	*Name and address of incumbrancer*	*Particulars*	*Amount*		*Total*	
			£	p	£	p

PART XVIII

RENTS AND PROFITS

No.	*Name and address*	*Particulars*	*Amount*		*Total*	
			£	p	£	p

FORM 83

Certificate of the [(a) District Judge] in a mortgage suit

ORDER 17, RULE 12(1)

[*Title as in Form 1*]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree made in this suit on the day of 19 , is as follows—

appeared for the plaintiff
and
for the defendant

Advertisements for incumbrancers appeared in the following newspapers—

Notice of the decree of the day of 19 , has been served upon ;

No other person has been served. [All necessary parties to the proceedings have been served save those who are parties to the suit, or who have appeared by solicitor, and except .]

The incumbrances affecting the lands in the said equity civil bill and decree mentioned, or any part thereof, and the amounts due in respect thereof, are set forth in their priorities in the Schedule hereto, and save those so set forth, no claims in respect of incumbrances were sent in, nor did any other person attend to prove any charge or incumbrance and the time fixed by the advertisement for such purpose has expired.

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

SCHEDULE OF INCUMBRANCES

No.	*Incumbrancers*	*Particulars*	*Amounts*		*Total*	
			£	*p*	£	*p*

FORM 84

Certificate of the [(a) District Judge] in a partition suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree made in this suit, on the day of 19 , is as follows—

appeared for the plaintiff
and
for the defendant

Advertisements for incumbrancers appeared in the following newspapers—

Notice of the decree of the day of 19 , has been served upon .

No other person has been served. [All necessary parties to the proceedings have been served, save those who are parties to the suit, or who have appeared by solicitor, and except .]

The names of all persons who are interested in the lands and premises set forth in the equity civil bill in this suit, and their shares, proportions, estates and interests therein respectively, are set forth in the First Schedule hereto.

The names of all persons who are parties to this suit, and who are under any disability, are set forth in the Second Schedule hereto.

The lands, or any part thereof, which are charged with any advance made in the manner provided by any statute authorising the advance of public monies to tenants upon the security of their holdings, are set forth in the Third Schedule hereto.

The lands, or any part thereof, now held subject to any prohibition against sub-division without the consent of the Department of Finance, are set forth in the Fourth Schedule hereto, with the consent (if any) in writing of the said Department that the said lands may be partitioned as the Court may direct.

The incumbrances affecting the lands in the said equity civil bill and decree mentioned, or any part thereof, and the amounts due in respect thereof, are set forth in their priorities in the Fifth Schedule hereto, and save those set forth, no claims in respect of incumbrances were sent in, nor did any other person attend to prove any charge or incumbrance and the time fixed by the advertisement for such purpose has expired.

The rents or annuities payable out of the said lands, and the names of persons to whom same are payable, are set forth in the Sixth Schedule hereto.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at this day of 19 .

[(a) District Judge]

1ST SCHEDULE

PERSONS INTERESTED

2ND SCHEDULE

PERSONS UNDER DISABILITY

3RD SCHEDULE

LANDS SUBJECT TO PUBLIC CHARGES

4TH SCHEDULE

LANDS PROHIBITED FROM SUB-DIVISION

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

5TH SCHEDULE

INCUMBRANCERS WITH THEIR PRIORITIES AND AMOUNTS

No.	*Incumbrancers*	*Particulars*	*Amount*	*Total*
			£ p	£ p

6TH SCHEDULE

RENTS OR ANNUITIES PAYABLE OUT OF THE LANDS

No.	*Name of Owner*	*Lands*	*Amount*
			£ p

FORM 85

Certificate of the [(a) District Judge] in a partnership suit

ORDER 17, RULE 12(1)

[*Title as in Form 1*]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me in pursuance of the decree made in this suit on the day of 19 , is as follows—

appeared for the plaintiff
and
for the defendant

Advertisements for creditors appeared in the following newspapers—

Notice of the decree of the day of 19 , has been served upon

No other person has been served. [All necessary parties to the proceedings have been served save those who are parties to the suit, or who have appeared by solicitor, and except .]

An account of the debts and liabilities of the partnership is set forth in the First Schedule hereto.

An account of the credits, property and effects of the partnership is set forth in the Second Schedule hereto.

An account of all dealings and transactions between and from the day of 19 , to the day of 19 , is set forth in the Third Schedule hereto.

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

1ST SCHEDULE

PARTNERSHIP DEBTS AND LIABILITIES

No.	*Names and addresses*	*Particulars*	*Amounts*	*Total*
			£ p	£ p

2ND SCHEDULE

PARTNERSHIP PROPERTY

No.	*Names and addresses*	*Particulars*	*Amounts*	*Total*
			£ p	£ p

3RD SCHEDULE

PARTNERSHIP DEALINGS

No.	*Names and addresses*	*Particulars*	*Amounts*	*Total*
			£ p	£ p

FORM 86

Certificate of the [(a) District Judge] in a specific performance suit

ORDER 17, RULE 12(1)

[*Title as in Form 1*]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me in pursuance of the decree made in this suit on the day of 19 , is as follows—

appeared for the plaintiff
and
for the defendant

Advertisements for creditors appeared in the following newspapers—

Notice of the decree of the day of 19 , has been served upon

No other person has been served. [All necessary parties to the proceedings have been served save those who are parties to the suit, or who have appeared by solicitor and except .]

The title to the premises, the subject matter of this suit, is set forth in the 1st Schedule hereto.

The particulars in regard to the purchase money are set forth in the 2nd Schedule hereto.

The particulars in regard to the rents and profits of the premises, the subject matter of this suit, are set forth in the 3rd Schedule hereto.

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91.

1ST SCHEDULE

TITLE

2ND SCHEDULE

PURCHASE MONEY

3RD SCHEDULE

RENTS AND PROFITS

FORM 87

Notice that the certificate of the [(a) District Judge] may be inspected

ORDER 17, RULE 12(2)

[*Title as in Form 1*]

TAKE NOTICE that the certificate of the result of the accounts and inquiries taken and made by the [(a) district judge] under the decree of this Court made on the day of 19 , in this suit lies in his office and can be inspected by you up to and inclusive of the day of 19 .

Dated this day of 19 .

(Signed)

To

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 88

Notice of intention to apply to vary certificate

ORDER 17, RULE 12(3)(*b*)

[*Title as in Form 1*]

TAKE NOTICE that I intend to apply to the Court on the day of 19 , when the [(a) district judge's] certificate in this suit is presented to the Court for confirmation, for an order that the said certificate be varied, by having the claim of as a creditor against the estate of the deceased in this suit disallowed [*or as the case may be*] which notice will be grounded on [*here state evidence or document relied on*].

Dated this day of 19 .

(Signed)

To

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91.

FORM 89

Order on further consideration in an administration suit

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 . And upon reading the notice of motion for further consideration dated the day of 19 , the said certificate;

And upon hearing and the oral evidence of ;

[IT IS ORDERED that the motion of to vary the said certificate be and the same is hereby refused with £ taxed costs to be paid by to];

[IT IS ORDERED that the said certificate be varied to the extent of ordering]

[AND] IT IS ORDERED that [subject to the foregoing variations] the said certificate be and the same is hereby confirmed.

IT IS DECLARED that the

are respectively entitled to their costs of this suit, and let the [(a) district judge] tax the same, and that the costs be taxed as costs with miscellaneous costs and be taxed accordingly.

IT IS ORDERED that the said do forthwith lodge in Court to the credit of this suit the sum of £ , being the balance of the personal estate of the said deceased, received by as found by the said certificate, and that be at liberty to sue for or otherwise collecting the outstanding estate of the said as found by the said certificate, and do account to the Court therefor in the usual course.

IT IS DECLARED that the incumbrances set forth in the Schedule to the said certificate are well charged on the lands more particularly set forth in the respective instruments of charge and that is the heir-at-law of the said deceased.

AND IT IS ORDERED that the outstanding estate of the said as found by the said certificate, consisting of be sold free from the incumbrances of such of the incumbrancers (if any) as shall consent to the sale but subject to the incumbrances of such as do not so consent, by public auction by auctioneer, at , subject to the approval of the Court, or subject to a reserved bidding fixed by the Court, and that have carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(a) district judge], who shall inquire into the title, and if any doubt or difficulty shall arise on the title the said abstract and conditions shall be advised upon and settled by counsel as the [(a) district judge] shall direct [And let have liberty to bid at the said sale];

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

And the Court doth reserve all questions as to the allocation of the proceeds to be derived from the sale of the said lands.

IT IS ORDERED that be given immediately quiet and peaceable possession of the lands at with all and singular the appurtenances thereon.

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

FORM 90

Order on further consideration in a mortgage suit

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day in further consideration on the certificate of the dated the day of 19 .

And upon reading the notice of motion for further consideration, dated the day of 19 ;

And upon hearing and the oral evidence of ;

[IT IS ORDERED that the motion of to vary the said certificate be and the same is hereby refused with £ taxed costs, to be paid by to];

[IT IS ORDERED that the said certificate be varied to the extent of ordering .];

AND IT IS FURTHER ORDERED that [subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

[IT IS DECLARED that the incumbrancers set forth in the Schedule to the said certificate are entitled to their costs of proving their claims in the same priorities as their said claims are certified and that the [(a) district judge] do tax the same].

[AND IT IS FURTHER ORDERED that the plaintiff is entitled to the costs of this suit, with his demand, to be taxed and ascertained by the [(a) district judge] and let the same be taxed accordingly].

And that is entitled to the costs of the sale of the lands directed to be sold in this suit, to be paid in priority to all other charges.

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 91

Order on further consideration in a partition suit

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the day of 19 ;

And upon reading the notice of motion for further consideration, dated the day of 19 ; the said certificate, the maps and report;

And upon hearing
and the oral evidence of

[IT IS ORDERED that the motion of
to vary the said certificate be and the same is hereby refused with £ taxed costs to be paid by to];

[IT IS ORDERED that the said certificate be varied to the extent of ordering].

AND IT IS FURTHER ORDERED that, [subject to the foregoing variations] the said certificate be and the same is hereby confirmed.

IT IS DECLARED that the incumbrances in the Schedule to the said certificate set forth are well charged on the lands and premises therein.

[IT IS ORDERED

that a partition be and the same is hereby made of the lands and premises set forth in the said equity civil bill filed in this suit in respect of the division thereof into equal parts in value, in manner following—

AND IT IS FURTHER ORDERED that the said
do execute mutual conveyances to be settled by the court in case the parties differ.

AND IT IS FURTHER ORDERED that such deeds and writings or other evidences of title relating to the said lands in the custody or power of any of the parties as exclusively relate to the respective portion allotted to each of the said respectively, be delivered to each of the said respectively, and that such of the same as relate as well to the lands and premises that are allotted to any other or others of them be delivered over to the said he undertaking to produce same on all necessary occasions, and to enter into a covenant for that purpose, and to deliver attested copies thereof at the expense of any other or others of the said parties requiring the same, and the said several parties so desiring.]

[IT IS ORDERED that the said

do attend on the lands and premises, and mark out the boundaries of each allotment with suitable fixed marks, and do have his costs and expenses of so doing, to be paid by the parties in equal shares].

[AND IT APPEARING to the Court that requests a sale of the lands and premises herein and a distribution of the proceeds instead of a division of the said lands and premises among the persons interested. And it appearing that by reason of the nature of the property and the number of the parties interested, such sale and distribution will be more beneficial to the persons interested than a division of the property between or among them.

IT IS ORDERED that the lands and premises in the equity civil bill in this suit mentioned be forthwith sold by public auction at by , auctioneer, subject to the approval of this court (or to a reserved bidding fixed by the court) and that the solicitor shall have carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the [(a) district judge], who shall inquire into the title, and if any doubt or difficulty shall arise on the title, the abstract and conditions of sale shall be advised upon and settled by counsel as the [(a) district judge] shall direct] [And let all the parties to this suit have liberty to bid at such sale];

AND IT IS DECLARED that
with parties to this suit are entitled to their costs, and IT IS ORDERED that the [(a) district judge] do tax the same, and that, when so taxed, the amount of said costs be added together and be borne and paid by the said parties to this suit in equal shares, and that the costs and expenses of the said in respect of the said maps, report and attendances, be paid in the first instance by the said
and be charged for and allowed in the costs of the said

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

(a) To be construed as such by S.R. 1991 No. 220 with effect from 28.6.91

FORM 92

Order on further consideration in a suit for redemption and account

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 .

And upon reading the notice of motion for further consideration, dated the day of 19 , the said certificate;

AND UPON HEARING
and the oral evidence of

[IT IS ORDERED that the motion of
to vary the said certificate be and the same is hereby refused with £ taxed costs, to be paid by
to].

[IT IS ORDERED that the said certificate be varied to the extent of ordering
].

AND IT IS [FURTHER] ORDERED that [, subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

And it appearing

IT IS DECLARED that

AND IT IS ORDERED

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

FORM 93

Order on further consideration on a partnership suit*

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 ; and upon reading the notice of motion for further consideration, dated the day of 19 and the said certificate.

AND UPON HEARING
and the oral evidence of

[IT IS ORDERED that the motion of to vary the said certificate be and the same is hereby refused with £ taxed costs, to be paid by to].

[IT IS ORDERED that the said certificate be varied to the extent of ordering].

AND IT IS FURTHER ORDERED that [, subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

IT IS DECLARED that

IT IS ORDERED that the , do forthwith pay to the the said sum of £ together with £ costs and let the [(a) district judge] tax the same.

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

*[See alternative Form 94.]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 94

Final decree in partnership suit*

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 ; and upon reading the notice of motion for further consideration, dated the day of 19 , and the said certificate

AND UPON HEARING
and the oral evidence of ;

IT IS ORDERED that the funds now in Court, amounting to the sum of £ , be applied as follows—

1. In payment of the debts due by the partnership, set forth in the certificate of the [(a) district judge], amounting in the whole to £ .

2. In payment of the costs of all parties to this action, amounting to £ . [*These costs must be ascertained before the decree is drawn up.*]

3. In payment of the sum of £ to the plaintiff as his share of the partnership assets, and the sum of £ being the residue of the sum now in Court, to the defendant as his share of the partnership assets [*or* that the remainder of the said sum of £ be paid to the said plaintiff [*or* defendant] in part payment of the sum of £ certified to be due to him in respect of the partnership accounts].

And that the defendant [plaintiff] do, on or before the day of 19 , pay to the plaintiff [*or* defendant] the sum of £ , being the outstanding balance of the said sum of £ due to him.

Dated this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

*[This form, which is an order on further consideration where the costs have been taxed in anticipation of the whole matter being disposed of, will be suitable in simple cases. For alternative form see Form 93.]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 95

Order on further consideration in a specific performance suit

ORDER 17, RULE 12(4)

[*Title as in Form 1*]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 . And upon reading the notice of motion for further consideration, dated the day of 19 and the said certificate;

AND UPON HEARING
and the oral evidence of

[IT IS ORDERED that the motion of
to vary the said certificate be and the same is hereby refused, with £ taxed costs, to be paid by
to

[IT IS ORDERED that the said certificate be varied to the extent of ordering].

AND IT IS FURTHER ORDERED that [, subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

IT IS ORDERED

AND IT IS FURTHER ORDERED that the funds in Court to the credit of this suit be allocated amongst and paid out and transferred to the separate credit of the persons and suit named in the Payment Schedule hereto annexed, in the amounts set forth opposite the names, respectively, in the fourth column of the said Schedule.

Dated at this day of 19 .

Chief Clerk.

(Seal)

Solicitor for

PAYMENT SCHEDULE

Funds in Court, £

Ledger No.

No.	*Name and address of payees*	*Particulars of amount*	*Amount*		*Total*	
			£	p	£	p

FORM 96

Final order allocating funds in Court

ORDER 17, RULE 12(4)

[Title as in Form 1]

UPON MOTION BY ;

AND UPON READING the notice of motion for allocation dated the day of 20 , with the Schedule attached thereto;

AND UPON HEARING

And the oral evidence of ;

AND IT APPEARING

AND IT FURTHER APPEARING that there is in Court to the credit of this suit the sum of £ ;

IT IS ORDERED that the funds in Court to the credit of this suit be allocated amongst [and] paid out to [, and transferred to the separate credit of,] the persons [and suit] named in the Payment Schedule hereto annexed, in the amounts set forth opposite their names respectively in the fourth column of the said Schedule.

Dated at this day of 20 .

Chief Clerk

(Seal)

Solicitor for

Funds in Court, £

PAYMENT SCHEDULE

Ledger No.

No.	*Names and addresses of payees*	*Particulars of amount*	*Amount*		*Total*	
			£	P	£	P

FORM 97

Notice of payment into Court

ORDER 21, RULE 2(1)

[Title as in Form 1]

TAKE NOTICE that the defendant has paid into Court the sum of £ in satisfaction of the plaintiff's claim for and that in the event of the plaintiff accepting the amount so paid the defendant undertakes to pay to the plaintiff the amount of costs and other expenses reasonably incurred by him as may be agreed between the plaintiff and the defendant or in default of agreement as may be settled by the [(**a**) district judge] or by [(**b**) the judge] on appeal.

[(**c**) [AND (*where appropriate*)]

The defendant hereby certifies that he has withheld from this payment into Court the sum of £ in accordance with Article 24 of and paragraph 12(2)(*a*)(i) of Schedule 4 to the Social Security (Northern Ireland) Order 1989.]

Signed Defendant/Solicitor for the Defendant

(Date)

FORM 98

Notice of acceptance of sum lodged in Court

ORDER 21, RULE 3(1)

[Title as in Form 1]

TAKE NOTICE that the plaintiff accepts the sum of £ paid into Court by the defendant in satisfaction of his claim for without prejudice to his rights on foot of the defendant's undertaking regarding costs and expenses.

Signed Plaintiff/Solicitor for the Plaintiff

(Date)

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words inserted by S.R. 1990 No. 278 with effect from 03.09.90

[(a) FORM 98A

Application to make settlement an order of the Court

ORDER 21, RULE1A

CIVIL BILL NO. *(this number where known must be included)*

[Suppl. No. 23 (January 1993)]

[Title as in Form 1]

Whereas these proceedings have been settled between the parties:

I, the undersigned solicitor for the plaintiff/defendant/3rd party in this action, hereby apply to the chief clerk to enter into the order book of the Court the following settlement agreed between the parties.

[IT IS HEREBY agreed between the parties that the do recover against the the sum of £ (insert the sum due including interest where applicable) for debt/damages together with the sum of £ for costs and the sum of £ for witness expenses]. [It is hereby agreed between the parties that the plaintiff's bill be dismissed and it is further agreed that the do recover against the the sum of £ for costs and the sum of £ for witness expenses].

[This agreement represents/does not represent the balance in favour of the after deducting the amount agreed to be due to the defendant under the set-off or counterclaim herein].

[IT IS FURTHER agreed that the sum of £ lodged in Court under Order 21 Rule 2 be paid out to the forthwith].

Dated this day of 19

Signed:

....
solicitor(s) for plaintiff(s) solicitor(s) for defendant(s)

.....
solicitor(s) for 3rd party/parties]

(a) Form 98A inserted by S.R. 1992 No. 478 with effect from 1.1.93

FORM 99

Application to [(a) District Judge] to settle costs and expenses where money has been paid into Court

ORDER 21, RULE 2(1)

[*Title as in Form 1*]

The amount paid into court in settlement of the claim in this action having been accepted and the parties not having agreed the amount of costs and other expenses payable in accordance with the undertaking lodged with the payment into Court;

I/WE HEREBY APPLY to the [(a) district judge] for the Division of . for the settlement by him of the amount of such costs and expenses.

Dated this day of 19 .

Signed Plaintiff/Defendant/Solicitor for the Plaintiff/Solicitor for the Defendant

I HEREBY CERTIFY that I have settled the foregoing costs and expenses at £

Signed [(a) District Judge]

(Date)

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 100

Decree for payment of costs and expenses reasonably incurred by plaintiff before date of payment of money into Court

ORDER 21, RULE 3(3)

[*Title as in Form 1, substituting* [(a) District Judge] *for* County Court Judge]

IT APPEARING to the [(a) district judge] that the defendant on the day of 19 , paid money into Court in settlement of the claim in these proceedings and undertook to pay to the plaintiff the costs and expenses reasonably incurred by the plaintiff up to the date of such payment as might be agreed between the parties or in default of agreement as might be settled by the [(a) district judge] or by the Judge on appeal;

AND IT APPEARING that the sum to be paid under the said undertaking amounts to £ and that default has been made in the payment of that sum;

IT IS THEREFORE ORDERED AND DECREED that the plaintiff do recover from the defendant the said sum of £ together with the sum of £ for costs of the application for this decree and of this decree and the sum of £ for witnesses' expenses, making a total of £

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words substituted by S.R. 1991 No. 230 with effect from 28.6.91

FORM 101

Decree, with order for payment out of Court in part satisfaction, of funds lodged by defendant

ORDER 21, RULE 6

[*Title as in Form 1*]

IT APPEARING TO THE COURT that process to appear [(a) . . .] was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ for ;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the defendant the said sum together with the sum of £ for costs and the sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the sum of £ lodged in Court by the defendant be forthwith paid out to the plaintiff in part satisfaction of the amount decreed, costs and expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98

FORM 102

Decree for sum not greater than defendant's lodgment, with directions as to application of funds in Court

ORDER 21, RULE 6

[*Title as in Form 1*]

IT APPEARING TO THE COURT that process to appear [(a) . . .] was duly served on the defendant and that the said defendant is justly indebted to the plaintiff in the sum of £ damages for ;

AND IT FURTHER APPEARING TO THE COURT that the defendant did on the day of 19 pay into Court the sum of £ in satisfaction of the plaintiff's claim for £ , which said sum so lodged is not less than the amount recovered by the plaintiff as recited above.

IT IS THEREFORE ORDERED AND DECREED by the Court that there be paid out of the said sum so lodged in Court as aforesaid (1) To the defendant the sum of £ being costs for the payment of which the plaintiff is liable under Rule 4 of Order 21 based on the amount lodged, and (2) To the plaintiff the sum of £ * in satisfaction of his claim.

AND IT IS FURTHER ORDERED that the balance of the said sum so lodged in Court, namely £ , be paid out to the defendant.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for the Plaintiff.

*Amount decreed less defendant's costs.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 103

Decree approving acceptance by minor, in satisfaction, of funds lodged by defendant

ORDER 21, RULE 6

[*Title as in Form 1*]

IT APPEARING TO THE COURT that process to appear [(a) . . .] was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ for damages for ;

IT IS THEREFORE ORDERED that the Accountant General do transfer the sum of £ lodged in Court by the defendant in satisfaction of this claim from the Civil Bill Account to the separate credit of a minor, without prejudice to the plaintiff's rights on foot of the defendant's undertaking regarding costs and expenses, to which there shall be added the sum of £ costs of this application and decree.

AND IT IS FURTHER ORDERED that the said sum when so transferred be invested in to abide further order.

AND IT APPEARING TO THE COURT that the said is a minor having been born on the day of 19 , and that it is necessary to appoint for him a guardian of his fortune and that his is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor and consents to be so appointed.

IT IS ORDERED that the said be and he is hereby appointed guardian of the fortune of the said minor during his minority or until further order.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 104

Decree for sum not greater than defendant's lodgment where plaintiff is a minor

ORDER 21, RULE 6

[*Title as in Form 1*]

IT APPEARING TO THE COURT that process to appear [(a) . . .] was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ for damages for and that the defendant had lodged in Court the sum of £ in satisfaction of the plaintiff's claim for £ ;

IT IS THEREFORE ORDERED AND DECREED BY THE COURT that the plaintiff, a minor, by his and next friend do recover from the defendant the said sum of £ [*less the sum of £ costs and the sum of £ for witnesses' expenses hereby ordered to be paid to defendant].

AND IT IS FURTHER ORDERED that the Accountant General do out of the sum lodged in Court by the defendant on foot of this claim pay thereout [the sum of †£ to the defendant] the sum of £ costs and the sum of £ for witnesses' expenses to from the Civil Bill Account to the separate credit of a minor.

AND IT IS FURTHER ORDERED that the said sum when so transferred be invested in ;

AND IT APPEARING TO THE COURT that the plaintiff is a minor having been born on the day of 19 , and that it is necessary to appoint for him a guardian of his fortune and that his is a fit and proper person to be appointed such guardian, has no interest in the matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed guardian of the fortune of the plaintiff during his minority or until further order.

Dated this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for the Plaintiff.

*If so directed by the Judge.
†Amount lodged less net amount awarded to plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 105

Decree with order for payment to the credit of minor, in part satisfaction, of funds lodged by defendant

ORDER 21, RULE 6

[Title as in Form 1]

IT APPEARING TO THE COURT that process to appear [(a) . . .] was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ for damages for ;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff , a minor, by his and next friend, do recover from the defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses expenses;

AND IT IS FURTHER ORDERED that the Accountant General do transfer the sum of £ lodged in Court by the defendant on foot of this claim from the Civil Bill Account to the separate credit of , a minor;

AND IT IS FURTHER ORDERED that the defendant to forthwith upon the privity of the Accountant General lodge the sum of £ being the balance of the sum due to the plaintiff, in Court to the credit of this matter and to the separate credit of ;

AND IT IS FURTHER ORDERED that the said sums transferred and lodged in Court as aforesaid be invested in to abide further order;

AND IT APPEARING TO THE COURT that the said is a minor, having been born on the day of 19 , and that it is necessary to appoint for him a guardian of his fortune and that his is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed guardian of the fortune of the said minor during his minority or until further order.

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 106

Order for transfer of proceedings

ORDER 22, RULE 5

[*Title as in Form 1*]

IT IS ORDERED that the above action [*or* matter] be transferred to the County Court for the Division of

Dated this day of 19 .

(Seal)

Signed Chief Clerk.

FORM 107

Notice of day of hearing by Court to which action has been transferred

ORDER 22, RULE 6

[*Title as in Form 1*]

TAKE NOTICE that the above action [*or* matter] has been transferred to this Court and will be heard at on the day of 19 , at o'clock.

Dated this day of 19 .

Signed Chief Clerk.

FORM 108

Notice to person interested in money received for adminstration on order of High Court

ORDER 22, RULE 10(1)

[*Title as in Form 1*]

In the County Court for the Division of

IN THE MATTER OF a sum of money received for administration pursuant to an order of the High Court of Justice in the action
19 , No. between plaintiff and
defendant.

TAKE NOTICE that pursuant to an order of
dated the day of 19 , the sum of £
[invested in] has been transferred to [*or* paid into]
this court to be invested, applied or otherwise dealt with for the benefit of
at this Court in its discretion thinks fit.

Application as to the mode of dealing with the said sum may be made to this Court by or on behalf of the said at any time on notice of the application being given to the Chief Clerk.

[And failing any such application within one month the said sum will be invested in such manner as the Judge shall direct.]

Dated this day of 19 .

Signed Chief Clerk.

FORM 109

Form of order for reference to European Court

ORDER 23, RULE 3(1)

[*Title as in Form 1*]

IT IS ORDERED that the question(s) set out in the Schedule hereto concerning the interpretation [*or* validity] of [*specify Treaty provision or community instrument or act concerned*] be referred to the Court of Justice of the European Communities for a preliminary ruling in accordance with Article 177 of the Treaty establishing the European Economic Community [*or* Article 150 of the Treaty establishing the European Atomic Energy Community *or* Article 41 of the Treaty establishing the European Coal and Steel Community, *as the case may be*];

AND IT IS ORDERED that all further proceedings in the above-named action or matter be stayed until the said Court of Justice has given its ruling on the said question(s) or until further order.

SCHEDULE

Request for preliminary ruling of the Court of Justice of the European Communities

[*Here set out a brief statement of the case giving rise to the request for the ruling of the European Court, giving particulars of the parties and the proceedings, indicating the nature of the issues between the parties, and specifying the Treaty provisions or other acts, instruments or rules of Community law concerned.*]

The preliminary ruling of the Court of Justice of the European Communities is accordingly requested on the following questions—

1., 2., & etc. [*here set out the question on which the rule is sought*].

Dated this day of 19

[(a) FORM 109A

Notice of party raising devolution issue in proceedings otherwise than in originating process or notice or appeal

ORDER 23A, RULES 2(1)(*c*), 2(2)

[*Heading as in proceedings in which devolution issue is raised*]

TAKE NOTICE that I intend to apply in the above-mentioned proceedings for the determination of the following devolution issue under Schedule 10 to the Northern Ireland Act 1998 which arises in the said proceedings, namely—

[*State devolution issue briefly setting out issue and points of law*]

Dated this day of 19 .

Solicitor for the
[defendant]
[respondent]

To the [plaintiff] [petitioner] [applicant] [appellant]
and to the Chief Clerk for the above-mentioned County Court Division.

(a) Forms 109A–109E inserted by S.R. 1999 No. 490 with effect from 17.1.00

FORM 109B

[*Suppl. No. 39 (Jan. 2000)*]

Notice of devolution issue to the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department on order of the court in accordance with paragraph 5 of Schedule 10 to Northern Ireland Act 1998

ORDER 23A, RULES 3(2)

[*Heading as in proceedings in which devolution issue is raised*]

TAKE NOTICE that a devolution issue under Schedule 10 to the Northern Ireland Act 1998 has arisen in the said proceedings and the court has ordered that notice of the issue be given in pursuance of paragraph 5 of Schedule 10 to that Act. A copy of the document under which the issue is raised is attached to this notice.

AND TAKE FURTHER NOTICE that you may within [14 days after receipt of this notice] [as the court has directed] give notice of intention to appear in the proceedings so far as it relates to the devolution issue.

To Attorney General

the Attorney General for Northern Ireland

the appropriate Minister or department.

FORM 109C

Notice of intention to become party in the proceedings so far as relating to devolution issue under Schedule 10 to the Northern Ireland Act 1998

ORDER 23A, RULE 4

[*Heading as in proceedings in which devolution issue is raised*]

WHEREAS NOTICE OF A DEVOLUTION ISSUE in the above-mentioned proceedings was received by the [Attorney General] [the Attorney General for Northern Ireland] [First Minister and deputy First Minister acting jointly/Minister/Department of (referred to as "the appropriate Minister or department") on the day of 19 .

TAKE NOTICE that the [Attorney General] [the Attorney General for Northern Ireland] [appropriate Minister or department] intends to become a party in the proceedings so far as relates to the devolution issue.

Dated this day of 19 .

On behalf of the [Attorney General]
[the Attorney General for Northern Ireland]
[appropriate Minister or department]

To the plaintiff/defendant/applicant/defendant/respondent
and to the Chief clerk of the above-mentioned County Court Division.

FORM 109D

[*Suppl. No. 39 (Jan. 2000)*]

Order for reference of devolution issue to the Court of Appeal

ORDER 23A, RULE 5(1)

[*Heading as in proceedings in which devolution issue is raised*]

IT IS ORDERED that the devolution issue[s] set out in the schedule hereto be referred to Her Majesty's Court of Appeal in Northern Ireland for determination in accordance with paragraph 7 of Schedule 10 to the Northern Ireland Act 1998.

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the Court of Appeal has determined the said devolution issue[s] or until further notice.

Given under my hands this day of 19 .

Judge

Schedule

[*State devolution issue[s] referred for determination of the Court of Appeal*]

FORM 109E

Order for reference of devolution issue to the Judicial Committee of the Privy Council

ORDER 23A, RULE 6

[*Heading as in proceedings in which devolution issue is raised*]

IT IS ORDERED that the devolution issue[s] set out in the schedule hereto be referred to the Judicial Committee of the Privy Council for determination in accordance with paragraph 7 of Schedule 10 to the Northern Ireland Act 1998.

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the Judicial Committee has determined the said devolution issue[s] or until further order.

Given under my hands this day of 19 .

Judge

Schedule

[*State devolution issue[s] referred for determination of the Judicial Committee*].]

FORM 110

Summons to witness

ORDER 24, RULE 9(1)

[Title as in Civil Bill]

YOU ARE HEREBY SUMMONED to attend at on the day of 20 , at the hour of in the noon, and so from day to day, until the above action or proceeding is disposed of, to give evidence in the above action or proceedings. *And to bring with you and produce to the Court the documents specified hereunder—

If you fail to attend or to give evidence or to produce the documents required by this summons, or, unless duly excused, fail to remain in attendance throughout the hearing of the action or proceeding, you will be liable to a fine not exceeding [(**a**) £1,000] and in addition or alternatively to imprisonment a term not exceeding one month.

Dated this day of 20 .

Signed Chief Clerk

*Delete if not required.

To

of

This summons is served on behalf of the plaintiff/defendant whose solicitors are

Sum to be paid or tendered to the witness— £ .

FORM 111

Service endorsement on the summons to witness

ORDER 24, RULE 9(8)

A true copy of this summons was served by me on the within-named personally, at on the day of 20 ,and the sum of £ was at the same time paid/tendered by me to the said for his/her expenses.

Signed

(**a**) Figure substituted by S.R. 1992 No. 439 with effect from 01.11.92

FORM 112

Order to bring up prisoner to give evidence

ORDER 24, RULE 10

[Title as in Form 1]

To the Governor of Her Majesty's Prison at

WHEREAS the plaintiff/defendant in the above-mentioned action [suit *or* matter] has made application to me for an order to bring up before this Court
who, it is said, is detained as a prisoner in your custody, in order that he/she may be examined as a witness on behalf of the said plaintiff [*or* defendant) in the above-mentioned action [suit *or* matter] pending in this Court;

YOU ARE THEREFORE HEREBY REQUIRED; on tender to you of a reasonable sum for the conveyance and maintenance of any proper officers and of the prisoner in going to, remaining at and returning from the Court, to cause the said prisoner to be brought before this Court at on the day of 20 , at the hour of o'clock in the noon, then and there to be examined as a witness on behalf of the said plaintiff [*or* defendant] and immediately after the said prisoner has given his testimony to conduct him safely to the prison from which he has been brought under this warrant.

Given under my hand this day of 20 .

Signed County Court Judge

FORM 113

Notice to admit facts

ORDER 24, RULE 11(1)

[Title as in Form 1]

TAKE NOTICE that the plaintiff [*or* defendant] in this action [*or* matter] requires the defendant [or plaintiff] to admit, for the purposes of this action [*or* matter] only, the several facts respectively hereunder specified;

AND THE DEFENDANT [*or* PLAINTIFF] is hereby required, within three days after receiving this notice, to admit the same several facts, saving all just exceptions to their admissibility, as evidence, in this action [*or* matter].

Dated this day of 20 .

Signed Solicitor for the

FORM 114

Admission of facts pursuant to notice

ORDER 24, RULE 11(2)

[*Title as in Form 1*]

THE DEFENDANT [*or* PLAINTIFF] in this action [*or* matter] for the purposes of this action [*or* matter] only hereby admits the several facts hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in these proceedings.

Dated this day of 19 .

Signed Solicitor for the

Facts admitted	*Qualifications or limitations, if any, subject to which they are admitted*
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

FORM 115

Notice to produce documents at hearing

ORDER 24, RULE 13

[*Title as in Form 1*]

TAKE NOTICE that you are hereby required to produce and show to the Court on the hearing of this action [*or* matter] all books, papers, letters, copies of letters, and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this action [*or* matter] and particularly [*specify* them].

Dated this day of 19 .

Signed Solicitor for the

FORM 116

Order for examination of witness out of Court

ORDER 24, RULE 20(4)

[*Title as in Form 1*]

UPON HEARING and upon reading the affidavit of sworn the day of 19 . and filed on behalf of ;

IT IS ORDERED that the evidence of , a witness on behalf of the , be taken orally on oath before and the said is hereby required to attend at the place and time appointed to give evidence and to produce the several documents hereunder specified—

AND IT IS FURTHER ORDERED that the examination so taken be filed in the office of the Chief Clerk.

Dated this day of 19 .

(Seal) Signed Chief Clerk.

FORM 117

Notice by chief clerk rejecting affidavit

ORDER 24, RULE 21(9)

[*Title as in Form 1*]

I HEREBY GIVE YOU NOTICE that I reject the affidavit of sworn the day of 19 , and refuse to file the same for the following reasons—

Dated this day of 19 .

Signed Chief Clerk.

FORM 118

Notice of intention in reliance on section 7 [or 8] of the Civil Evidence Act (Northern Ireland) 1971 to adduce evidence of conviction [or finding of adultery or adjudication of paternity]

ORDER 24, RULE 8

[*Title as in Form 1*]

TAKE NOTICE that the plaintiff [*or* applicant *or* (*state description of other party initiating proceedings*)] in this action [*or* (*state nature of other proceedings*)] [*or* defendant] [*or* (*state other party serving notice*)] intends in reliance on section 7 [*or* 8] of the Civil Evidence Act (Northern Ireland) 1971 to adduce evidence that the defendant [*or* (*state description of other party*)] was [convicted on the day of 19 , by (*name of court*) of (*state particulars of conviction, etc.*)].

The said conviction (*or as the case may be*) is relevant to the plaintiff's (*or state description of other party*) claim for (*give particulars of the relevant issue*).

Dated this day of 19 .

Signed

Plaintiff [*or* Defendant] [*or* other party]
Solicitor for the

FORM 119

Counter-notice denying conviction, etc. [or alleging that conviction, etc., was erroneous] [or denying that conviction, etc., is relevant]

ORDER 24, RULE 8

[*Title as in Form 1*]

TAKE NOTICE that the defendant [*or* plaintiff] (*or as the case may be*) denies [*or* admits] that he was convicted of the offence [*or* finding *or* adjudication, etc.] as alleged in the notice served on him by on the day of 19 , [but says that the said conviction (*or as the case may be*) was erroneous] [*or* denies that the said conviction (*or as the case may be*) is relevant to any issue in the proceedings].

Dated this day of 19 .

Signed

Defendant [*or* Respondent] [*or* other party]
Solicitor for the

FORM 120

Notice of intention to give in evidence statement admissible under section 1 of the Civil Evidence Act (Northern Ireland) 1971

ORDER 24, RULE 25

[Title as in Form 1]

TAKE NOTICE that the Plaintiff [*or* defendant] *(or description of other party serving the notice)* intends to give in evidence at the hearing of the action [*or* matter] *(or state nature of other proceeding)* by virtue of section 1 of the Civil Evidence Act (Northern Ireland) 1971 a statement contained in a document which is [*or* forms part of] a record compiled by
acting in the course of his duty as

(state office or other capacity in which statement was recorded under a duty) from information supplied to him by

(state name of person who supplied information directly and add those of any other persons through whom the information was supplied to the compiler of the record and description of duty under which such latter intermediary was acting) which statement was made on the day of 19 , at *(add place and circumstances in which statement was made)* and a copy [*or* transcript] whereof is annexed hereto.

[AND FURTHER TAKE NOTICE that the said (compiler of the record) cannot [*or* should not] be called as a witness, by reason of the fact that he is dead [*or* that he is living in , i.e. beyond the seas] [*or* that he is suffering from and is unfit to attend as a witness] [*or* that despite the exercise of reasonable diligence it has not been possible to identify him] [*or* to find him] [*or* that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy of the statement].]

Dated this day of 19 .

Plaintiff [*or* Defendant]
Solicitor for the

To the Chief Clerk for the above-named Division and to the
(other party to the proceedings).

FORM 121

Notice of intention to give in evidence statement admissible under section 2 of the Civil Evidence Act (Northern Ireland) 1971

ORDER 24, RULE 26

[*Title as in Form 1*]

TAKE NOTICE that the plaintiff [*or* defendant] *(or state description of party serving the notice)* intends to give in evidence at the hearing of the action [*or* matter] *(or state other proceedings)* by virtue of section 2 of the Civil Evidence Act (Northern Ireland) 1971 a statement contained in a document which was produced in compliance with the conditions contained in section 2(2) of the said Act by a computer on the day of 19 , from information supplied to the said computer during the period 19 , to 19 , a copy whereof is annexed hereto.

AND FURTHER TAKE NOTICE that—

(a) *(name of person concerned)* was during the material period and still is the [manager] *(or as the case may be)* of and responsible for the activities for the purpose of which the computer was used regularly to store or process information;

(b) (name of person concerned) was at the material time responsible as *(describe position)* for the supply of information to the computer and in particular of the information which is reproduced in the said statement [*or* from which the information in the said statement was derived]; and

(c) *(name of person concerned)* was during the material period the chief operator *(or as the case may be)* of the said computer.

[AND FURTHER TAKE NOTICE that the said *(name of manager or other person specified in paragraphs (a) above)* cannot [*or* should not] be called as a witness, by reason of the fact that he is dead [*or* that he is living in , i.e., beyond the seas] [*or* that he is suffering from and is unfit to attend as a witness] [*or* that despite the exercise of reasonable diligence it has not been possible to identify him] [*or* to find him] [*or* that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy of the statement].]

Dated this day of 19 .

Plaintiff [*or* Defendant]
Solicitor for the

To the Chief Clerk for the above-named Division and to the *(other party to the proceedings)*.

FORM 122

Counter-notice requiring person to be called as witness where named in notice of intention to give statement in evidence

ORDER 24, RULE 28

[*Title as in Form 1*]

TAKE NOTICE that the defendant [*or* plaintiff] *(or description of other party who received the notice under Rule 24)* requires the plantiff [*or* defendant] *(or description of party serving notice)* to call
(name of person to be called) as a witness at the hearing of the above proceedings.

[AND FURTHER TAKE NOTICE that the defendant [*or* plaintiff] *(or as the case may be)* contends that the said can [*or* should be] called as a witness and he disputes that the said is dead [*or* is living beyond the seas] [*or* is suffering from and is unfit to attend as a witness] [*or* cannot by the exercise of reasonable diligence be identified] [*or* found] [*or* that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy of the statement referred to in the notice served under Rule 24 of Order 24 of the County Court Rules (Northern Ireland) 1976].]

Dated this day of 19 .

Defendant [*or* Plaintiff]
Solicitor for the

To the Chief Clerk for the above-named Division and to the
(other party to the proceedings).

FORM 123

Notice of application to determine whether person can or should be called as witness

ORDER 24, RULE 29

[*Title as in Form 1*]

TAKE NOTICE that the above-named plaintiff [*or* defendant] *(or as the case may be)* intends to apply to the above-named court sitting at *(courthouse)* on the day of 19 , at o'clock in the noon to determine that *(name of person desired to be called as witness)* can [*or* should] be called as a witness at the hearing of the above proceedings.

Dated this day of 19 .

Plaintiff [*or* Defendant]
Solicitor for the

To the Chief Clerk for the above-named Division and to the *(other party to the proceedings)*.

FORM 124

Notice of intention to give in evidence under section 4(1)(*b*) of the Civil Evidence Act (Northern Ireland) 1971 certain inconsistent statements of person whose documentary statement sought to be put in evidence under section 1

ORDER 24, RULE 33

[*Title as in Form 1*]

TAKE NOTICE that the above-named plaintiff [*or* defendant] (*or as the case may be*) intends to adduce in relation to (*name of person concerned*) evidence under section 4(1)(*b*) of the Civil Evidence Act (Northern Ireland) 1971 to prove that the said made on the day of 19 , another statement inconsistent with the statement referred to in the defendant's [*or* plaintiff's] notice dated the day of 19 .

AND FURTHER TAKE NOTICE that the said statement inconsistent with the statement referred to in the defendant's [plaintiff's] said notice was made by the said on the day of 19 , at (*state place and add circumstances in which statement was made*) and which said statement was made by the said to (*name of person to whom inconsistent statement made*), the words used [*or* the substance of the statement] being (*set out*); [*or if made in a document* was made on the day of 19 , at (*state place and add circumstances in which the statement was made*) and which said statement was made by the said to (*name of person to whom inconsistent statement was made*) and a copy [*or* transcript] whereof is annexed hereto].

Dated this day of 19 .

Plaintiff [*or* Defendant]
Solicitor for the

To the Chief Clerk for the above-named Division and to the (*other party to the proceedings*).

[(a) FORM 125

Notice of Application for a Small Claim

ORDER 26, RULE 4

For Office Use Only
Claim No.
Liquidated/Unliquidated

Part A

Applicant: Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS	Respondent: Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

Take notice that I, the above named applicant, intend to apply to the Small Claims Court at _____ for a decree in respect of:—

My claim for	£ _____
Interest*	£ _____
The court fee	£ _____
Total	**£** _____

***Only include a figure if you wish to claim interest and you have given details of the rate and the period covered.**

Please describe in simple terms details of your claim:— also include the date the claim arose and, if interest is claimed, the amount, rate and period covered.

(a) New Form 125 substituted by S.R. 2002 No. 255 with effect from 4.11.02

Statement of Truth

I believe that the facts stated in this form are true.

Full Name: _____ Position or Office held _____
(if signing on behalf of firm or company)

Signed: _____

Date: _____

Part B

TO BE COMPLETED BY THE SMALL CLAIMS COURT OFFICE

This application will be dealt with at _____ Court Office.

If you wish to dispute this claim or issue a counterclaim please read the enclosed information leaflet and lodge a notice of dispute and/or counterclaim with the above court office.

If you wish to accept liability for this claim please read the enclosed information leaflet and lodge a notice of acceptance of liability with the above court office.

If you intend to dispute the claim, issue a counterclaim or accept liability then you must lodge the appropriate form with the above court office no later than _____.

WARNING

If you intend to dispute the case or issue a counterclaim and you fail to reply to this application by the date above a decree may be issued against you without further correspondence.

Signed: _____

Date: _____

[(a) FORM 126

Application for a review of an ESCP judgment under Article 18 of the ESCP Regulation

ORDER 27, RULE 16

FOR OFFICE USE ONLY CLAIM NO. LIQUIDATED/UNLIQUIDATED

Applicant: Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS	Respondent: Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

I, _____wish to apply under Article 18 of the ESCP Regulation for a review of the judgment given in the above matter on the ground that:

(*state briefly and precisely the reasons upon which the application is grounded*).
Dated this day of 20 .
I certify that the above information is correct.

_____
Signature

_____
Date]

(a) Form 126 inserted by S.R. 2009 No. 176 with effect from 18.05.09

[(a) FORM 126A

Notice of Dispute

ORDER 26, RULE 10

[*Suppl. No. 41 (Nov. 2002)*]

For Office Use Only
Claim No.
Return Date
Liquidated/Unliquidated

Dispute

Only complete this section if you dispute the claim

Take notice that I intend to dispute the claim made against me for the following reason(s):

Signed: _____ Date: _____
(Respondent)

Counterclaim

Only complete this section if you wish to make a counterclaim

I wish to make a counterclaim for € .

Please describe in simple terms the details of your claim. Also include the date the claim arose and, if interest is claimed, the amount, rate and period covered.

Signed: _____ Date: _____]
(Respondent)

(a) New Form 126A substituted by S.R. 2002 No. 255 with effect from 4.11.02

[(a) FORM 126B

Notice of Acceptance of Liability

ORDER 26, RULE 12

For Office Use Only
Claim No.
Return Date
Liquidated/Unliquidated

Liability

Only complete and return this form if you admit the claim

I admit the claim made against me in full and agree to pay the amount stated ☐

Do you wish to apply for time to pay this amount? ☐ Yes ☐ No

If you wish to apply for time to pay you must provide full details of your income and outgoings and state the amount you are able to pay £_____ (per week/month).

Signed: _____ Date: _____
(Respondent)

IMPORTANT

If you wish to make a payment to the applicant you *must* include the amount of the court fee and any interest claimed. If you do not do so a default decree may still be made against you for this amount.]

(a) New Form 126B substituted by S.R. 2002 No. 255 with effect from 4.11.02

[(a) FORM 127

[*Suppl. No. 41 (Nov. 2002)*]

Application for a Default Decree

ORDER 26, RULE 15

For Office Use Only
Claim No.
Liquidated

Applicant:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

Respondent:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

I _____ wish to apply for a default decree against _____ on the grounds that no notice of dispute and/or counterclaim has been received in respect of my small claim.

Amount of the claim as stated in the application form £ _____

Amount of court fee £ _____

NB. Only complete this section if you have claimed for interest on your small claim application form. You must include the amount, rate and period covered. If full details are not provided, interest may be disallowed.

***Interest**

from _____(insert date claim arose) at

____% (insert rate of

interest) until date of decree.

from date of decree at

_____% (insert rate of interest)

Sub Total **£** _____

Less any amount paid by the respondent since the date of issue £ _____

Total amount sought **£** _____

(a) New Forms 127 to 129 inserted by S.R. 2002 No. 255 with effect from 4.11.02

Statement of Truth

I believe that the above information is true and that the claim does not relate to a minor or a patient.

_____
Signature of the Applicant

Position or office held _____
(if signing on behalf of a firm or company)

_____
Date

FORM 128

Application for a Default Decree

ORDER 26, RULE 15

For Office Use Only
Claim No.
Unliquidated

Applicant:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

Respondent:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

I, _____ wish to apply for a default decree against _____ on the ground that no notice of dispute and/or counterclaim has been received in respect of my small claim.

The amount of the claim to be assessed by the District Judge.

Statement of Truth

I believe that the above information is true and that the claim does not relate to a minor or a patient.

_____
Signature of the Applicant

Position or office held _____
(if signing on behalf of a firm or company)

_____
Date

FORM 129

Application for a default decree to be set aside or for directions

ORDER 26, RULE 20

For Office Use Only
Claim No.
Liquidated/Unliquidated

Applicant:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

Respondent:
Full name, postal address, postcode and e-mail address (if appropriate) in BLOCK CAPITALS

I, _____ wish to apply for the decree that issued in the above matter to be set aside [and/or directions]* on the ground that

Please explain in simple terms the background to this application

I certify that the above information is correct.

_____
Signature

_____
Date

*Please delete as appropriate

[(a)Schedule 2 Rule 2(c)

FORM 130

Notice of Appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

IN THE COUNTY COURT/RECORDER'S COURT FOR THE DIVISION OF

IN THE MATTER of an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

Between Appellant

of

and Respondent

of

TAKE NOTICE that the Appellant hereby appeals against the [decision] [order] [determination] of the district judge on the following question of law:

The grounds on which the Appellant relies are as follows:

Dated this day of 20 .

Signature of Appellant

To: The Chief Clerk at

The Respondent at

Any other party at
(name and addresses)

(a) Forms 130 to 131A inserted by S.R. 2004 No. 216 with effect from 31.5.04

FORM 131

Notice in response to an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER of an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

Between Appellant

of

and Respondent

of

TAKE NOTICE that the Respondent hereby opposes the grant of an appeal against the [decision] [order] [determination] of the district judge on the following question of law:

The grounds on which the Respondent relies are as follows:

Dated this day of

Signature of Respondent

To: The Chief Clerk at

The Appellant at

Any other party
(name and addresses)

FORM 131A

Order on an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER of an application under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980 against the [decision] [order] [determination] of the district judge on the following point of law:

Between Appellant

and Respondent

Having considered the appeal;

IT IS ORDERED that

Dated

Chief Clerk

[(**a**) . . .]

Deleted

(**a**) Forms 130 to 131 deleted by S.R. 1985 No. 102 with effect from 19.5.85

FORM 132

Affidavit on payment into Court under section 63 of the Trustee Act (Northern Ireland) 1958

ORDER 28, RULE 1(1)

In the County Court for the Division of

IN THE MATTER OF the Trustee Act (Northern Ireland) 1958 and the County Courts (Northern Ireland) Order 1980.

IN THE MATTER OF [*add the title of the particular trust*].

I of aged years and upwards MAKE OATH and say as follows—

1. My place of residence [state it] is the place where I am to be served with any notice of application relating to the trust fund hereinafter mentioned.

2. [*Set out a short description of the trust and the instrument creating it stating the amount of the money or stock proposed to be paid or transferred, or security deposited, in trust to attend the order of the court.*]

3. Under the provisions of the above-mentioned Act I desire to pay into Court, in trust to attend the orders of the Court, the above-mentioned sum of £ after retaining out of the said sum the sum of £ for costs incurred in paying the said sum into Court.

4. To the best of my knowledge and belief the only person interested in or entitled to, the said sum are [*state the names and addresses of the persons interested in, or entitled to, the money* [*or* securities] *to the best of the trustee's knowledge and belief*].

5. I submit to answer to the best of my ability all such inquiries relating to the application of the said money [*or* securities] as the Court may think proper to make or direct.

Sworn, etc.

To be endorsed on affidavit—

Leave to pay [*or* transfer fund] into Court upon privity.

Chief Clerk.

FORM 133

Notice to person beneficially interested on payment into Court under section 63 of the Trustee Act (Northern Ireland) 1958

ORDER 28, RULE 1(5)

In the County Court for the Division of

No.

IN THE MATTER OF the Trustee Act (Northern Ireland) 1958 and the County Courts (Northern Ireland) Order 1980 and in the matter of [*add the title of the particular Trust*].

TAKE NOTICE that on the day of 19 , [*state name, address and occupation of Trustee*] under the above-mentioned Act paid into Court [*give particulars of money or securities paid into Court*] to attend the orders of the Court, and in his affidavit sworn on the day of 19 , shortly described the instrument creating the trust, and stated the names of the persons interested in or entitled to the said money [*or* securities] to the best of his knowledge and belief, as follows, that is to say: [*state from the affidavit the paragraph containing the names of the persons interested or entitled*].

AND FURTHER TAKE NOTICE that any person interested in or entitled to the said money [*or* securities] may apply to this Court respecting the investment, payment out, or mode of dealing with the said money [*or* securities] or of the income thereof.

Dated this day of 19 .

Chief Clerk.

FORM 134

Certificate of Chief Clerk in case of money

ORDER 28, RULE 1(6)

County Court for the Division of

IN THE MATTER of the Trustee Act (Northern Ireland) 1958 and the County Courts (Northern Ireland) Order 1980.

IN THE MATTER OF THE TRUSTS OF

I HEREBY CERTIFY that has on the day of 19 , filed with me, the Chief Clerk of this Court, an affidavit entitled as above-mentioned, with reference to a trust fund or sum of £ therein mentioned, which sum, as therein stated, he duly paid into the County Court Bank under the provisions of the above Acts on the of 19 .

Dated this day of 19 . .

Signed Chief Clerk.

To

FORM 135

Married Women's Property Act 1882

ORDER 29, RULE 1(1)

[*Title as in Form 1*]

[(a) . . .]

YOU ARE HEREBY SUMMONED at the instance of of , to appear before the County Court Judge [(b) at courthouse] on the day of 19 *, at the hour of , when the Court will proceed to consider the question hereunto annexed, and to make an order with respect to the property in dispute.

Dated this day of 19 .

Signed Chief Clerk

Signed Solicitor for .

[(b) *Day for hearing as fixed by chief clerk]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) . . .]

[(b) Notice of Application

FAMILY LAW (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1984

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the division of

BETWEEN

of

Applicant

AND

of

Respondent

TAKE NOTICE that [(c) . . .] at on the day of 19 an application will be made to the Court under the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984, Article 4 [*or* 13 *delete as applicable*] on behalf of the Applicant for the order [*specify remedy applied for, giving sufficient particulars including the grounds on which the Applicant claims to be entitled to the order*].

Dated this day of 19 .

Signed Applicant/Solicitor for Applicant

To the above-named Respondent and the Chief Clerk at (Courthouse).].

(a) Original Form 136 deleted by S.R. 1985 No. 102 with effect from 19.5.85
(b) New Form 136 inserted by S.R. 1989 No. 211 with effect from 1.9.89
(c) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 137

Summons

The Matrimonial Causes (Northern Ireland) Order 1978

ORDER 31, RULE 1(1)

[*Title as in Form 1*]

[(a) This summons will be heard on the day of 19 * at]

YOU ARE HEREBY SUMMONSED at the instance of of , to appear before the County Court Judge when the Court will proceed to consider the question hereunto annexed, and to make such order as it may think just and expedient.

Dated this day of 19 .

Signed Chief Clerk,

Signed Solicitor for

[(a) *Day for hearing as fixed by chief clerk].

(a) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 137A

[(a) FORM OF APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

ORDER 32: PART IIA: RULE 6B

An application must be made within 14 days from the date of service of notice of appeal.

This form may also be used where an extension of time has been granted for the making of this application.

A copy of this form must be served at the same time on every other party to the appeal.

PART 1

To be completed by all applicants

Details required	*Notes*
Details of witness Name of witness: Date of birth of witness: If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application: If the applicant is the prosecutor, give the name of the witness (otherwise leave blank):	An application by the appellant for evidence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996.
Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: PPSNI reference number: ICOS number (if known): Appellant(s): Surname: Forenames: Court venue: Date of next court appearance:	The venue of the court hearing the appeal.
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.

(a) Form 137A and 137C to 137I substituted by S.R. 2003 No. 485 with effect from 01.01.04

Details of application Specify the special measures being sought: State the grounds on which the witness relies in support of the application for a special measures direction: Give a description of evidence submitted in support of this application:	This requirement is optional. Examples of evidence might be: birth certificate; medical report; expert evidence; police report.
Arrangements which may be available Give a description of the arrangements relevant to the measures applied for, which may be made available in the area in which it is likely the hearing will take place:	
Reasons for application Give the grounds for believing the special measures being sought in this application will increase the quality of the witness's evidence: Give the views of the witness as to why the measures sought in this application are required:	
Material change of circumstances Give a description of any material change of circumstances relied upon to support this application:	This requirement applies only where— (a) a special measures direction is already in force and application is being made to discharge or vary the direction, or (b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.

PART 2

To be completed if the application is for evidence to be given through a live link

Details required	*Notes*
Details of application Give — (a) the address of any venue from which the witness will give evidence if the court's own live link is not used: (b) the name of the person who it is proposed will accompany the witness: (c) the occupation of this person: (d) the relationship (if any) of this person to the witness:	An application by the appellant need not disclose the name of the person proposed to accompany the witness if disclosure could lend to the identification of the witness.
Grounds State why it is believed that this person should accompany the witness [(**a**) (include the witness' views)]:	

PART 3

To be completed if the application is to tender in evidence a video recording under Article 15 of the Criminal Evidence (Northern Ireland) Order 1999

Details required	*Notes*
Video recording(s) Statement as to circumstances in which video recording made: Date(s) of video recording(s): Time(s) of video recording(s): Location and normal function of premises where video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself. Give the times at which recording began and finished, including details of any interruptions. Give address of premises where recording made and state the usual function of those premises.

(**a**) Words inserted by S.R. 2011 No. 421 with effect from 1.1.12

Details of those present while recording made Give details of each person present at any point during the recording: In relation to each person present at any point during the recording, a statement confirming that the person is visible in the recording when present:	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the appellant.
Equipment used Give a description of the equipment used for the recording:	The description must include the following information — number and type of cameras used (fixed or mobile); the number and location of microphones; the video format used; and whether it offered single or multiple recording facilities and if it did which were used.
Recordings of part only of an interview State whether the video recording contains part only of the interview with the witness:	A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.
Details of copy State in respect of each video recording whether it is a copy, and give the following details in respect of each copy— Name and address of person who has the mastertape: When, and by whom, the copy was made:	

Attendance and supply of copies Is the witness willing and able to attend the appeal for cross-examination? Have copies of the video recording(s) to which this application relates been disclosed to the other parties? Has a copy of this notice and the video recording(s) to which it relates been served on each party to the appeal? Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?	Where the application is by the appellant, the video recordings(s) do not have to be served on the prosecution until the close of the prosecution case at the hearing of the appeal.

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk for the county court division of .
And to

(*insert names and addresses of each of the other parties to the appeal*)

Note:
The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

[(a) FORM 137B

NOTICE OF DECISION ON APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

ORDER 32: PART IIA: RULE 6B(12)

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Upon the hearing of an application by (*name of applicant*), on (*date application heard*) under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 for a special measures direction, the court made an order to the following effect, viz: —

Special measures direction under Article [11] [12] [13] [14] [15] [18] granted*/granted subject to the following conditions*/refused on the following grounds—

This day of 20 .

Chief Clerk]

(a) Form 137B substituted by S.R. 2003 No. 295 with effect from 30.06.03

[(**a**) FORM 137C

APPLICATION BY PROSECUTOR FOR A DIRECTION UNDER ARTICLE 24 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999 PROHIBITING THE APPELLANT FROM CROSS-EXAMINING A PARTICULAR WITNESS

ORDER 32: PART IIA: RULE 6J

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Take notice that I, the undersigned, intend to apply for a direction under Article 24 of the Criminal Evidence (Northern Ireland) Order 1999 prohibiting the appellant from cross-examining a particular witness, namely:

(*specify name of witness*).

State why the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the appellant in person:

State why the evidence would be improved if a direction were given under Article 24(2) of the 1999 Order:

State why it would be contrary to the interests of justice to give such a direction:

The date fixed for the hearing of the appeal to which the application relates is:

(specify date).

Dated this day of 20 .

Signature of Prosecutor

To the chief clerk for the county court division of
And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

(**a**) Forms 137C-137I inserted by S.R. 2003 No. 485 with effect from 01.01.04

FORM 137D

[*Supplt. No. 45 (January 2004)*]

NOTICE BY CHIEF CLERK OF A DECISION OF THE COURT [ON APPLICATION BY THE APPELLANT]* FOR AN EXTENSION OF TIME TO APPOINT A LEGAL REPRESENTATIVE

Order 32: Part IIA: Rule 6K

of

Appellant

Petty Sessions District of

of

Respondent

County Court Division of

On day of 20 , the court explained to the appellant that he is prevented from cross-examining a witness in person and invited him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

And whereas the court has not received notice from the appellant that he has arranged for such representation, the court has [of its own motion]* [on the application of the appellant]* made an order to the following effect, viz:

[Application for an extension of time will be heard before the county court sitting at (*place*) on (*date*) at (*time*). You, the appellant, are requested to attend.]*;

[Extension of time is granted for a period of days from the date of this order.]*;

[Extension of time is refused on the following grounds: (*state reasons*)]*.

This day of 20 .

Chief Clerk

Note:

A copy of this notice will be sent to every other party to the appeal [who may also attend the hearing]*.

* Delete as appropriate

FORM 137E

NOTICE BY THE CHIEF CLERK OF THE DISCHARGE OF THE PERSON APPOINTED BY THE COURT

Order 32: Part IIA: Rule 6M

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Take notice that the person appointed by the court under Article 26(4) of the Criminal Evidence (Northern Ireland) Order 1999 has [been discharged]* [ceased to act for the court]*.

[The following legal representative has been appointed by the appellant, namely: (*insert name and address of legal representative*)]*

This day of 20 .

Chief Clerk

Note:
A copy of this notice is to be sent to each party to the appeal.

* Delete as appropriate

FORM 137F

NOTICE TO THE CHIEF CLERK OF AN APPLICATION FOR LEAVE TO ADDUCE EVIDENCE UNDER ARTICLE 28(2) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Order 32: Part IIA: Rule 6N

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Take notice that I, the appellant, intend to apply for leave to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

The date fixed for the hearing of the appeal to which the application relates is: (*specify date*).

Evidence:

(Give summary of the evidence the appellant proposes to adduce and of the questions the appellant proposes to put to any witness)

Explanation:

(Explain in full why it is considered that the evidence and questions fall within Article 28(3) or (5) of the 1999 Order)

List of documents:

(Give summary of any document or other evidence to be submitted in support of such evidence and questions)

Details of witness:

(Give the name, address and date of birth of any witness who it is proposed to call to give evidence as to the complainant's sexual behaviour)

This day of 20 .

Appellant
[Solicitor for Appellant]

To the chief clerk of the county court division of .

And to
(*insert names and addresses of each of the other parties to the appeal*)

Notes to appellant:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

An application under Rule 6N should be served on the chief clerk within 14 days from the date of the service of notice of appeal from a decision of a magistrates' court or be accompanied by a full explanation specifying the reasons why the application could not have been made within that time.

Note to prosecutor:

You are required to notify the chief clerk and the other parties to the appeal in Form 137G whether or not you oppose the application made under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

FORM 137G

NOTICE TO THE CHIEF CLERK WHETHER OR NOT THE PROSECUTOR OPPOSES THE APPLICATION MADE UNDER ARTICLE 28(2) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Order 32: Part IIA: Rule 6N

of

Appellant

Petty Sessions District of

of

Respondent

County Court Division of

The purpose of this Notice is to inform you that I, the prosecutor [oppose]* [do not oppose]* the application made by the appellant under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999 and as set out in Form 137F [for the following reasons: (state reasons)]*

AND TAKE NOTICE that I [wish] [do not wish]* to be represented at any hearing of the application.

This day of 20 .

Prosecutor

To the chief clerk of the county court division of .

And to

(*insert names and addresses of the other parties to the appeal*)

* Delete as appropriate

FORM 137H

REQUEST BY THE COURT FOR A PARTY TO THE APPEAL TO PROVIDE INFORMATION IN RELATION TO AN APPLICATION FOR LEAVE TO ADDUCE EVIDENCE UNDER ARTICLE 28(2)

Order 32: Part IIA: Rule 6N

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

The court hereby requests that you, (*insert name of the party to whom the request is made*), being a party to the above appeal, provide the court with the information detailed below, which the court considers will assist it in determining the application to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

Details of the information which the court requires to assist in determining the application:

Chief Clerk

Note:
The information requested shall be furnished to the court within 14 days.

FORM 137I

[*Supplt. No. 45 (Jan. 2004)*]

NOTICE OF THE DECISION OF THE COURT ON AN APPLICATION FOR LEAVE TO ADDUCE EVIDENCE UNDER ARTICLE 28(2)

Order 32: Part IIA: Rule 6N

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Upon the hearing of an application by (*name of appellant*), on (*date application heard*) for leave to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999, the court made an order to the following effect, viz: –

Leave in relation to evidence or questions on an application made in Form 137F is:

[refused for the following reasons (*state reasons*)]*

[granted for the following reasons and, subject to the following restrictions (*state reasons and the extent to which evidence may be adduced or questions asked in pursuance of leave*)]*

Chief Clerk

Note:
A copy of this notice is to be sent to each party to the appeal.

* Delete as appropriate].

[(a)FORM 137J

APPLICATION FOR A REPORTING DIRECTION UNDER SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NA

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command Unit reference number: DPP reference number: Defendant(s): Surname: Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges	Give brief details of those charges to which this application relates

(a) Forms 137J-137M inserted by S.R. 2004 No. 463 with effect from 29.11.04

Details of application

State the grounds on which the applicant relies in support of the application for a reporting direction:	The statement should make clear why, in the applicant's view, if the direction is not given – (a) the quality of evidence given by the witness, or (b) the level of co-operation given by the witness to any party to the proceedings in the preparation of that party's case, is likely to be diminished by fear or distress if the witness is identified by members of the public.
Give a description of evidence submitted in support of this application:	This requirement is optional. Examples might be – Police report Medical report
Set out the views of the witness for whom the direction is sought on this application:	

Public interest

State why a reporting direction –

(a) is in the interests of justice; and

(b) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137K

APPLICATION FOR AN EXCEPTING DIRECTION UNDER SECTION 46(9) OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NB

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details of those charges to which this application relates
Reference number of reporting direction:	
Court which gave the reporting direction:	
Date on which reporting direction given:	
Is a copy of the reporting direction attached:	The applicant should attach a copy of the reporting direction if available
Details of application	
State the grounds on which the applicant relies and in	

particular state why a reporting direction is or would be a substantial and unreasonable restriction on the reporting of the proceedings:

State why it would be in the public interest to remove or relax reporting restrictions:

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137L

APPLICATION FOR [REVOCATION OF A REPORTING DIRECTION] [VARIATION OF AN EXCEPTING DIRECTION] [REVOCATION OF AN EXCEPTING DIRECTION] UNDER SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6NC

A copy of this form shall be served on every other party to the appeal at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details of those charges to which this application relates
Reference number of [reporting] [excepting] direction:	
Court which gave the [reporting] [excepting] direction:	

Date on which [reporting] [excepting] direction given:

Is a copy of the [reporting] [excepting] direction attached:

The applicant should attach a copy of the [reporting] [excepting] direction if available

---

Details of application

The application is for:
[the revocation of a reporting direction]*
[the variation of an excepting direction]*
[the revocation of an excepting direction]*

*Delete as appropriate

The grounds on which the applicant relies are as follows –

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the County Court Division of

And to

(insert names and addresses of each of the other parties to the appeal)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 137M

NOTICE OF DECISION ON APPLICATION FOR [REPORTING DIRECTION] [EXCEPTING DIRECTION] [REVOCATION OF REPORTING DIRECTION] [VARIATION OR REVOCATION OF EXCEPTING DIRECTION] MADE IN ACCORDANCE WITH SECTION 46 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

Order 32: Part IIA: Rule 6ND

Notes

Details of applicant

Name of applicant:

Name of applicant's solicitor:

Address of solicitor:

Reference:

Details of witness

Name of witness:

Date of birth of witness:

Case details

Court venue:

Defendant(s):

Charges:

Upon the hearing of an application on (date) at (place) the court made an order to the following effect, viz:

Reporting Direction

If a reporting direction has been given by the court, give the following details –

Reference number of reporting direction:

Court which gave the reporting direction:

Date on which reporting direction given:

Give details of restrictions imposed by the direction:

Excepting Direction

If an excepting direction has been given by the court, give the following details —

Reference number of the excepting direction:

Court which gave the direction:

Date on which direction given:

Give details of the exception granted by the court:

Revocation of a reporting direction

If a reporting direction has been revoked, give the following details —

Reference number of the reporting direction:

Court which gave the reporting direction:

Date on which the reporting direction was given:

Date on which the reporting direction was revoked:

Variation or revocation of an excepting direction

If an excepting direction has been varied or revoked, give the following details —

Reference number of the excepting direction:

Court which gave the excepting direction:

Date on which the excepting direction was given:

Give details of how the excepting direction was varied or revoked:

Dated this day of 20 .

chief clerk]

[(a) FORM 137N

APPLICATION FOR LEAVE TO ADDUCE EVIDENCE OF NON-APPELLANT'S BAD CHARACTER UNDER ARTICLE 5 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

ORDER 32: PART IIA: RULE 6NG(1)

This form shall be served on the chief clerk and on every other party to the appeal, within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

Details required	*Notes*
Details of applicant Name: Address:	
Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: PPSNI reference number: ICOS number (if known): Appellant(s): • Name: • Address: • Date of birth: Court venue: Date of next court appearance: Charges:	The venue of the court hearing the appeal. Give brief details (including date and location of offence) of those charges to which this application applies.
Details of the application Please provide the following details: • the particulars of the bad character evidence including how it is to be adduced or elicited at the appeal (including the names of the relevant non-appellant and other relevant witnesses); and	Article 5 of the 2004 Order.

(a) Forms 137N – 137S inserted by S.R. 2005 No. 143 with effect from 18.04.05

• the grounds for the admission of evidence of a non-appellant's bad character under Article 5 of the 2004 Order.	Please attach any relevant documentation.
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

Applicant/Solicitor for Applicant

To the Chief Clerk of the County Court Division of

And to

(Insert names and addresses of each of the other parties to the appeal)

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

Note to party who receives a copy of this application:

If you wish to oppose this application you are required within 14 days from the date on which the application was served on you, to notify the chief clerk and every other party to the appeal, in Form 137O, of your opposition.

FORM 137O

NOTICE OF OPPOSITION TO THE ADMISSION OF EVIDENCE OF A NON-APPELLANT'S BAD CHARACTER UNDER ARTICLE 5 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

Order 32: Part IIA: Rule 6NG(3)

This form shall be served on the chief clerk and on every other party to the appeal, within 14 days from the date on which the application for leave to adduce evidence of a non-appellant's bad character was served.

Details required	*Notes*
Details of party giving notice Name: Address:	State the name and address of the party giving notice of their opposition to the admission of evidence of a non-appellant's bad character. (If in custody give address where detained)

Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number: Appellant(s): • Name: • Address: • Date of birth: Court venue: Date of next court appearance: Charges:	The venue of the court hearing the appeal. Give brief details (including date and location of offence) of those charges to which this application applies.
Details of the notice The details of the evidence of the non-appellant's bad character are as follows:	Give brief details of the evidence that you want to oppose the admission of. Specify whether you oppose the admission of all or part of that evidence.
Grounds for opposing the admission of the evidence of the non appellant's bad character	Set out the grounds for opposing the admission of the evidence of the non-appellant's bad character. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

Party opposing admission of bad character evidence/Solicitor for party

To the Chief Clerk of the County Court Division of

And to

(Insert names and addresses of each of the other parties to the appeal)

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

FORM 137P

NOTICE OF INTENTION TO ADDUCE APPELLANT'S BAD CHARACTER EVIDENCE UNDER ARTICLE 6 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

Order 32: Part IIA: Rule 6NG(4)

This form shall be served on the chief clerk and on every other party to the appeal, within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

Details required	*Notes*
Details of party giving notice Name: Address:	
Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number: Appellant(s): • Name: • Address: • Date of birth:	

Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
Details of the notice To the named appellant: You are hereby given notice that bad character evidence, particulars of which are detailed below, is to be adduced or elicited at the appeal.	
The particulars of that bad character evidence are as follows:	In this section include: a) a description of the bad character evidence and how it is to be adduced or elicited at the appeal (including the names of any relevant witnesses); b) the grounds for the admission of evidence of the appellant's bad character under Article 6 of the 2004 Order; Please attach any relevant documentation.
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

Applicant/Solicitor for Applicant

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

Note to appellant:

An application by an appellant to exclude bad character evidence shall be in Form 137Q and shall be served on the chief clerk and on every other party to the appeal within 7 days from the date on which the notice of intention to adduce the evidence of bad character was served on him.

FORM 137Q

APPLICATION TO EXCLUDE EVIDENCE OF APPELLANT'S BAD CHARACTER UNDER ARTICLE 6 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

Order 32: Part IIA: Rule 6NG(6)

This form should be served on the chief clerk and on every other party to the appeal within 7 days from the date on which the notice of intention to adduce evidence of the appellant's bad character was served on the appellant.

Details required	*Notes*
Details of the appellant(s)	
Name:	
Address:	
Date of birth:	
If you are in custody, please give your prison number and the address of the establishment in which you are detained:	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command Unit reference number:	
DPP reference number:	
Appellant(s):	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
Date that you were served with the notice of intention to adduce bad character evidence at this appeal:	

Details of the application Include the following information: (a) why the admission of bad character evidence would have such an adverse effect on the fairness of the proceedings that the court should not admit it.	Note that an application to exclude this evidence under Article 6(3) of the 2004 Order can only be made if you have been notified of a party's intention to adduce this evidence under Article 6(1)(d) (it is relevant to an important matter in issue between the appellant and the prosecution) or Article 6(1)(g) (that the appellant has made an attack on another person's character).
(b) details as to the length of time between the the matters to which the bad character evidence relates and the matters whichform the subject of the offence charged. (c) if you are applying for the exclusion of this evidence on grounds other than Article 6(3) of the 2004 Order, please set out such objections.	Article 6(4) of the 2004 Order
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

Applicant/Solicitor for Appellant

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

FORM 137R

NOTICE OF INTENTION TO ADDUCE HEARSAY EVIDENCE UNDER ARTICLE 18 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

Order 32: Part IIA: Rule 6NH(2)

This form shall be served on the chief clerk and on every other party to the appeal, within 14 days from the date of the service of notice of appeal from the decision of a magistrates' court.

Details required	*Notes*
Details of party giving notice Name: Address:	
Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number: Appellant(s): • Name: • Address: • Date of birth: Court venue: Date of next court appearance: Charges:	The venue of the court hearing the appeal. Give brief details (including date and location of offence) of those charges to which this application applies.
Details of the notice To the named recipient of this notice: I hereby give you notice of my intention to adduce hearsay evidence, details of which are set out below, in these proceedings.	
Grounds for admission of hearsay evidence On which of the following grounds do you intend to adduce hearsay evidence? (a) Any statutory provision makes it admissible; (b) Any rule of law preserved by Article 22, Criminal Justice (Evidence) (Northern Ireland) Order 2004: (c) All parties to the proceedings agree to it being addmissable: or	**Tick as appropriate.** Specify which provision of the 2004 Order or other statute, or which rule of law preserved by Article 22 you rely on to adduce the evidence.

(d) It is in the interests of justice for it to be admissible. Further details of grounds:	Where box (d) is ticked, you must specify which of the factors set out in Article 18(2) of the 2004 Order you rely on and explain how they are relevant.
Details of hearsay evidence The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to adduce as hearsay evidence. A complete copy of that evidence must be attached to this notice, if it has not already been served on the other parties.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

Applicant/Solicitor for Applicant

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

Note to party who receives a copy of this application:

If you wish to oppose the admission of hearsay evidence, you must, within 14 days from the date on which the notice was served on you, serve notice of your opposition in Form 137S on the chief clerk and every other party to the appeal.

FORM 137S

NOTICE OF OPPOSITION TO THE ADMISSION OF HEARSAY EVIDENCE UNDER ARTICLE 18 OF THE CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

ORDER 32: PART IIA: RULE 6NH(4)

This form shall be served on the chief clerk and on every other party to the appeal, within 14 days from the date on which notice of intention to adduce hearsay evidence was served.

Details required	*Notes*
Details of party giving notice Name: Address:	
Case details Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: PPSNI reference number: ICOS number (if known): Appellant(s): • Name: • Address: • Date of birth: Court venue: Date of next court appearance: Charges:	The venue of the court hearing the appeal. Give brief details (including date and location of offence) of those charges to which this application applies
Details of the notice The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to exclude from the proceedings. Specify whether you object to all or part of that evidence.

Grounds for excluding hearsay evidence	Set out the grounds for excluding the hearsay evidence that you object to. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If yes, state your reasons:	

Dated this day of 20 .
(Signed)

Party opposing admission of hearsay evidence/Solicitor for party

NOTE:
The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.]

[(a) FORM 137T

FORM OF APPLICATION FOR DIRECTION FOR WITNESS TO GIVE EVIDENCE THROUGH A LIVE LINK UNDER ARTICLE 10 OF THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

ORDER 32: PART IIA: RULE 6IA(1)

An application must be made within 14 days from the date of the service of notice of appeal.

This form may also be used where an extension of time has been granted for the making of this application.

A copy of this form must be served at the same time on every other party to the appeal.

Details Required	*Notes*
Details of Witness Name of witness: Date of Birth of Witness: **Case Details** PPSNI reference number: ICOS number (if known): Appellant(s): Surname: Forenames:	An application by the appellant for evidence to be given by live link need not disclose who that witness is, except to the extent that the disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996 (alibi)
Court venue: Date of next court appearance:	The venue of the court hearing the appeal.
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
Details of Application State the reasons given by the applicant in support of this application: Place from which the witness will give evidence (if known):	

(a) Forms 137T and 137U inserted by S.R. 2009 No. 19 with effect from 09.02.09

Extension/abridgement of time for service Please indicate whether you are applying for an extension or abridgement of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To: the Chief Clerk for the county court division of
And to

(*insert names and addresses of each of the other parties to the appeal*)

Note:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

Any party who wishes to oppose the application shall, within 7 days of the date on which notice of the application was served on him, notify the chief clerk and every other party to the appeal, in writing, of his opposition, giving reasons for it.

FORM 137U

NOTICE OF DECISION ON APPLICATION FOR DIRECTION/RESCISSION OF DIRECTION FOR WITNESS TO GIVE EVIDENCE THROUGH A LIVE LINK UNDER ARTICLES 10 AND 11 CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

ORDER 32: PART IIA: RULE 6IA(9) AND 6IB(4)

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

Upon hearing of an application by (*name of applicant*), on (*date application heard*) under Article 10/Article 11* of the Criminal Justice (Northern Ireland) Order 2004 for a direction/rescission of a direction* for a witness to give evidence through a live link, the court made an order to the following effect, viz—

Direction given/refused/rescinded/rescission refused*.

* If direction is refused or rescinded or an application for rescission of a direction is refused, state the grounds –

To be completed where direction is given:

Place where the witness will give evidence (if known):

Where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of the witness:

The location of the court at which the appeal will be heard:

Name of person specified by the court under Order 32 Rule 6IA(10), in whose presence the witness shall give evidence (if applicable):

This day of 20 .

Chief Clerk

*Delete as appropriate.]

FORM 138

Ordinary Decree

ORDER 33, RULE 7(1)

[Title as in Civil Bill]

IT APPEARING to the Court that process to appear [**(a)** . . .] was duly served on the defendant , and that the said defendant is justly indebted to the plaintiff , in the sum of £ , for [*here state cause of action from the civil bill*];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plaintiff do recover from the defendant the said sum together with the sum of £ for costs and the sum of £ for witnesses' expenses;

Dated at this day of 20 .

Signed Chief Clerk

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

FORM 139

Decree where counterclaim has been established

ORDER 25, RULE 8; ORDER 33, RULE 7(2)

[Title as in Form 1]

IT APPEARING to the Court that process to appear [**(a)** . . .] was duly served on the defendant [and that the said defendant is justly indebted to the plaintiff , in the sum of £ , for [*here state cause of action from the civil bill*] and that the plaintiff is indebted to the defendant under a counterclaim in the sum of £ for [*here state ground of counterclaim*]];

[IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of £ for debt [*or* damages] [**(b)** [*and interest thereon*]] and the sum of £ for costs and the sum of £ for witnesses expenses and that the defendant do recover against the plaintiff the sum of £ for costs and the a sum of £ for witnesses' expenses].

IT IS THEREFORE ORDERED AND DECREED by the Court that the do recover from the the sum of £ [**(b)** [insert the sum due (including interest, where applicable)]] [being the balance in favour of deducting the amount adjudged to the as aforesaid] together with the sum of £ for the costs and the sum of £ for witnesses' expenses.

Dated at this day of 20 .

Signed Chief Clerk

(Seal)

Signed Plaintiff/Defendant/Solicitor to the Plaintiff/Defendant

---

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words inserted by S.R. 1983 No. 102 with effect from 01.06.83

FORM 140

Ordinary decree in minor's action

Order 33, Rule 7(3)

[*Title as in Form 1*]

IT APPEARING to the Court that process to appear [(a) . .] was duly served on the defendant, and that the defendant is justly indebted to the plaintiff in the sum of £ damages [(b) [and interest]] for ;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff , a minor, by his and next friend, do recover from the defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the defendant do upon the privity of the Accountant General lodge the said sum of £ in Court to the credit of this matter and to the separate credit of

AND IT IS FURTHER ORDERED that on lodgement of the said sum as aforesaid the Accountant General [do pay to the sum of £ for the use and benefit of the said minor and do] invest [the balance of] the said lodgment in the name of the Accountant General in [the purchase of] to be held until further order for the benefit of the said minor;

AND IT APPEARING to the Court that the said is a minor having been born on and that it is necessary to appoint for him a guardian of his fortune and that his is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor, and consents to be appointed IT IS ORDERED that the said be and he is hereby appointed guardian of the fortune of the said minor during his minority or until further order.

Dated this day of 19 .

Signed Chief Clerk

(Seal)

Signed Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

(b) Words inserted by S.R. 1983 No. 102 with effect form 1.6.83

FORM 141

Order on petition appointing guardians of minors and approving settlement of claims

ORDER 33, RULE 7(3)

[Title as in Form 1]

IT APPEARING to the Court that the said duly filed a petition dated the day of 19 , seeking [(a) . . .] on the day of 19 , that may be appointed guardian of the [person and] estate of the said minor during his minority or until further order; and that the guardian when appointed be given liberty to accept the offer of £ for damages together with £ for cost and expenses in full settlement of all claims for damages arising out of on the day of 19 , sustained by the said minor and that the guardian be authorised to sign a receipt or discharge for the minor's said claim; and that the said sum of £ when paid be lodged in Court to the credit of this matter;

AND IT FURTHER APPEARING that the property to which this matter relates so far as it consists of property other than land does not exceed [(b) £45,000] in amount or value and so far as it consists of lands does not exceed £500 in annual value. And the said matter [having stood adjourned until the day of 19 , at , and] having come on this day to be heard. And upon reading the said petition, dated the day of 19 , and the documents therein referred to, the affidavit of sworn the day of 19 , the consent of dated the day of 19 , and the affidavit of sworn the day of 19 ;

AND IT FURTHER APPEARING that is a minor having been born on the day of 19 , and that it is necessary and expedient that a guardian of the [person and] property of the said minor should be appointed, and that is a fit and proper person to be appointed such guardian, and has no interest in this matter adverse to the interests of the said minor, and has consented to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed guardian of the [person and] property of the said minor *[under the provisions of section 2 of the Guardianship of Infants Act 1886] without security being required from him/her;

AND IT IS FURTHER ORDERED that the settlement of the claims of the said minor as aforesaid against for the sum of £ for damages together with £ for costs and expenses [including the costs of this petition and order thereon and all costs of and incident to the settlement of the said claims] be and the same is hereby approved; and the said guardian is hereby authorised and directed to execute or sign a release, receipt or discharge in full settlement of the said claims upon payment of the said sums:

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Figure substituted by S.R. 1993 No. 322 with effect from 1.9.93

AND IT IS FURTHER ORDERED that the said guardian do, on receipt thereof, upon the privity of the Accountant General, lodge in Court to the credit of this matter the said sum of £ ;

AND IT IS FURTHER ORDERED that [out of the said lodgement] the Accountant General do [pay to the sum of £ for the use and benefit of the said minor and do] invest the [balance of the] said lodgement in the name of the Accountant General in [the purchase of] to be held until further order for the benefit of the said minor.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for

*to be included where mother is appointed guardian.

FORM 142

Ordinary dismiss

ORDER 33, RULE 7(5)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused the defendant to be served with a civil bill process to appear [(a) . . .] for the recovery of the sum of £ alleged to be due for [*here insert the cause of action*] and that the plaintiff failed to prove the said [debt] or any part thereof;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff's bill be and the same is hereby dismissed without prejudice [*or* on the merits, *as the case may be*];

AND IT IS FURTHER ORDERED AND DECREED that the defendant do recover against the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Defendant/ Solicitor for the Defendant.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 143

Decree for recovery of land (other than in ejectment for non-payment of rent) [and arrears of rent]

ORDER 33, RULE 8(1)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought [(a) . . .] against the defendant for the recovery of [*here describe the* [*property*] [*premises*] *and tenure thereof as in civil bill*] [and arrears of rent (*if claimed*)];

AND IT APPEARING that the said civil bill was duly served upon the defendant and upon * and that the plaintiff is entitled to the possession of the said [property] [premises] [and is entitled to recover arrears of rent [(b) [and interest]] due and owing to the day of 19 , amounting to £];

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the defendant the said [property] [premises] [and the said sum for arrears of rent];

AND IT IS FURTHER ORDERED AND DECREED that the plaintiff do recover from the said defendant the sum of £ for costs and the said sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

* Persons requiring to be served under Order 6, Rule 4.]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83

FORM 144

Decree in ejectment for non-payment of rent

ORDER 33, RULE 8(1)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought [(a) . . .] against the defendant for the recovery of [*here describe the* [*property*] [*premises*] *as in civil bill*];

AND IT APPEARING that the said civil bill was duly served upon *requiring the defendant and all persons claiming any interest in the said [property] [premises] to appear [(b) . . .] to answer the said bill, and that no other person was in actual possession of the said [property] [premises] as tenant or under-tenant and that the plaintiff is entitled to the possession of the said [property] [premises];

AND IT APPEARING that the said [property was] [premises were] held by the said defendant as tenant thereof to the plaintiff at the yearly rent of £ and that the sum of £ , being the amount of one year's rent and arrears of rent up to the day of 19 [(c) together with interest [*delete if inapplicable*]], was due and owing to the said plaintiff by the said defendant in respect of the said tenancy at the time of service of the said civil bill, after all just and fair allowances;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff be put into possession of the said [property] [premises];

AND IT IS FURTHER ORDERED AND DECREED that the plaintiff do recover from the said defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

*Being a person in actual possession as tenant [*or* under-tenant].

CERTIFICATE OF RENT DUE

I CERTIFY that the sum of £ , being year's rent and arrears, was ascertained to be due and owing in the above decree by the County Court Judge for the rent up to the day of 19 .

Signed Chief Clerk.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98
(c) Words deleted by S.R. 1983 No. 102 with effect from 1.6.83

FORM 145

Ejectment dismiss

ORDER 33, RULE 7(2)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused the defendant to be served with civil bill process to appear [(a) . . .] for the recovery of [*here describe the* [*property*] [*premises*] *and tenure thereof as in civil bill*], and that the plaintiff has failed to prove his case;

IT IS THEREFORE DECREED by the Court that the said plaintiff's bill be and the same is hereby dismissed and that the said defendant do recover against the said plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Defendant/Solicitor for the Defendant.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 146

Decree for balance of rent and costs under section 61 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 33, RULE 11

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought [(a) . . .] against the defendant praying to be put in possession of [*here describe the* [*property*] [*premises*] *and tenure thereof as in the civil bill*] situate in the county of and in the Division aforesaid which civil bill was brought on the ground that year's rent of the said premises was in arrear and unpaid; and the plaintiff claimed by the said civil bill the sum of £ as and for rent due and owing to him at the time of service thereof. And whereas the defendant disputed that the said sum was due for rent at the time of the service of the said civil bill and did, in pursuance of the statute, deposit with the chief clerk for the said Division the sum of £ for rent, and the sum of £ mentioned in the civil bill process for costs, and obtained a certificate of such lodgment;

AND IT APPEARING upon the hearing of the said civil bill that the sum of £ was actually due to the plaintiff for rent of the said premises in the said civil bill mentioned at the time of service thereof, and that the sum so deposited by the defendant was not sufficient to pay the same;

AND THE PLAINTIFF having in open Court elected to take the sum of money so deposited with the chief clerk in lieu of the possession of the said [property] [premises];

IT IS HEREBY ORDERED AND DECREED that the sum of money so deposited by the said defendant be paid over to the plaintiff. And it further appearing to the Court that the sum of £ over and above the said sum of £ so deposited in Court is due and owing to the plaintiff as the balance of rent of said [property] [premises], due at the time of service of the said civil bill

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the said defendant the [(b) . . .] sum of £ balance of rent [(c) [and interest thereon]], together with the sum of £ costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Word deleted by S.R. 1983 No. 102 with effect from 1.6.83
(c) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83

FORM 147

Decree for payment of a legacy

ORDER 33, RULE 12

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought [(a) . . .] against the defendant , as executor of , for recovery of the sum of £ in respect of [*here state cause of action as in civil bill*];

AND IT APPEARING that £ is due to the plaintiff for his legacy, and that the defendant ought to pay the same [*or* part of the same, *as the case may be*];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plaintiff do recover from the said defendant the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 148

Decree for payment of a distributive portion of the assets of an intestate

ORDER 33, RULE 12

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought [(a) . . .] against the defendant for the recovery of the sum of £ for the distributive portion, as one of the next-of-kin, of the assets of of who dies intestate;

AND IT APPEARING that the said plaintiff is one of the next-of-kin of the said deceased and entitled to £ and that the said defendant is the administrator of the said deceased and that the said defendant has in his hands, of the assets of the said deceased, a sum sufficient to pay the said plaintiff's demand [*or* part of the same, *as the case may be*];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plaintiff do recover from the said defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

Decree [(a) in action for wrongful interference with goods]

ORDER 33, RULE 13(*a*)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought [(b) . . .] against the defendant for recovery of chattels of the plaintiff alleged to have been improperly detained by the defendant, and for damages for their detention;

AND IT APPEARING to the Court that the defendant did improperly detain the chattels of the plaintiff hereinafter mentioned;

IT IS ORDERED AND DECREED by the Court that the plaintiff do recover against the defendant the sum of £ assessed by the Court to be the value of the following chattels of the plaintiff so wrongfully detained by the defendant that is to say [*here enumerate the chattels found to have been detained*] and a further sum of £ for damages [(c) [and interest thereon]] for the detention of the said chattels, and the sum of £ . for costs and the sum of £ for witnesses' expenses.

[BUT IT IS FURTHER ORDERED that if defendant on or before the day of 19 , pays to the plaintiff the sum of £ for damages [(c) [and interest thereon]] and the sum of £ for costs, and witnesses' expenses, and also return to the plaintiff the said chattels, and if the plaintiff accepts the same, then this decree shall not issue].

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words substituted by S.R. 1982 No. 287 with effect from 11.10.82
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83

FORM 150

Decree [(a) . . .] for return of goods

ORDER 33, RULE 13(*b*)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought [(b) . . .] against the defendant for the recovery of chattels of the plaintiff alleged to have been improperly detained by the defendant, and for damages for their detention;

AND IT APPEARING to the Court that the defendant did improperly detain the chattels of the plaintiff hereinafter mentioned;

IT IS ORDERED AND DECREED by the Court that without delay the defendant cause the following chattels, that is to say [*here enumerate the chattels found to have been detained*] to be returned to the plaintiff;

AND IT IS FURTHER ORDERED that the plaintiff do recover against the defendant the sum of £ for damages [(c) [and interest thereon]] for the detention of the said chattels and the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1982 No. 287 with effect from 11.10.82
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83

FORM 151

Decree rectifying a deed

ORDER 33, RULE 14

[Title as in Form 1]

IT APPEARING to Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear [(**a**) at this court], seeking

AND IT FURTHER APPEARING that the damage sustained [or the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed [(**b**) £45,000], and [(**c**) the value of the subject-matter of this suit so far as it consists of land does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied;]

And the said suit [having stood adjourned until the day of 20 , at and] having come on this day to be heard

Upon reading the said equity civil bill, dated the day of 20 , the affidavit of sworn the day of 20 ;

And an extract under the hand of the proper officer certifying that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied;]

Upon hearing

and the oral evidence of

AND IT APPEARING

IT IS DECLARED that the said deeds of the

were prepared in their existing form by mistake;

AND THIS COURT DOTH DECREE that the same ought to be rectified by substituting [amending] [adding] [deleting]

And, consequential upon such decree, IT IS ORDERED that an extract from the operative part of this decree be endorsed by the [(**d**) district judge] upon the said [and that the register of Freeholders for the County of relating to the registration of the dealing registered on the be rectified by substituting [amending] [adding] [deleting] or in such other words conveying the same sense and meaning as may be necessary to conform with existing Land Registry entries and map references];

(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(**c**) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07
(**d**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

AND IT IS FURTHER ORDERED that do pay to the costs of this suit, *or* that the parties do abide their own costs, and let the [(a) district judge] tax the same.

Dated at this day of 20 .

Signed Chief Clerk

(Seal)

Signed Solicitor for

I Certify that I have taxed the costs in the above decree at the sum of £

Signed [(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 152

Decree setting aside a deed

ORDER 33, RULE 14

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear [(**a**) at this court], seeking

;

AND IT FURTHER APPEARING that the damage sustained [*or* the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed [(**b**) £45,000] and [(**c**) the value of the subject-matter of this suit so far as it consists of land does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied;]

And the said suit [having stood adjourned until the day of 20 , at and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the day of 20 , the affidavit of , sworn the day of 20 ; and an extract under the hand of the proper officer certifying that [(**c**) the value of the lands to which this suit relates does not exceed—

(i) in the case where the lands have a net annual value, £4,060;

(ii) in the case where the lands have a capital, £400,000

and where the lands have a net annual value and a capital value, both conditions in paragraphs (i) and (ii) are satisfied;]

Upon hearing

and the oral evidence of

AND IT APPEARING

IT IS DECLARED that the said , the defendant, is a trustee of the said , the plaintiff of the property comprised in and assured by the said deed of the day of 20 , and situate at in the Parish of

Barony of and County of and that the said deed of the day of 20 , in the said equity civil bill mentioned is not binding [on];

[IT IS DECLARED that the said deed

be and the same is hereby declared fraudulent and void, and set aside on the grounds]

[IT IS DECLARED that the deed

made by

is within the provisions of section 2 of the Conveyancing Act, Ireland, 1634 and is fraudulent and void as against the said

the plaintiff and all the other creditors of the said

on the ground that the said deed was executed by

for the purpose of defeating and delaying the plaintiff and all the other creditors of

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(**a**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93
(**c**) Words substituted by S.R. 2007 No. 192 with effect from 01.04.07

the said contrary to the Statute];

AND IT IS ORDERED that the said deed be forthwith delivered up by the said defendant to the chief clerk to be cancelled;

AND IT IS FURTHER ORDERED that the said defendants

or any of them, their servants or agents, be and are hereby restrained from further interfering with the said lands set forth in the said deed and that the said defendants

do forthwith deliver up to the said plaintiff

the possession of the said lands and premises particularly set forth in the said deed;

And let there be a stay of execution of this Order for

;

AND IT IS ORDERED that , the said defendant, do convey, assign and assure to the said , the plaintiff, the lands comprised in the said deed, and do forthwith deliver up to the said

, the plaintiff, all deeds and writings in his power, custody, or procurement relating to the said lands;

AND IT IS FURTHER ORDERED that the said defendant do forthwith pay to the said plaintiff the costs of this suit, and let the [(a) district judge] tax the same.

Dated at this day of 20 .

Signed Chief Clerk

(Seal)

Signed Solicitor for

I Certify that I have taxed the costs in the above decree at the sum of £ .

Signed [(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91

FORM 153

Certificate of Value Added Tax

ORDER 33, RULE 3(3)

[Title as in Civil Bill]

I certify that in addition to the amount of £ for costs and the amount of £ for witnesses' expenses ordered to be recovered under the attached decree/dismiss, the plaintiff/defendant *(name)* is under Rule 4 of Order 55 of the County Court Rules (Northern Ireland) 1981 entitled to recover the following amounts for value added tax—

	Current rate of VAT	%
VAT on Scale Costs	£	
VAT on Counsel's fees	£	
VAT on Witnesses' fees and expenses.....	£	
Total	£	

I further certify that [the VAT Registration No. of the plaintiff/defendant is (state No.)] [or the plaintiff/defendant is not registered for value added tax) and is not entitled to recover the amounts certified above for value added tax as input tax pursuant to section 3 of the Finance Act 1972.

Dated this day of 19 .

[Solicitor for] Plaintiff/Defendant

FORM 154

Particulars and conditions of sale of land

ORDER 34, RULE 5(1)(*c*)

[*Title as in Form 1*]

PARTICULARS

Of property to be sold by public auction on the day of 19 , at in the aforesaid Division at the hour of in pursuance of an Order of His Honour the County Court Judge/Recorder of made in the above suit on the day of 19 —

All the estate and interest of the defendant in all that [*set out full descriptive particulars and tenure of each lot, mentioning all tenancies, charges, incumbrances, restrictions, easements and appurtenances, exceptions and reservations*].

CONDITIONS OF SALE

1. No person is to advance less than £ or such greater sum as shall be fixed by the auctioneer at each bidding, and no bidding shall be retracted.

2. The sale is subject to a reserved price which is fixed by the Court and subject to such reserve and confirmation by the [(a) district judge] the highest bidder shall be the purchaser subject to the approval of the Judge].

3. [The right is reserved of offering the property in the first instance in the separate lots specified in the particulars or as one lot, as the auctioneer may determine at the sale; also to withdraw the property or any lot at any time before it has actually been knocked down and without declaring the reserved price.] The bidding shall be regulated by the auctioneer who may, without giving any reason therefor, refuse any bidding. If any dispute shall arise concerning a bidding the property shall be put up again at the last undisputed bid.

4. The purchaser is, at the time of the sale, to subscribe his name and address to the bidding paper, and all documents of title, notices, summonses and other communications are deemed duly delivered to and served on the purchaser by being left for him at such address, unless or until he is represented by a solicitor, when all such documents and communications may be delivered to or served on such solicitor at his office.

5. The purchaser shall at the time of sale pay to the solicitor for who has the carriage of the sale a deposit of such sum as the [(a) district judge] may determine being not less than one-tenth of the amount of his bid, and the said solicitor shall, upon the certificate of the [(a) district judge] becoming binding according to the practice of the Court, lodge such deposit in the County Court Bank for the Division aforesaid to the credit of the said suit on a privity of the Accountant General [; but in the event of the [(a) district judge] certifying that such sale has not been confirmed, the said solicitor shall return to the highest bidder the amount of this deposit].

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

6. The [(a) district judge] will after the sale proceed to certify the result, and day the day of next at o'clock in the noon is appointed as the time at which the purchaser may, if he thinks fit, attend personally or by his solicitor at the office of the chief clerk of the Courthouse at to settle such certificate. [*Where the sale is subject to the approval of the Judge add*—Upon such certificate being signed and filed the solicitor having carriage of the sale shall upon notice to the purchaser make application to the Judge for confirmation of the sale, and the Judge may thereupon either confirm the sale or make such orders thereon as he deems right.]

7. The solicitor having carriage of the sale shall within one week after the certificate of the [(a) district judge] confirming the sale has become binding [*or* after the date of approval of the sale by the Judge] deliver to the purchaser or his solicitor an abstract [and/or copy documents] of the title to the property purchased by him, subject to the stipulations contained in these Conditions, and such purchaser shall within ten days after the delivery of such title deliver at the office of the said solicitor a statement in writing of his objections and requisitions (if any) on the title as deduced, and upon the expiration of such last mentioned time (and in this respect time is to be deemed to be of the essence of the contract) the title is to be taken as approved and accepted by the purchaser, subject only to such objections and requisitions, if any.

8. If the purchaser insists upon any valid objections or requisition which the solicitor having carriage may deem inadvisable or is unable to comply with, or if any prejudicial act or matter appears on search which he may be unable to remove or explain, such purchaser may be discharged from being the purchaser by an order from the said Court notwithstanding any intermediate negotiations in respect of such objections, requisition or search, and such purchaser shall be entitled to a return of his deposit, but shall not be entitled (unless the Judge otherwise directs) to any interest, costs or other compensation whatsoever, and the purchaser shall thereupon return all documents furnished.

9. The purchaser shall on the day of next or on such other date as may be fixed by the [(a) district judge] (hereinafter called the "completion date") lodge in the said County Court Bank the residue of his purchase money to the credit of this suit on a privity of the Accountant General, and if such lodgment is not made on or before the said completion date then the purchaser shall pay interest on the said residue of the said purchase money at the rate of £ per cent. per annum from the said completion date up to the day on which the same is actually paid. Upon payment of the purchase money in manner aforesaid the purchaser will be entitled to be put into possession of the premises, or into the receipt of the rents and profits thereof (as the case may be), and such rents and profits may for the purposes of these Conditions, be apportioned. [Provided that as the said defendant is in occupation of the said lands and the dwelling house situate on lot completion of the sale shall not be delayed if vacant possession of the said lands and dwelling house is not obtainable before the said completion date but the solicitor having carriage of the sale shall take such proceedings as may be necessary to obtain vacant possession and will be responsible for the costs of such proceedings, and no claim shall be made by the purchaser by reason of any delay after the said completion date in delivering over vacant possession of the said premises, nor shall the purchaser be entitled to any compensation or damages whatsoever in respect thereof.]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

10. Any rent, instalment or annuity payable to the Department of Finance, rates, taxes and other outgoings will be paid up to the completion date out of the purchase money, but all such outgoings shall be borne by the purchaser as from that date, and the same shall be considered as accruing from day to day and, if necessary, shall be apportioned.

11. The property is believed to be and shall be taken to be correctly described in the Particulars as to quantity and otherwise and is sold subject to all ground rent, rates, taxes, rights-of-way and other easements or quasieasements and profits a prendre (if any) charged or subsisting thereon or usually enjoyed therewith; and if any error, mis-statement or omission appears to have been made in the foregoing Particulars or in the advertisement for sale or in these conditions, the same shall not annul the sale or entitle the purchaser to be discharged from his purchase, but compensation may (if the Court deems that such error, mis-statement or omission entitles the purchaser to compensation) be made to the purchaser out of the purchase money, the amount of such compensation to be fixed by the Court.

12. The purchaser shall be deemed to buy the property purchased by him with full notice of the actual state and condition thereof in all respects, whether as to quantity, boundaries, measurements, party walls and mearings, state of repair, means of approach, and the manner in which it is or may be affected by any planning or development scheme, and he shall take the property purchased as it is.

13. The property shall be at the sole risk of the purchaser from the time of confirmation of the sale and no claim shall be made or objection taken by him to the contract by reason of any loss, damage, deterioration or dilapidation from any cause whatever (other than such as may be attributable to any wrongful act or default on the part of the plaintiff in the above-mentioned suit) or by reason of requisition or restriction of user by any competent authority which may occur after the said time of confirmation.

14. If any dispute arises as to title or any objection thereto or to the form of the purchase deed, or otherwise howsowever in respect of the completion of the purchase, the same shall be decided and settled by the Court.

15. The purchaser shall pay all the costs of and incidental to the preparation of his purchase deed; and the certificate of the [(a) district judge] of any fact, matter or thing in the above-mentioned suit shall be deemed and taken to be conclusive evidence thereof.

[*Here insert all special conditions as regards title*]

16. The title shall commence with

17. The evidence of the title shall consist of

18. [*Here include any special conditions peculiar to this transaction such as possession subject to tenancies, purchaser's rights regarding Rent Acts, Public Health Acts, etc., and evidence as to discharge of death duties.*]

19. [Save as otherwise provided in these conditions or as appears in the land certificate(s) no evidence shall be required of the existence or non-existence of any of the burdens which, under section 38 of and Schedule 5 to The Land Registration Act (Northern Ireland) 1970, affect registered land without registration.]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

20. The purchaser shall be entitled to be supplied with the following searches

but all other searches required by the purchaser shall be at his own expense.

21. [Each lot offered for sale which is held under fee farm grant or lease as the case may be is sold subject to the head rent reserved by the fee farm grant or lease under which same is held and to the covenants, conditions, and agreement therein and in all superior fee farm grants or leases (if any) contained so far as the same relate to the said lot or lots; and the production of the last receipt for rent accrued prior to the completion date shall be conclusive evidence that all the covenants, conditions and agreements contained in the fee farm grant or lease and in every superior grant or lease (if any) have been compiled with or that any breaches thereof (including breaches of a continuing nature) have been effectually waived up to the completion date, without the necessity of proving the right and title of the person giving or purporting to give such receipt.]

22. If the purchaser fails to pay the balance purchase money on the completion date or otherwise fails to perform any of these conditions, an order may be made by the Court for the re-sale of the premises, and for payment by the purchaser of the deficiency (if any) in the price which may be obtained upon such re-sale, and of all costs and expenses occasioned by such default and for the forfeiture of such purchaser's deposit as and for liquidated damages.

AGREEMENT

I of
DO HEREBY ACKNOWLEDGE MYSELF to be the purchaser of the property described in the foregoing particulars [as lot] at the sum of £ and having paid £ as a deposit to .
I hereby agree to complete the purchase thereof in accordance with the foregoing Conditions of Sale.

Dated this day of 19 .

Witness Present:

FORM 155 .

Affidavit by Court valuer of land being sold by the Court

ORDER 34, RULE 7(*a*)(i)

[*Title as in Form 1*]

I , of in the County of , Valuer, aged years and upwards MAKE OATH and say as follows—

1. I have carefully examined the hereditaments or premises particularly described in the advertisement for sale marked "A" now produced and shown to me in order to form an opinion as to the value thereof and the amount which the same ought to realise on the sale thereof advertised to take place on the day of 19 .

2. I have in the paper writing marked "B" now produced and shown to me set forth in the first column the denomination or description of same and in the second column opposite the same the full value thereof and in the third column the amount which in my judgment and belief should be fixed as the reserved bidding for the same on the said scale.

[*As in Form 2*]

FORM 156

Reserved bidding report for land being sold by the Court

ORDER 34, RULE 7(*a*)(ii)

[*Title as in Form 1*]

Exhibit "B" referred to in affidavit of of sworn before me this day of 19 .

Signed Commissioner for Oaths [*or as the case may be*].

Denomination or description of lands	*Full value thereof*	*Reserved price*
Part of the lands of in the Barony of and County of containing acres roods and perches or thereabouts statute measure [, being the lands comprised in Folio No. of the Land Registry, County of , all which said lands are held in fee simple subject to the payment of a terminable annuity of £ to the Department of Finance for Northern Ireland].		

FORM 157

Auctioneer's affidavit of biddings

ORDER 34, RULE 7(*a*)(iv)

[*Title as in Form 1*]

I of
the person appointed by the Judge of the County Court for the Division of to sell the lands comprised in the particulars hereinafter mentioned, aged MAKE OATH and say as follows—

1. I did at the time and place and subject to the conditions specified in the particulars and conditions of sale now produced and shown to me, and marked with the letter "A", put up for sale by auction the lands described in such particulars; and the result of such sale is truly set forth in the bidding paper marked with the letter "B" now produced and shown to me.

2. The said sale was conducted by me in a fair, open, and candid manner, and according to the best of my skill and judgment [*add any other statements that are material, such as that the amount is a fair price for the property, etc.*]

3. [*If any deposit paid, add*] The sum [or sums] set forth in the fourth column of the schedule hereto has [have] been paid as a deposit from the purchaser whose name is [*or* as deposits from the respective purchasers whose names are] set forth in the second column of such schedule opposite the said sum [*or* respective sums] in respect of his [*or* their respective] purchase money [*or* moneys] set forth in the third column of the said schedule opposite such name [*or* names] for the lot [*or* respective lots the numbers of which are set forth] in the first column of such schedule opposite to the said name [*or* respective names], leaving due in respect of the purchase money [*or* moneys] set forth in the third column the sum [*or* respective sums] set forth in the fifth column of the said schedule.

The schedule above referred to—

No. of lot	*Name of purchaser*	*Amount of purchase money*		*Amount of deposit paid*		*Amount remaining unpaid*	
		£	p	£	p	£	p

[*As in Form 2*]

FORM 158

Bidding paper

ORDER 34, RULE 7(*a*)(v)

[*Title as in Form 1*]

THIS BIDDING PAPER marked "B" was produced and shown to (Auctioneer), and is the same as is referred to in his affidavit sworn this day of 19 .

Before me, , a Commissioner/Justice of the Peace, *etc.*

I [*or* We] whose name is [*or* names are] hereunder subscribed BID at the sale by auction in the above suit on the day of 19 , the sums set opposite to my name [*or* our names respectively] for, and became the purchaser [*or* purchasers] of the property [*or* of lot No. of the property] specified in the particulars produced at such sale opposite to my name [*or* our names respectively], subject to the conditions also produced at such sale.

No. of lot	*Purchase-money, or highest bid*	*Purchaser's signature*	*Purchaser's address and description*

FORM 159

Certificate of [(a) district judge] of the result of a sale subject to approval of [(b) the judge]

ORDER 34, RULE 9(*A*)

[Title as in Form 1]

IN PURSUANCE of the directions given me by His Honour the County Court Judge for the above-named Division, I hereby certify that the result of the sale which has been held in pursuance of the decree [*or* order] made in this suit dated the day of 20 , is as follows—

THE PLAINTIFF and have attended by their respective solicitors. The property directed to be sold has been offered for sale in one lot [*or as the case may be*] by public auction, subject to the approval of the said Judge and according to certain particulars and conditions of sale, and **A.B.** of, etc., was [*or* **A.B.** of and **C.D.** of , were] the highest bidder(s) for the said at the price or sum of £ and has [*or* have] paid a deposit of £ to the solicitor having carriage, which deposit I have directed to be paid into Court to the credit of this suit, to await [(**b**) the judge]'s order on motion to approve the said sale.

The evidence produced, etc.

FORM 160

Notice of motion for an Order confirming a sale

Order 34, Rule 9(b)

[Title as in Form 1]

Take Notice that on the day of 20 , [(**c**)...] an application will be made on behalf of to His Honour the County Court Judge of the County Court for the Division of at in the said Division for an Order that the sale to of the lands of , by a decree in the above-named suit ordered to be sold, be approved and confirmed by the said County Court Judge, and directing that all necessary steps be taken for completing the said sale to , or for such other Order as to [(**b**) the judge] may seem right, which application will be grounded on the said decree for sale dated the day of 20 , a copy of the conditions of the said sale, the affidavit of the auctioneer, the certificate of the [(**a**) district judge] dated the day of 20 , of the result of the said sale, the affidavit of , the nature of the case, and the reasons to be offered.

Dated this day of 20 .

Signed Solicitor having carriage of the sale, *or* Solicitor for the purchaser [*as the case may be*]

(**a**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 161

Order confirming a sale

ORDER 34, RULE 9(*b*)

[Title as in Form 1]

UPON READING the notice of motion [an affidavit of the service of the notice of this application on], the order for sale dated the day of 20 , the conditions of the said sale, the affidavit of , the auctioneer appointed to conduct the said sale, of the result of the said sale, the certificate of the [(a) district judge] of the result of the said sale dated the day of 20 , [and upon the application of for the purchases,] and upon the hearing for the and for ;

IT IS ORDERED that the sale of premises to by the said Order for sale directed to be sold be confirmed and that the said do within days after the date of this Order [*follow conditions of sale*] lodge in Court upon the privity of the Accountant General the balance of the purchase-money, and that thereupon all proper and necessary parties do join in and execute a proper assurance of the said premises to the said and in case the parties differ as to the form of the said assurance, that it be referred to to settle, and that all necessary and proper deeds and documents relating to the said premises in the custody, possession, or power of any of the parties to this suit be delivered to the said , and that possession of the said premises to be delivered to the said .

Adjourned with liberty to apply.

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 162

Certificate of the [(a) District Judge] confirming sale of land

ORDER 34, RULE 10(2)

[*Title as in Form 1*]

I HEREBY CERTIFY that the premises more particularly set forth in the conditions of sale and advertisement filed in Court in this suit [*or* matter], and ordered to be sold by order dated the day of 19 , were valued by the valuer appointed by this Court, at the sum of £ and that the reserved price was fixed at the sum of £ ; that of the highest bidder at the public auction held in pursuance of the said order, bid the sum of £ ; and signed the said conditions of sale, and lodged thereupon with the sum of £ being the deposit required by the said conditions of sale; and that having considered the matters relating to this sale and having heard the several parties interested therein; and it appearing that by an order dated the day of 19 , liberty to bid at such sale has been given to I THEREFORE CONFIRMED the said sale to the said subject to the said conditions of sale at the said sum of £ ;

AND I DIRECTED forthwith to lodge in Court to the credit of this suit [*or* matter] the said deposit of £ and that upon lodgment of the balance purchase money in accordance with the conditions of sale all proper and necessary parties do join in and execute a proper assurance of the said premises to the said , and in case the parties differ as to the form of the said assurance, that it be referred to to settle, and that all necessary and proper deeds and documents relating to the said premises in the custody, possession or power of any of the parties to this suit be delivered to the said and that on the day of 19 , possession of the said premises be delivered to the said .

Dated this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 163

Certificate of the [(a) District Judge] refusing to confirm sale of land

ORDER 34, RULE 10(3)

[Title as in Form 1]

I HEREBY CERTIFY that the premises more particulary set forth in the conditions of sale and advertisement filed in Court in this suit [*or* matter] and ordered to be sold by order dated the day of 19 , were valued by , the valuer appointed by this Court; and that a reserved price was fixed, and that of , the highest bidder at the public auction held in pursuance of the said order, bid the sum of £ ; and lodged thereupon with the sum of £ being the deposit required by the said conditions of sale; and that having considered the matters relating to this sale; and having heard the several parties interested therein, I THEREFORE REFUSED to confirm such sale on the grounds of undervalue, and I directed to forthwith return to the said the said deposit of £ so paid to him by the said And I further directed that the plaintiff be at liberty to advertise the said property for re-sale by tender, subject to the approval of the Judge; sealed tenders to be submitted to me on or before for submission to the Judge at the Equity Sittings for the said Division to be held on

Dated this day of 19 .

[(a) District Judge]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FORM 164

Notice of motion for delivery of documents and/or for execution of an assurance and/or for an order for possession

ORDER 34, RULE 11

[*Title as in Form 1*]

YOU ARE REQUIRED to take notice that on the day of 19 , an application will be made to His Honour the County Court Judge/Recorder of on the part of the plaintiff/purchaser that—

(*a*) the defendant be ordered to deliver to the plaintiff/purchaser all deeds and writings in the custody and power of the defendant relating to all that and those [*set out the lands*] on or before the day of 19 ;

(*b*) it may be declared that the defendant who has neglected or refused to obey the order of the Court dated the day of 19 , providing that the defendant do execute a proper assurance to the purchaser of the said lands is a trustee of the said premises within the meaning of the Trustee Act (Northern Ireland) 1958. And that of , or such other person as the Judge may nominate, may be appointed to execute a proper assurance of the said lands to the purchaser for all the estate of the defendant therein and that the said or such other nominee as aforesaid, may be ordered to execute the said assurance accordingly, which application is made under section 50 of the Trustee Act (Northern Ireland) 1958;

(*c*) an order be made ordering that the purchaser be put into possession of the said lands;

(*d*) the defendant may be ordered to pay the cost of this application;

which application will be grounded on the said order of the court dated , the affidavit of sworn the day of 19 , the nature of the case and the reasons to be offered,

Dated this day of 19 .

Signed

Plaintiff/Purchaser/
Solicitor for the
Plaintiff/Purchaser.

FORM 165

Order appointing person to execute an assurance and/or order for possession

ORDER 34, RULE 11

[*Title as in Form 1*]

UPON THE MOTION of solicitor for the plaintiff/purchaser, and upon reading the said notice of motion dated the day of 19 , the affidavit of sworn on the day of 19 , and the Order/Certificate of confirming the sale of all that and those [*set out the lands and premises*];

AND UPON HEARING ;

IT APPEARING that purchased the said lands and premises for the sum of £ and that such sale was duly confirmed, and that he has lodged in Court the said purchase money, and that [on the confirmation of said sale] it was ordered that the defendant should execute a proper assurance of said lands and premises so sold to the said purchaser and that the purchaser has tendered to the defendant a deed of assurance of the said lands and premises for execution by the defendant and that the defendant has neglected or refused to execute the said deed, and that the defendant is a trustee for the purchaser within the meaning of the Trustee Act (Northern Ireland) 1958 in respect of the said lands and premises, and that it is necessary and expedient for the purpose of carrying the said sale into effect that a person should be appointed to execute the said deed to the said purchaser on behalf of the said defendant;

IT IS DECLARED that the said defendant is a trustee for the said purchaser within the meaning of the Trustee Act (Northern Ireland) 1958 in respect of the said lands and premises.

AND IT IS ORDERED that be and he is hereby appointed by virtue of the provisions of the Trustee Act (Northern Ireland) 1958 to execute the said deed on assurance of the said lands and premises to the said in the name of, and instead of, and for and on behalf of the said and to assure to the said all the estate and interest of the said and to assure to the said of and in the said lands and premises so sold;

AND IT IS DECLARED that the said plaintiff/purchaser is entitled to the costs of this motion and order, and let the [(a) district judge] tax the same, and let same, when so taxed, be paid [out of the said purchase money lodged in Court to the credit of this suit];

[And it further appearing that is or are in possession of the said lands and premises and refuses to give up possession thereof to the said although required to do so.

IT IS ORDERED that the said be given immediately the full, quiet and peaceable possession of the said lands and premises, with all and singular the appurtenances thereof.]

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

FINALLY IT IS ORDERED that this suit do stand adjourned with liberty to apply.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitors for Plaintiff.

FORM 166

Sale—Order to put a purchaser in possession

ORDER 34, RULE 11

[Title as in Form 1]

UPON THE MOTION OF , solicitor for of , the plaintiff/purchaser, and upon reading an order confirming the sale of the lands hereinafter mentioned to the said , and directing that after the execution of a proper assurance of the said lands, possession of the said lands should be delivered to the said , and upon reading such assurance execute in pursuance of the said order, being a [conveyance] of all that and those [*set out land*] to the said and the affidavit of sworn that day of 19 , and it appearing that , a party to this suit, is in possession of the said lands, and refuses to give possession thereof to the said although required to do so, and it appearing that no other person save the said is in possession of the said lands or any part thereof,

IT IS ORDERED that the said be given immediately the full, quiet, and peaceable possession of the said lands and premises, with all and singular appurtenances thereof.

(Seal)

Signed Chief Clerk.

To the Chief Enforcement Officer

FORM 167

Notice of application for restitution to the possession of lands evicted for non-payment of rent

ORDER 35, RULE 4(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS by a decree of the Court for the aforesaid Division held at on the day of 19 , it was decreed that the above-mentioned plaintiff be put into possession of [*describe the lands*] situate at held by the defendant [*or* by] as tenant thereof the plaintiff under at the yearly rent of . And by the said decree the sum of £ was reckoned to be due and owing for rent of the said premises [(b) [together with interest thereon (*delete if inapplicable*)]], the sum of £ for costs and the sum of £ for witnesses' expenses and such sum of £ was endorsed on the decree as due for rent;

AND WHEREAS the said plaintiff did on the day of 19 duly obtain the possession of the said premises under the said decree and is now in the possession of the same under and by virtue thereof; and whereas I am one of the defendants in the said decree [*or* I am interested in the lease [*or other contract of tenancy*] of the lands in the said ejectment decree as [*state how*]];

AND WHEREAS the rent and arrears of rent [(b), interest thereon [*delete if inapplicable*]] and full costs so ascertained by the said decree have been and now are lodged with the Chief Clerk;

YOU, THEREFORE, ARE HEREBY REQUIRED to appear at the aforesaid Court at the hour of on the day of 19 *, when and where I shall apply that an order of restitution shall issue to restore me to the possession of the lands and premises in the said decree mentioned and of which you have taken possession under and by virtue of the same.

AND YOU ARE HEREBY REQUIRED to show cause, if you can, why such order of restitution should not issue and why I should not be restored to the possession of the said premises.

Dated this day of 19 .

Signed

Party applying or his solicitor.

[(c) *Day for hearing as fixed by Chief Clerk]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83
(c) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

Order of restitution restoring a party to the possession of lands for non-payment of rent

ORDER 35, RULE 4(3)

[*Title as in Form 1*]

WHEREAS the aforesaid plaintiff on the day of 19 did obtain a decree for possession of [*describe the lands*] and situate at and which said premises were held by , as tenant to the plaintiff under at the yearly rent of £ and by the said decree the sum of £ was ascertained to be due and owing for rent [(a) [together with interest thereon (*delete if inapplicable*)]]. £ for costs and £ for witnesses' expenses;

AND WHEREAS on the day of 19 , the said plaintiff duly executed the said decree and entered into possession of the premises in the said decree mentioned;

AND WHEREAS the defendant [*or*] who has satisfactorily shown to the Court that he has an interest in the said lands or premises as [*state how*] has [(b) . . .] lodged all rent and arrears of rent [(a) [together with interest thereon (*delete if inapplicable*)]] and full costs with the chief clerk; and it further appearing to the Court that the defendant [*or as the case may be*] duly caused notice to be served on the said plaintiff that he would apply to the Court to be restored to the possession of the said premises;

IT IS HEREBY DECLARED by the Court that the aforesaid decree for possession bearing date the day of 19 is hereby vacated and that the said defendant [*or as the case may be*] and all other parties interested in the said premises be restored to his or their former interest therein and that the said defendant [*or as the case may be*] to put in possession of the same.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Applicant or his Solicitor.

(a) Words inserted by S.R. 1983 No. 102 with effect from 1.6.83
(b) Words deleted by S.R. 1982 No. 120 with effect from 1.6.82

FORM 169

Notice of application to annul or vary a precept, order or conviction under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 37, RULE 1

WHEREAS , a Justice of the Peace for the County of , by precept under his hand and seal bearing date the day of 19 [*here set out the subject-matter of the precept*];

AND WHEREAS such precept has been obtained by you upon the affidavit of , and the same has been duly served upon me, and I feel aggrieved by such precept [*state how*];

NOW I HEREBY GIVE YOU NOTICE that I shall apply to the Judge at the County Court sitting at on the day of 19 , that such precept shall be annulled or varied [*stating how and in what respect to be varied*]; and take further notice that I shall apply for the costs of annulling [*or* varying] the said precept.

Dated this day of 19 .

Signed

To

FORM 170

Notice of application to annul an order of Court of Summary Jurisdiction made under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 37, RULE 1

WHEREAS , a Justice of the Peace for the County of , issued his precept under his hand and seal bearing date the day of 19 whereby [*set out precept*] and whereas I am interested in the services and in the work which the said precept commanded me to desist from doing [*state how*];

AND WHEREAS after the service of the said precept, the subject-matter of such precept was brought before a Court of Summary Jurisdiction for the purpose of having the precept recinded [*or* varied, *stating in what manner*] and whereas the said Court rescinded [*or* refused, *as the case may be, stating the order*];

NOW, TAKE NOTICE that I shall apply to the Judge of the County Court sitting at on the day of 19 that such order may be annulled [*or* varied, *and how*] and I shall apply for the costs of such application.

Dated this day of 19 .

Signed

To

FORM 171

Notice of application to annul or vary a precept or order under section 37 of the Landlord and Tenant Amendment Act, Ireland, 1860 and claiming compensation for loss and damage by reason of the procuring of such precept or order

ORDER 37, RULE 2

WHEREAS you caused to be issued and to be served upon me a precept under the hand and seal of , a Justice of the Peace for the County of , and bearing date the day of 19 commanding [*set out the precept accurately*] [*or* obtained at a Court of summary jurisdiction an order [*stating it*]];

AND WHEREAS by reason of the issuing of such precept [*or* by the making of such order] I have sustained loss and damage [*state how*];

NOW, TAKE NOTICE that I shall apply to the Judge of the County Court sitting at on the day of 19 that such precept [*or* order] may be annulled [*or* varied], and I shall seek to obtain the sum of £ being reasonable compensation for loss and damage caused by the procuring of such precept to be issued [*or* causing such order to be made] [*or* preventing the same from being varied] and I shall apply for the costs of annulling or varying such precept.

Dated this day of 19 .

Signed

To

FORM 172

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: ARTICLES 106 TO 110

Enforcement civil bill

ORDER 40, RULE 4(1)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the plaintiff alleges that the sum of £ is now due to him from the defendant in pursuance of a decree [*or* judgment *or* order] obtained by him against the defendant in the above-named Court [*or* in the County Court for the Division of] [*or* in the High Court of Justice] on the day of 19 ;

AND WHEREAS application for the enforcement of the said decree [*or* judgment *or* order] was made to the Enforcement of Judgments Office on 19 .

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 *, to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the said decree [*or* judgment *or* order] to satisfy the sum payable in pursuance of the said decree [*or* judgment *or* order]; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or, in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the Court shall direct.

Dated this day 19 .

Plaintiff/Solicitor for the Plaintiff.

[(b) *Day for hearing as fixed by Chief Clerk]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 173

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981:
ARTICLES 106 TO 110

Enforcement Order

ORDER 40, RULE 4(2)(*a*)

[*Title as in Form 1*]

IT APPEARING to the Court that a civil bill was duly served on the defendant requiring him personally to appear [(a) . . .] and to show cause why an order should not issue against the defendant for payment by him, either by instalments or otherwise, as the Court should direct, of £ , due by him in pursuance of a decree of the County Court for the Division of [*or* judgment of the High Court of Justice] bearing date the day of 19 had and obtained by the said plaintiff against the said defendant;

AND IT APPEARING that application for the enforcement of the said decree [*or* judgment] was made to the Enforcement of Judgments Office on 19 .

And the said defendant having failed to show cause and there being no attachment of earnings order in force in respect of the said sum;

IT IS THEREFORE ORDERED AND DECREED by the Court that the defendant shall pay to the plaintiff the said sum, together with the sum of £ for costs and the sum of £ for witnesses' expenses, the said sums amounting together to the sum of £ payable by [quarterly] instalments as follows—

First instalment of £ to be paid on the day of 19 and the remaining instalments to be for the sum of £ each and to be paid on the day of each succeeding [quarter], and so to continue until said debt and costs and witnesses' expenses be fully paid and satisfied;

And the plaintiff's alternative application in the said civil bill for the committal of the defendant is accordingly dismissed without prejudice to the same being renewed in the case of the defendant's default.

Dated at this day of 19 .

(Seal)

Signed Chief Clerk.

Signed Solicitor for the Plaintiff.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 174

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: ARTICLES 106 TO 110

Committal civil bill

ORDER 40, RULE 5(2)

[*Title as in Form 1*]

[(a) . . .]

WHEREAS the plaintiff obtained an enforcement order against the defendant in the above-named Court [*or* obtained an instalment order against the defendant under [(b) Article 30] of the above-mentioned Order of 1981 from the Enforcement of Judgments Office] on the day of 19 , for the payment of the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses, by [quarterly] instalments of £ *;

AND WHEREAS the plaintiff alleges that default has been made in payment of the sum of £ being the instalment due on the day of 19 payable in pursuance of the said order;

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 †, to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum or in the alternative for such other order as the court has power to make either under [(a) Article 98 or Article 107 of the said Order].

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff.

*As in enforcement order or instalment order.
[(c) †Day for hearing as fixed by chief clerk]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words substituted by S.R. 1982 No. 120 with effect from 1.6.82
(c) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 175

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981:
ARTICLE 106 TO 110

Committal Order

ORDER 40, RULE 7(1)(*a*)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought against the defendant [(a) . . .] held at on the day of 19 , requiring him to appear to show cause why an order of committal should not issue against the person of the defendant for default made by the defendant in payment of the sum of £ [being one of the instalments by which the defendant was, by order of the said Judge [*or* of the Enforcement of Judgments Office under Article 30 of the above Order of 1981], bearing date the day of 19 directed to pay the sum of £] then due from him in pursuance of a of the Court of bearing date the day of 19 , had and obtained by the said plaintiff against the said defendant;

AND IT APPEARING at the hearing of the said committal civil bill that no attachment of earnings order is in force in respect of the said sum and that default has been made by the defendant in payment of the said sum of £ [being the instalment due on the day of 19 under the said order] and that the defendant has [*or* has had *or* but for his act or default would have had since the date of the decree, judgment or order] the means to pay the sum then due in pursuance of the said order, and had refused or neglected to pay the same, and has shown no cause why he should not be committed to prison;

IT IS THEREFORE ORDERED by the Court that for such default as aforesaid the said defendant shall be committed to the Prison at for weeks from the date of his arrest including the day of such date unless he shall sooner pay to the plaintiff the sum of £ [being the amount of the said instalment] and the sum of £ costs and the sum of £ for witnesses' expenses making in all the sum of £ upon payment of which sum he shall be discharged;

And for this present Order shall be a sufficient authority to all whom it may concern.

Dated at this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Solicitor for the Plaintiff.

To the Chief Superintendent of the Constabulary Division.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 176

THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981

Certificate of discharge of debt

ORDER 40, RULE 8

[*Title as in Form 1*]

I CERTIFY that the debt of £ for default in respect of which is now in custody upon the order of the County Court for the Division of at the suit of has been satisfied, together with the costs and witnesses' expenses mentioned in such order.

Signed

Solicitor for the said
(address)

[*or*]

Signed

(address)

Witness to the signature of Justice of the Peace for

(address)

[*or* Commissioner for Oaths]

FORM 177-178

[(a) . . .]

(a) Forms 177-178 revoked by S.R. 1986 No. 347 with effect from 1.1.87

FORM 179

Certificate of Chief Clerk of deposit by way of security

ORDER 42, RULE 2(*b*)

[*Title as in Form 1*]

I HEREBY CERTIFY that
of
has paid into Court the sum of £ by way of deposit as security for

Dated this day of 19 .

Signed Chief Clerk.

FORM 180

Notice of proposed sureties

ORDER 42, RULE 3(2)

[*Title as in Form 1*]

TAKE NOTICE that the sureties whom I propose as my security in the above action [*here state the circumstances which have rendered the sureties necessary*] are [*here state the full names, addresses and occupations of the sureties, whether householders or freeholders and their residence for the last six months mentioning the country or city, places, streets and numbers (if any)*].

Any party to the above-mentioned suit who objects to the sureties or one of them, should give written notice of his objection to the chief clerk for the above Division within seven days of the receipt of this notice and the chief clerk shall then arrange a hearing and consider the objections.

Dated this day of 19 .

(Signed)

(Address)

(Description)

FORM 181

Notice of objection to proposed sureties

ORDER 42, RULE 3(2)

[*Title as in Form 1*]

TAKE NOTICE that I
a party to the above action object to
proposed as surety/sureties in the above action by
on the following grounds—

(Signed)

(Address)

(Description)

FORM 182

Notice of hearing of objection to proposed sureties

ORDER 42, RULE 3(3)

[*Title as in Form 1*]

TAKE NOTICE that objection has been taken to
proposed as surety/sureties in the above action on the following grounds—

You are therefore requested to attend at the office of the chief clerk at
at o'clock on the
day of 19 , when the chief clerk will hear
the objection and give such directions as he thinks fit.

Dated at this day of 19 .

Signed Chief Clerk.

FORM 183

Civil bill for grant of probate

ORDER 46, RULE 1

[Title as in Form 1]

[(**a**) ...]

WHEREAS late of was at the time of his death on or about the day of 20 , of , and had, prior to his death, made and published his last will and testament in writing [*state date*], whereof he appointed the plaintiff his executor.

AND WHEREAS the plaintiff on the day of 20 , lodged in the [(**b**) Chancery Office] [*or* in the District Probate Registry of *as the case may be*] the said original will of the said deceased and has applied for probate thereof but has been required to make application for such probate to the County Court [*or if a caveat has been entered,* and the said defendant has lodged a caveat in the [(**b**) Chancery Office] [*or* in the said District Probate Registry of *as the case may be*] against the granting of probate of the said will to the said plaintiff.

AND WHEREAS it appears by affidavit lodged in the Principal Probate Registry that [(**c**) the judge] for the above County Court Division has jurisdiction to grant probate of the said will.

THE DEFENDANT therefore is hereby [(**d**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer this, the plaintiffs bill, brought by him to obtain the decree and order of [(**c**) the judge] of the said Court that probate of the last will and testament of the said deceased may be granted to him, the said plaintiff, forth of the [(**b**) Chancery Office] [*or* the said District Probate Registry *as the case may be*]

[(**a**) ...].

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[(**a**) ...]

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 184

Civil bill for grant of letters of administration

ORDER 46, RULE 1

[Title as in Form 1]

[**(a)** ...]

WHEREAS of was at the time of his death ordinarily resident at in the above Division and died on or about the day of 20 , intestate, leaving the plaintiff [*state relationship of the plaintiff to deceased and if other next-of-kin, state names of them, if made defendants*] next-of-kin him surviving.

AND WHEREAS the said plaintiff has applied in the [**(b)** Chancery Office] [*or* in the District Registry of *as the case may be*] for a grant of letters of administration and the said plaintiff has been required to make application for the grant to the County Court [*or if a caveat has been entered*, and the said defendant has lodged a caveat against the grant to the said plaintiff].

AND WHEREAS by affidavit lodged in the [**(b)** Chancery Office] it appears that [**(c)** the judge] of the County Court for the above Division has jurisdiction to grant the said letters of administration.

AND WHEREAS the said are next-of-kin to the said deceased.

THE DEFENDANTS therefore are hereby [**(d)** required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer this, the said plaintiff's bill brought by him to obtain letters of administration of the estate of the said decreased who dies intestate, forth of the [**(b)** Chancery Office] [*or* the District Registry of *as the case may be*] [**(a)** ...].

[**(e) Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[**(a)** ...]

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(b) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(c) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(e) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 185

Civil bill for grant of letters of administration with the will annexed

ORDER 46, RULE 1

[Title as in Form 1]

[(**a**) ...]

WHEREAS of was at the time of his death ordinarily resident at in the above Division and died on or about the day of 20 , having first made and published his last will and testament in writing [*state date*] which has been and is now deposited in the [(**b**) Chancery Office] [*or* in the District Probate Registry of *as the case may be*] but no executor has been named therein nor can probate thereof be granted to anyone by the tenor thereof [*or* the executor has renounced or died or has not proved, *as the case may be*].

AND WHEREAS the said plaintiff as one of the [or sole] next-of-kin of the said deceased [*or* a residuary legatee *or stating interest, as the case may be*] has claimed to have administration with the will annexed, granted to him forth of the [(**b**) Chancery Office] [*or* the said District Probate Registry of *as the case may be*] and he has been required to make application to the County Court [*or if a caveat has been entered*, and the said defendant has entered a caveat against such letters of administration being granted to the same plaintiff].

AND WHEREAS by affidavit lodged in the [(**b**) Chancery Office] it appears that [(**c**) the judge] of the County Court for the above Division has jurisdiction in the matter.

THE DEFENDANTS therefore are hereby [(**d**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk to answer this, the said plaintiffs bill, brought by him to obtain letters of administration, with the will annexed, of the said deceased, forth of the [(**b**) Chancery Office] [*or* of the said District Probate Registry of *as the case may be*] [(**a**) ...].

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

Address

[(**a**) ...]

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**d**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 186

Civil bill for revocation of probate or letters of administration with the will annexed

ORDER 46, RULE 1

[Title as in Form 1]

WHEREAS of was at the time of his death on or about the day of 20 , ordinarily resident at in the above Division and probate of the last alleged will and testament [*if with codicils, state this and their dates* or letters of administration with the will annexed, *as the case may be*] of him, the said deceased, was, on or about the day of 20 , granted to the said defendant out of the Court of

AND WHEREAS the plaintiff is one of the lawful brothers [*or other relation, or in what right he applies*] of the said deceased.

AND WHEREAS the said deceased died without leaving any parent, spouse or children [*as the case may be*] him surviving and the said plaintiff is, as such brother [*sole, or one, or state relationship or in what right he applies, as the case may be*] next-of-kin of the said deceased, and has alleged that the said probate [*or* letters of administration, with the will annexed, *as the case may be*] has been improvidently issued and ought to be called in, revoked and declared null and void.

AND WHEREAS by affidavit lodged in the [(**a**) Chancery Office] it appears that [(**b**) the judge] of the County Court for the above Division has jurisdiction in the matter.

THE DEFENDANT therefore is hereby [(**c**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer this, the plaintiffs bill, and show cause why the said probate [*or* letters of administration with the will annexed, *as the case may be*] should not be called in, revoked and declared null and void. [(**d**) ...]

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor for the Plaintiff

[(**d**) ...]

(**a**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(**c**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 187

Civil bill for revocation of grant of letters of administration

ORDER 46, RULE 1

[Title as in Form 1]

[(**a**) ...]

WHEREAS of was at the time of his death ordinarily resident at in the above Division and died on or about the day of 20 , intestate.

AND WHEREAS administration of the estate of the said deceased was, after the death of the said deceased, granted forth of the Registry to the defendant.

AND WHEREAS the said plaintiff is [*state relationship of the plaintiff to the deceased or, if interested in his assets, how*].

AND WHEREAS the said plaintiff has alleged that the said grant of letters of administration of the estate of the said deceased, to the said defendant, ought to be called in, revoked and declared null and void.

AND WHEREAS by affidavit lodged in the [(**b**) Chancery Office] it appears that [(**c**) the judge] of the County Court for the Division of has jurisdiction in the matter.

THE DEFENDANT therefore is hereby [(**d**) required to appear at [ ] courthouse on a date and at a time to be notified to the parties by the chief clerk] to answer this, the plaintiffs bill, and show cause why the said letters of administration so heretofore granted to the said defendant should not be called in, revoked and annulled. [(**a**) ...]

[(**e**) **Warning**

If you wish to dispute this claim against you, within 21 days after service of this civil bill on you, a notice of intention to defend these proceedings in Form 42 must be served on the plaintiff and a copy served on any other party to the proceedings and a copy delivered to the chief clerk at [address of court office]. If you fail to serve such a -notice the plaintiff may proceed and obtain judgment against you in your absence and without further notice.]

Dated this day of 20 .

Signed Plaintiff/Solicitor
for the Plaintiff

Address

[(**a**) ...]

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**b**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13
(d) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**e**) Words inserted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 188

Affidavit giving County Court jurisdiction to grant or revoke probate or letters of administration

ORDER 46, RULE 7(1)(*a*)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

[(**a**) CHANCERY DIVISION] (PROBATE)

IN THE GOODS OF of deceased.

I/We [and] of [*address and occupation*] aged years and upwards MAKE OATH and say as follows—

1. deceased, late of , in the County of , died on or about the day of 20 , [having duly made his/her last will on] [intestate].

2. The said deceased was at the time of his/her death ordinarily resident at in the County of , and within the County Court Division of.

3. The property included in the net estate of the deceased did not at the time of his/her death exceed [(**b**) £45,000] in value.

[4. *If the contemplated proceeding is to revoke a grant of probate or administration, state the date of the making of the grant.*]

5. We therefore desire that the contentious business of and respecting the granting of the [probate] [letters of administration] [with the will annexed] may be had in the County Court for the Division of

Sworn, etc.

(**a**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**b**) Figure substituted by S.R. 1993 No. 322 with effect from 01.09.93

FORM 189

Certificate of decree in probate of letters of administration suit from Chief Clerk

ORDER 46, RULE 9(1)

[*Title as in Form 1*]

I, , chief clerk for the above-mentioned Court HEREBY CERTIFY that the plaintiff caused a civil bill to be brought against the defendant for [*here state the purpose of the civil bill*] and that the civil bill came on for hearing on the day of 20 .

AND I FURTHER CERTIFY that the following decree was made in the suit—

[*Here set out decree.*]

Certified by me this day of 20 .

Signed Chief Clerk.

FORM 190

Decree granting probate or letters of administration

ORDER 46, RULE 9(2)

[*Title as in Form 1*]

UPON THE HEARING of the above bill, IT IS DECREED that [*here set out decree, which may be as follows, as the case may be*] the paper writing bearing date the day of 20 , in the said civil bill mentioned and in respect of which the said plaintiff seeks to obtain probate [*or* letters of administration with the will annexed] is the last will and testament of deceased, late of , who died on the day of 20 , and that probate thereof [*or* administration with the said will annexed, *as the case may be*] be granted.

IT IS ORDERED that*

Dated at this day of 20 .

(Seal)

Signed Chief Clerk.

*Insert provision as to costs and witnesses' expenses.

FORM 191

Decree recalling probate or letters of administration

ORDER 46, RULE 9(2)

[*Title as in Form 1*]

UPON THE HEARING of the above civil bill, IT IS DECREED that [*here set out decree, which may be as follows, as the case may be*] the alleged will of the said deceased, bearing date the day of 20 , in the said civil bill mentioned and in respect of which obtained probate [*or* letters of administration with the will annexed] on the day of 20 , forth of the [(**a**) Chancery Office] District Probate Registry of be and the same is hereby condemned [and that the said deceased has died intestate] and that the said grant of probate [*or* letters of administration with the will annexed, *as the case may be*] be and the same are hereby revoked, cancelled and annulled.

IT IS ORDERED that*

Dated at this day of 20 .

(Seal)

Signed Chief Clerk.

*Insert provision as to costs and witnesses' expenses.

FORM 192

Decree and order for costs where probate or letters of administration suit stopped for want of jurisdiction

ORDER 46, RULE 9(2)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought against the defendant, [(**b**)...] on the day of 20 , and thereby praying [*state purport of civil bill*].

AND IT APPEARING to the Court upon the hearing of the said civil bill that the affidavit referred to therein was inaccurate and that the Court has no jurisdiction in the matter.

IT IS HEREBY DECREED that all further proceedings in the manner in this Court be stayed.

AND IT IS ORDERED that*

Dated at this day of 20 .

(Seal)

Signed Chief Clerk.

*Insert provision as to costs and witnesses' expenses.

(**a**) Words substituted by S.R. 2008 No. 199 with effect from 30.05.08
(**b**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 193

Equity civil bill for construction of deeds, wills, etc., and determinations of rights of persons thereunder

ORDER 47, RULE 1(2)

[*Title as in Form 1*]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 , and will be held at

THE PLAINTIFF AVERS THAT

1. [*State particulars of the written instrument.*]
2. [*State the interest of the plaintiff and defendant under the instrument.*]
3. [*State the relevant provisions of the instrument.*]
4. [*State the circumstances under which the question has arisen.*]
5. The property to which this application relates so far as it consists of property other than land does not exceed [(a) £45,000] in amount or value and so far as it consists of land does not exceed £500 in annual value.
6. The defendant or one of the defendants resides [*or* carries on business] [*or* the subject matter of the application or a substantial part thereof is situate] within the Division aforesaid.

THE PLAINTIFF APPLIES FOR THE DETERMINATION BY THE COURT of the following question(s):

. . . . . .

. . . . . .

. . . . . .

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear at the aforesaid Court at the hour of on the day of 19 *, upon the hearing of the plaintiff's said application.

Dated this day of 19 .

Signed, etc.

*Day for hearing as in court calendar.

(a) Figure substituted by S.R. 1993 No. 322 with effect from 1.9.93

[(a) FORM 194

LICENSING (NORTHERN IRELAND) ORDER 1996
(Articles 2, 5(1)(a), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence for premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption either in or off the premises

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the above Division commencing at o'clock in the noon on the day of 19 for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being such premises as are specified in Article 5(1)(*a*) of the Licensing (Northern Ireland) Order 1996, namely, premises in which it is intended to carry on the business of selling intoxicating liquor for consumption either in or off the premises.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

In accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981, I/we attach to this notice a plan of the premises delineating—

(*a*) the part or parts thereof in which intoxicating liquor is to be sold; and

(*b*) the extent of the premises which are or are to be extended, used or demolished. [3]

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 43 of the said Order for an order of the above-named court directing that the permitted hours for the part of the premises distinguished on the said plan as being—

(*a*) structurally adapted for the sale of intoxicating liquor for consumption off the premises; and

(*b*) not connected by any internal means of passage open to customers with a part of the premises used for the sale of intoxicating liquor for consumption in the premises,

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(a) Form 194 substituted by S.R. 1997 No. 61 with effect from 20.2.97

shall be the hours mentioned in Article 42(2) of the said Order subject to a condition to be inserted in the licence granted for the premises that the last-mentioned part thereof shall not be used for the sale of intoxicating liquor for consumption therein.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above-named court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to those mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) of the said premises is/are—

(*a*) structurally adapted and used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting the premises:

(i) musical or other entertainment; or

(ii) substantial refreshment in the form of a main table meal at midday or in the evening, or both; or

(iii) both such entertainment and refreshment; and

(*b*) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.] [6]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the said plan as being suitable for functions such as are referred to in Article 47(5) of the said order, namely those—

(*a*) organised by any body established for social, charitable or benevolent purposes or for furthering the common interest of persons associated with any trade, profession, educational or cultural activity, game or sport; or

(*b*) (not exceeding six in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available for customers.] [7]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises particularly delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on]]. [8]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 7(10) of the said Order for a direction that on Sundays there shall be no permitted hours on the said premises]. [9]

A subsisting licence as defined in Schedule 2 of the said Order for the premises such as are specified in Article 5(1)[(*a*)][(*b*)] [10] situated at (*address*) will be surrendered to the court. [11]

Dated this day of 19 .

Signature of Applicant(s) or his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are [to be] situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [12];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*);

(v) the Northern Ireland Tourist Board. [13]

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words must be deleted.

[3] Paragraph (*b*) should only be included where the subsisting licence, if any, proposed to be surrendered under Article 7(4)(*e*)(ii) is for premises which are or are to be extended, used or demolished as mentioned in paragraph 2(*a*), (iv) to (vi) of Schedule 2.

[4] Delete if inapplicable.

[5] This paragraph should be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor for consumption off the premises during the alternative permitted hours.

[6] This paragraph should be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2) of the Order.

[7] This paragraph should only be added where the applicant is also applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[8] This paragraph should only be added where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[9] This paragraph should only be added where the applicant is applying for a declaration under Article 7(10) of the Order. [*Supplt. No. 33 (Feb. 1997)*]

[10] The inapplicable provision must be deleted.

[11] This paragraph should be omitted where Article 7(7) applies.

[12] Delete if application is made by a housing authority for a provisional grant of a licence.

[13] Delete if application is not for a provisional grant of a licence for premises in which it is intended to provide accommodation for guests.]

[(a) FORM 195

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(b), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence for premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the above Division commencing at o'clock in the noon on the day of 19 for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being such premises as are specified in Article 5(1)(*b*) of the Licensing (Northern Ireland) Order 1996, namely, premises in which it is intended to carry on the business of selling intoxicating liquor for consumption off the premises.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

In accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981, I/we attach to this notice a plan of the premises delineating—

(*a*) the part or parts thereof in which intoxicating liquor is to be sold; and

(*b*) the extent of the premises which are or are to be extended, used or demolished. [3]

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

A subsisting licence as defined in Schedule 2 of the said Order for the premises such as are specified in Article 5(1)[(*a*)][(*b*)] [5] situated at (*address*) will be surrendered to the court. [6]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(a) Form 195 substituted by S.R. 1997 No. 61 with effect from 20.2.97

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*); [*Suppl. No. 33 (Feb. 1997)*]

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are [to be] situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [7];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*);

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] Delete if inapplicable.

[3] Paragraph (*b*) should only be included where the subsisting licence, if any, proposed to be surrendered under Article 7(4)(*e*)(ii) is for premises which are or are to be extended, used or demolished as mentioned in paragraph 2(*a*), (iv) to (vi) of Schedule 2.

[4] Delete if inapplicable.

[5] The inapplicable provision must be deleted.

[6] This paragraph should be omitted where Article 7(7) of the Order applies.

[7] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 196

LICENSING (NORTHERN IRELAND) ORDER 1996
(Articles 2, 5(1)(c), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in an hotel

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being hotel premises such as are specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely, premises of any establishment which is [or is intended to be] [2] allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of hotel.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

A plan of the premises separately delineating each part or parts of the premises as specified in Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981 is attached to this notice in accordance with Schedule 1 to the said Order.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [3]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [3]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to those mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the said premises delineated on the said plan on the grounds that the said part(s) is/are—

(*a*) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises:

(i) musical or other entertainment; or

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(a) Form 196 substituted by S.R. 1997 No. 61 with effect from 20.2.97

(*b*) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.] [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the said plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those—

(*a*) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(*b*) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises particularly delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on] [6]

Dated this day of 19 .

Signature of Applicant(s) or his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [7];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*);

(v) the Northern Ireland Tourist Board. [8]

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors,

secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Delete if inapplicable.

[4] This paragraph is to be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2) of the Order.

[5] This paragraph should only be included where the applicant is applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[6] This paragraph should only be added where the applicant is applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[7] Delete if application is made by a housing authority for a provisional grant of a licence.

[8] Delete if application is not for a provisional grant of a licence.]

[(a) FORM 196A

[*Supplt. No. 33 (Feb. 1997)*]

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(d), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a guest house

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being guest house premises such as are specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely, premises of any establishment which is [or is intended to be] allocated by a certificate under Article 13 of the Tourism (Northern Ireland) Order 1992 to the statutory category of guest house.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [3]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [3]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [4]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

(a) Form 196A substituted by S.R. 1997 No. 61 with effect from 20.2.97

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [5];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*);

(v) the Northern Ireland Tourist Board. [6]

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Delete if inapplicable.

[4] This paragraph should only be added where the applicant is applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[5] Delete if application is made by a housing authority for a provisional grant of a licence.

[6] Delete if application is not for provisional grant of a licence.]

(a) FORM 197

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(e), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a restaurant

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being restaurant premises such as are specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely, premises, not being premises of a kind mentioned in Article 5(1)(*a*) in which there is carried on the business of selling meals or refreshments, which are [to be] [2] structurally adapted and used [*or* intended to be used] [2] for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

A plan of the premises separately delineating each part or parts of the premises as specified in Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981 is attached to this notice in accordance with Schedule 1 to the said Order.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [3]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [3]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) of the said premises is/are—

(*a*) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises:

(i) musical or other entertainment; or

(a) Form 197 substituted by S.R. 1997 No. 61 with effect from 20.2.97

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(*b*) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.] [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the said plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those—

(*a*) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(*b*) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [6]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [7];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*);

Notes:

[1] - Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors,

secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order. [*Supplt. No. 33 (Feb. 1997)*]

[2] The inapplicable words *must* be deleted.

[3] Delete if inapplicable.

[4] This paragraph should be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2) of the Order.

[5] This paragraph should be added only where the applicant is applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[6] This paragraph should be added only where the applicant is applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[7] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 197A

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(f), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a conference centre

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being conference centre premises such as are specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely, premises for which there is in force a certificate from the Northern Ireland Tourist Board stating that the premises conform to the requirements prescribed by regulations made with the concurrence of the Department of Economic Development.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [3]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [3]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) of the said premises is/are—

(*a*) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises;

(i) musical or other entertainment; or

(a) Form 197A inserted by S.R. 1997 No. 61 with effect from 20.2.97

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(*b*) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.] [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the said plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those—

(*a*) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(*b*) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [6]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are [to be] situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [7];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*);

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the

directors secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Delete if inapplicable.

[4] This paragraph should be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2) of the Order.

[5] This paragraph should be added only where the applicant is also applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[6] This paragraph should only be added where the applicant is applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[7] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 197B

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(g), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a higher education institution

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being a higher education institution such as is specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely,—

(*a*) a university, or

(*b*) any other institution which provides higher education courses and is designated by regulations as a higher education institution. [3]

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business. [1]

The owner of the premises is (*full name*).

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) is/are—

(a) Form 197B substituted by S.R. 1997 No. 61 with effect from 20.2.97

(*a*) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises;

(i) musical or other entertainment; or

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(*b*) the sale of intoxicating liquor is ancillary to that entertainment and refreshment.] [5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the said plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those—

(*a*) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(*b*) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [6]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [7]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [8];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*);

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] A university includes a university college and any college, or institution in the nature of a college, in a university and references to a higher education institution include references to the Open University.

[4] Delete if inapplicable.

[5] This paragraph should only be added where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2) of the Order.

[6] This paragraph should only be added where the applicant is also applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[7] This paragraph should only be added where the applicant is applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[8] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 198

LICENSING (NORTHERN IRELAND) ORDER 1996
(Articles 2, 5(1)(h), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a place of public entertainment

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being a place of public entertainment such as is specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely premises:—

(*a*) used as a theatre; [2] [3]

(*b*) used as a ballroom; [2] [3]

(*c*) on a licensed track within the meaning of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985; [2] [3]

(*d*) any other premises used for the purposes of such entertainments, in accordance with such conditions as are for the time being prescribed by regulations made by the Department of Health and Social Services under Article 2 of the said Order. [2] [3]

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business [1]

The owner of the premises is (*full name*)

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [5]

(a) Form 198 substituted by S.R. 1997 No. 61 with effect from 20.2.97

Dated this day of 19 .

Signature of Applicant(s) or his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are [to be] situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [6];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*):

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Where premises are kept or used for public entertainment any licence required by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 must be produced at the hearing of the application for the grant or, as the case may be, for a declaration that the grant of the licence is final.

[4] Delete if inapplicable.

[5] This paragraph should only be included where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[6] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 199

LICENSING (NORTHERN IRELAND) ORDER 1996
(Articles 2, 5(1)(i), 7, 9 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a refreshment room in public transport premises

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) [1] intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*), being a refreshment room in public transport premises; namely, at [a railway station] [*or* an airport] [*or* a harbour terminal] [*or* a bus station] [2] as defined by Article 2 of the Licensing (Northern Ireland) Order 1996.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

I/we will be the owner of such business [1]

The owner of the premises is (*full name*)

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [3]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission [3].

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises particularly delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [4]

Dated this day of 19 .

Signature of Applicant(s) or
his/their Solicitor.

To: The Chief Clerk at (*address of courthouse*)

(a) Form 199 substituted by S.R. 1997 No. 61 with effect from 20.2.97

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [5];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*).

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Delete if inapplicable.

[4] This paragraph should only be added where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[5] Delete if the application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 200

LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 2, 5(1)(j), 7, 9, 77 and Schedule 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in a seaman's canteen

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that the applicant body
(*name of body providing seaman's canteen*) of (*address*)
intends to apply to the County Court/Recorder's Court sitting at
(*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [1] grant of a licence for the premises [to be] [1] situated at (*full address of premises for which licence is sought*) namely, premises such as are specified in Article 2 of the Licensing (Northern Ireland) Order 1996 provided by the applicant, being a body approved by the Secretary of State. The premises—

(*a*) are [to be] [1] structurally adapted and used, or intended to be used, for the purpose of providing persons frequenting the premises with food or drink, whether or not the food or drink is separately paid for; and

(*b*) are [to be] situated in a place for which there is in force a certificate granted by the Secretary of State after consultation with the Merchant Navy Welfare Board stating that there is need for a seaman's canteen.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 19 commencing at o'clock.

The said certificate will be produced at the hearing of the application.

As required by Article 77 of the said Order, a copy of the draft rules prepared by the applicant as to persons entitled to use the canteen is attached to this notice.

The applicant body will be the owner of the business carried on under the licence.

The owner of the premises is (*full name*).

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [1]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [1]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises particularly delineated on the said plan [and for a direction under Article 59(4) of the said Order

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(a) Form 200 substituted by S.R. 1997 No. 61 with effect from 20.2.97

that the said certificate shall operate between the hours of and on .]] [2]

To: The chief clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are* [*to be*] *situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the premises are* [*to be*] *situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*) [3];

(iv) the district council at (*district council for the district in which the premises are* [*to be*] *situated*);

Notes:

[1] The inapplicable words *must* be deleted.

[2] This paragraph should only be added where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[3] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 200A

LICENSING (NORTHERN IRELAND) ORDER 1996

(ARTICLES 2, 5(1)(k), 7, 9 AND SCHEDULE 1)

Notice of application for [provisional] grant of licence authorising the sale of intoxicating liquor by retail in an indoor arena

IN THE COUNTY COURT/RECORDER'S COURT

FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)*) [1] of (*full address(es) of applicant(s)*) intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc.*) for the above Division for the [provisional] [2] grant of a licence for the premises [to be] [2] situated at (*full address of premises for which licence is sought*) being an indoor arena such as is specified in Article 2 of the Licensing (Northern Ireland) Order 1996, namely premises:

(a) which are structurally adapted and used, or intended to be used, for the purpose of providing a venue for a variety of indoor events and activities; and

(b) which consist of—

(i) an area where the events and activities take place; and

(a) Form 200A inserted by S.R. 2004 No. 463 with effect from 06.01.05

(ii) accommodation which is capable of seating the prescribed number of persons or more on permanent seats and wholly or substantially surrounds the area where the events and activities take place. [3]

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

I/we will be the owner of such business [1]

The owner of the premises is (*full name*)

A plan of the premises delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice in accordance with Schedule 1 to the said Order and Rule 6 of Order 48 of the County Court Rules (Northern Ireland) 1981.

There is in force planning permission to use the premises as premises of the kind specified in this notice for the period during which the licence would be in force and a copy of the planning permission is attached; or [4]

The premises may be used as premises of the kind specified in this notice for the period during which the licence would be in force without planning permission. [4]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 44 of the said Order for an order of the above court directing that, on such days as may be specified in the order, the hours mentioned in Article 44(2) of the said Order shall, in addition to the hours mentioned in Article 42(1) of the said Order, be included in the permitted hours for the part(s) of the premises delineated on the said plan on the grounds that the said part(s) of the said premises is/are—

(a) structurally adapted and used, or intended to be used, for the purpose of habitually providing for the accommodation of persons frequenting the premises:

(i) musical or other entertainment; or

(ii) substantial refreshment; or

(iii) both such entertainment and refreshment; and

(b) the sale of intoxicating liquor is ancillary to that entertainment or refreshment.][5]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 48 of the said Order for an order of the above-named court specifying the part of the premises particularly delineated on the plan as being suitable for functions such as are referred to in Article 47(5) of the said Order, namely those—

(a) organised by any body established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport;

(b) functions (not exceeding 6 in number in any year) organised by the licence holder, on the grounds that—

(i) the part so delineated is structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary; and

(ii) suitable means of access to that part of the premises, otherwise than through any other part of the premises which is used for the sale of intoxicating liquor, are available to customers.] [6]

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [7]

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor.

To: The chief clerk at (*address of courthouse*)

Copy to:

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the premises are [to be] situated*);

(ii) the district commander at (*district headquarters for the police district in which the premises are [to be] situated*);

(iii) (if different from (ii)) the district commander at (*district headquarters for the police district in which the applicant resides*) [8];

(iv) the district council at (*district council for the district in which the premises are [to be] situated*);

Notes:

[1] Where a housing authority is applying for the provisional grant of a licence the name of the authority and its official address are to be given and the words referring to ownership of the business, surrender of a licence or applicant's residence must be omitted. Where the application is for the grant of the licence to a body corporate, its full title and the names and addresses of the directors, secretary and any other persons who have executive control of it should be stated for the purposes of Article 4(4) of the Order.

[2] The inapplicable words *must* be deleted.

[3] Where premises are kept or used for public entertainment any licence required by a council under Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 must be produced at the hearing of the application for the grant or, as the case may be, for a declaration that the grant of the licence is final.

[4] Delete if inapplicable.

[5] This paragraph is to be added only where the applicant is also applying for an order that a specified part of the premises is to be licensed for the sale of intoxicating liquor during the additional permitted hours referred to in Article 44(2).

[6] This paragraph should only be included where the applicant is applying for an order specifying the suitability of the premises for the possible grant of extension licences under Article 47 of the Order.

[7] This paragraph should only be included where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00 pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.

[8] Delete if application is made by a housing authority for a provisional grant of a licence.]

[(a) FORM 201

LICENSING (NORTHERN IRELAND) ORDER 1996

(*Articles 7, 80 and Schedule 1*)

Notice of application for grant of licence for non-seagoing vessel

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we *(full name(s) of applicant(s))* of *(full address(es) of applicant(s))* intend to apply to the County Court/Recorder's Court sitting at *(specify courthouse, place of sitting etc.)* for the above Division for the [provisional] [1] grant of a licence for the vessel *(name of vessel)* being other than a seagoing vessel plying from *(place from which vessel plies)*.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

I/we will be the owner of the business of selling intoxicating liquor for consumption in the vessel under such licence.

The owner of the vessel is *(full name)*.

A plan of the vessel delineating the part or parts thereof in which intoxicating liquor is to be sold is attached to this notice.

[FURTHER TAKE NOTICE that I/we intend to apply under Article 59 of the said Order for a children's certificate in respect of the part of the premises particularly delineated on the said plan [and for a direction under Article 59(4) of the said Order that the said certificate shall operate between the hours of and on .] [2]

Dated this day of 20 .

Signature of Applicant(s) or
his/their Solicitor.

To: The chief clerk at (*address of courthouse*)

Copy to:—

(i) the clerk of petty sessions for the petty sessions district of at (*being the petty sessions district in which the place from which the vessel plies is situated*);

(ii) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the place from which the vessel plies is situated*);

(iii) (if different from (ii)) the sub-divisional commander at (*sub-divisional headquarters for the police sub-division in which the applicant resides*);

(a) Form 201 substituted by S.R. 1997 No. 61 with effect from 20.02.97

(iv) the district council at (*district council for the district in which the place from which the vessel plies is situated*).

Notes:

[1] Delete if inapplicable.

[2] This paragraph should only be added where the applicant is also applying for a children's certificate. Such certificates may operate until 9.00pm, however, an applicant may apply under Article 59(4) of the Order for a direction that the said certificate shall cease to operate at an earlier time on such day or days as may be specified. The requested day(s) and time should be stated.]

[(a) FORM 202

[(b) LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 9(7) and Schedule 1)

Notice of application for declaration of final grant of licence where grant has been provisional

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we *(full name(s) of applicant(s))* of *(full address(es) of applicant(s))* intend to apply to the County Court/Recorder's Court sitting at

(specify courthouse, [(c) ...]) for the above Division [(c) ...] for a declaration that the grant of a licence for the premises situated at *(full address of premises)* granted provisionally by the above-named Court on the day of 20 be declared final.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

The licence was granted provisionally to the housing authority and I/we have been nominated as the applicant(s).[1].

I/we will be the owner of the business

The owner of the premises is

(full name) and the premises have been completed in accordance with the plans deposited in Court upon the application for the provisional grant of the licence [as modified with the consent of the Court given on the day of

20 under [(d) Article 9(6)] of the said Order[2].

Dated this day of 20 .

Signature of Applicant(s) or
his/their Solicitor.

To: The chief clerk at *(address of courthouse)*

Copy to:—

(i) the sub-divisional commander at *(sub-divisional headquarters for the police sub-division in which the premises from which the licence was provisionally granted are situated);*

(ii) (if different from (i)) the sub-divisional commander at *(sub-divisional headquarters for the police subdivision in which the applicant resides);*

(iii) the district council at *(district council for the district in which the premises from which the licence was provisionally granted are situated);*

(a) Form 202 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(b) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(c) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(d) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97

[(**a**) (iv) the clerk of petty sessions for the petty sessions district of at (being the petty sessions district in which the premises are situated).]

Notes:

[1] Delete except where provisional grant of a licence was to a housing authority.

[2] Delete if inapplicable.

(**a**) Words inserted by S.R. 1992 No. 248 with effect from 01.07.92

[(**a**) FORM 203

[(**b**) LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 9(6))

Notice of application for consent to modification of plans of premises for which licence provisionally granted

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we *(full name(s) of applicant(s)) of (full address(es) of applicant(s))* intend to apply to the County Court/Recorder's Court sitting at
(specify courthouse, [(**c**) ...]) for the above Division [(**c**) ...] for its consent to the modification of plans deposited under Schedule 1 to the [(**d**) Licensing (Northern Ireland) Order 1996] in respect of premises [to be] situated at
(full address of premises for which licence sought) for which the Court on the day of 20 provisionally granted a licence under [(**d**) Article 9] of the said Order for premises of the kind specified in sub-paragraph [(**d**) Article 5(1)] thereof.

AND TAKE NOTICE that this application will be dealt with by the Court on the day of 20 commencing at o'clock.

A copy of the modified plans clearly showing the proposed modifications is attached to this notice.

I/we intend to have the licence declared final when the premises are completed in accordance with the, modified plans if they are approved by the court.

Dated this day of 20 .

Signature of Applicant(s) or
his/their Solicitor.

To: The chief clerk at *(address of courthouse)*

Copy to:—

(i) the sub-divisional commander at *(sub-divisional headquarters for the police sub-division in which the premises are [to be] situated);*

(ii) the district council at *(district council for the district in which the premises are [to be] situated).*]

(**a**) Form 203 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**c**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97

[(**a**) FORM 204

[(**b**) LICENSING (NORTHERN IRELAND) ORDER 1996

(Articles 8, 9 and Schedule 1 paras 6 and 13)]

Notice of intention to object to [grant] [provisional grant] [declaration of final grant] of licence

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I *(full name)* of *(full address)* being:—

(a) the sub-divisional commander of the police sub-division in which the premises are [to be] situated; [1] or

(b) (if different from (*a*)) the sub-divisional commander of the police sub-division in which the applicant for the licence resides; [1] or

(c) a member of the district council for the district in which the premises are [to be] situated; [1] or

(d) a person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the licence is sought, [1] [2]

intend at the hearing of the application for the [grant] [provisional grant] [declaration of final grant] of a licence for the premises at *(address)* to be heard [(**c**) ...] on at to appear and object to such grant on grounds specified in Schedule 1 to the above Order.

(state briefly and precisely grounds of objection).

Dated this day of 20 .

Signature of Objector or
his/their Solicitor.

To: *(full name(s) of applicant(s) for grant of licence) of (full address(es) of applicant(s))*

Copy to the chief clerk at *(address of courthouse).*

Notes:

[1] Delete if applicable.

[2] Under Schedule 1, [(**d**) paragraph 13] of the Order a person within category (*d*) has no right to objection to the declaration of the final grant of a licence.]

(**a**) Form 204 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**c**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95
(**d**) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97

[(a) FORM 204A

LICENSING (NORTHERN IRELAND) ORDER 1996

Notice of intention to object to the making of an order under [Article 43 (order for alternative permitted hours)] [Article 44 (order for additional permitted hours)] [Article 48 (order specifying premises as suitable for functions)] [Article 58 (grant of a children's certificate)]

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I *[full name]* of *full address)* [1] intend at the hearing of the application of *(full name of applicant)* of *(full address of applicant)* at for [an order under Article 34 (order for alternative permitted hours)] [an order under Article 44 (order for additional permitted hours)][an order under Article 48 (order specifying premises as suitable for functions)][the grant of children's certificate under Article 59[2]] in relation to the premises situated at *(full address of premises)*, to appear and object to the [making of the order] [granting of the certificate] [2] on the following grounds—

(state grounds of objection briefly and precisely)

Dated this day of 20 .

Signature of Objector or
his/their Solicitor.

To the Applicant

To: The chief clerk at (address of courthouse).

Notes:

[1] The objector must be one of the following:

(a) the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated; or

(b) the district council for the district in which the premises to which the application relates are situated; or

(c) any person owning or residing in premises in the vicinity of premises to which the application relates.

[2] The inapplicable words *must* be deleted.

[3] The permissible grounds of objection are—

(a) in the case of an application under Article 43, any of the grounds mentioned in Article 43(2);

(b) in the case of an application under Article 44, any of the grounds mentioned in Article 44(1) and (3);

(c) in the case of an application under Article 48, any of the grounds mentioned in Article 48(2);

(d) in the case of an application under Article 59, any of the grounds mentioned in Article 59(2).]

(a) Form 204A inserted by S.R. 1997 No. 61 with effect from 20.02.97

[(**a**) FORM 205

[(**b**) LICENSING (NORTHERN IRELAND) ORDER 1996

(Schedule 1 paragraph 5)

Notice of intention to object to surrender of licence under [(c) Article 7(4)(e)(ii)]

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I *(full name)* of *(full address)* having an estate in the premises at *(full address of premises)* specified in a licence for the sale by retail of intoxicating liquor, which *(name of applicant for licence) of* *(address)* proposes to surrender under [(**c**) Article 7(4)(*e*)(ii)] of the above Order to the clerk of the above-named Court before the licence is issued for the premises at *(address of premises for which new licence is to be issued),* intend at the hearing of the application for the grant of the last-mentioned licence [(**d**) ...] on at to appear and object to such surrender on the following grounds—

(state briefly and precisely the grounds of objection).

Dated this day of 20 .

Signature of Objector or
his Solicitor.

To: *(full name of applicant for grant of licence)* of *(full address of applicant)*

Copy to the chief clerk at *(address of courthouse).*]

(**a**) Form 205 substituted by S.R. 1990 No. 234 with effect from 1.7.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.2.97
(**c**) Words substituted by S.R. 1997 No. 61 with effect from 20.2.97
(**d**) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[**(a)** FORM 206

[**(b)** LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 10 and Schedule 3 paragraphs 3 and 4)]

Notice of application for declaration of approved sites

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

WHEREAS the housing authority, of which the principal office is situated at *(address)* [having under Article 48 of the Housing (Northern Ireland) Order 1981 submitted to the Department of the Environment for Northern Ireland a re-development scheme in respect of the area described in the Schedule hereto] [1], has under paragraph 2 of Schedule 3 to the above order submitted to the Department of the Environment for Northern Ireland proposals relating to the number and situation of sites for licensed premises and as to the kind of premises to be erected on those sites as described in the Schedule:

AND WHEREAS the said Department has approved those proposals with/ without modification and has approved *(number)* sites in the said area:

TAKE NOTICE that the said housing authority intends to apply under the provisions of [**(c)** Article 10] of and Schedule 3 to the above Order to the County Court/Recorder's Court sitting at *(specify courthouse* [**(d)** ...]) for the above division [**(d)** ...] for a declaration in the terms of those provisions.

AND TAKE NOTICE that this application will be dealt with by the Court on the day of 20 commencing at o'clock.

Signed and sealed on behalf
of the Applicant

(L.S)
Dated this day of 20 .

.....Chairman
.....Secretary or Clerk.

SCHEDULE

(Description of area and situation of approved sites)

To: The chief clerk at *(address of courthouse)*

Copy to:—

(i) the sub-divisional commander(s). at *(sub-divisional headquarters for the police sub-division(s) in which the area, or any part of it, is situated);*

(ii) the district council(s) at *(district council(s) for the district(s) in which the area, or any part of it, is situated).*

Note:

[1] Delete if applicable.

(a) Form 206 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(b) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(c) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97
(d) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(a) FORM 207

[Suppl. No. 33 (Feb. 1997)]

[(b) LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 10 and Schedule 3 paragraphs 3, (3) and (4))]

Notice of intention to object to issue of declaration with respect to approved site

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that on the hearing of the application of (*full title of housing authority*) under Article 11 of and Schedule 3 to the above Order [(c) . . .] on at I (*full name*) of (*full address*) being:—

(*a*) a sub-divisional commander of a police sub-division in which the area, or a part of the area, is situated; [1] or

(*b*) a member of a district council for a district in which the area, or a part of the area, is situated; [1] or

(*c*) a person owning, or residing or carrying on business in premises in the vicinity of the area (*state full address of such premises*); [1]

intend to appear and object to the issue of the declaration with respect to that site on the following grounds—

(*state briefly and precisely grounds of objection*).

Signature of Objector or his Solicitor.

Dated this day of 19 .

To: (*full title of housing authority*) at (*full address*)

Copy to the Chief Clerk at (*address of courthouse*).

Note:

[1] Delete as applicable.]

(a) Form 207 substituted by S.R. 1990 No 234 with effect from 1.7.90
(b) Heading substituted by S.R. 1997 No. 61 with effect from 20.2.97
(c) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 208

[(b) LICENSING (NORTHERN IRELAND) ORDER 1996
(Article 10 and Schedule 3 paragraph 4)]

Declaration of approved sites

BY THE COUNTY COURT JUDGE/RECORDER
IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

UPON AN APPLICATION made on the day of 19 by the housing authority under Article 11 of and Schedule 3 to the above Order.

AND UPON READING the notice of application

AND UPON HEARING

THE COURT DOTH DECLARE that, the Court will grant licences for the sale of intoxicating liquor respectively specified in the First Schedule hereto in respect of the premises erected or to be erected on the several sites so specified, being sites situated in the area described in the Second Schedule hereto and approved by the Department of the Environment for Northern Ireland under paragraph 2 of the said Schedule 3.

[This declaration shall remain in force for the period of from the date of issue]. [1]

Dated this day of 19 .

Chief Clerk.

(Seal)

FIRST SCHEDULE

Description of site	*Description of licence which may be issued in respect of premises erected or to be erected on site*
1.	1.
2.	2.
3.	3.
4.	4.

Note:

[1] Delete where the Court does not specify duration of declaration.]

(a) Form 208 substituted by S.R. 1990 No 234 with effect from 1.7.90
(b) Heading substituted by S.R. 1997 No. 61 with effect from 20.2.97

[(**a**) [(**b**) FORM 209

LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 31(1)(i) and (2) and Schedule 8)

Notice of application for consent to alteration to licensed premises

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we *(full name(s))*
of *(full address(es))*,
the holder(s) of a licence of the kind specified in [(**c**) Article 5(1)[(*a*)], [(*b*)], [(*c*)], [(*d*)], [(*e*)], [(*f*)], [(*g*)], [(*h*)], [(*i*)], [(*j*)], [(**d**) [(*k*)]]], [1] of the above Order for the premises situated at
(full address) intend to apply to the County Court/Recorder's Court sitting at *(specify courthouse,* [(**e**) ...]) for the above Division, [(**e**) ...]for an order consent to a proposed alteration in those premises, being an alteration of the kind specified in [(c) Article 31(1) [(*a*)], [(*b*)], [(*c*)], [(*d*)]],[1] of the said Order, namely—
(give brief particulars of alterations) details of which are shown on the plan of the premises attached to this notice.

AND TAKE NOTICE that this application will be dealt with by the Court on the day of 20 commencing at o'clock.

Dated this day of 20 .

Signature of Applicant(s)
or his/their Solicitor.

To: The chief clerk at *(address of courthouse).*

Copy to:—

(i) sub divisional commander at
(sub-divisional headquarters for the police sub-division in which the premises are situated).

(ii) *(full name of person who is recorded in the register of licences as the owner of the premises).*

Note:

[1] Delete reference to paragraphs which are inapplicable.]

(**a**) Form 209 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**c**) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**d**) Word inserted by S.R. 2004 No. 463 with effect from 06.01.05
(**e**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(**a**) FORM 210

[(**b**) LICENSING (NORTHERN IRELAND) ORDER 1996

(Schedule 8, paras. 5 and 6)]

Notice of intention to object to consent to alterations to licensed premises

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that on the hearing of the application of
under [(**c**) Article 31] of the above Order [(**d**) ...] at
I *(full name)* of
(full address) being:—

(a) the sub-divisional commander of the police sub-division in which the premises is situated; [1] or

(b) the person whose name is recorded in the register of licences as the owner of the premises. [1]

intend to object to the court's consenting to the proposed alteration to the licensed premises at *(address)* to which such application relates.

Signature of Objector or
his Solicitor.

Dated this day of 20 .

To: *full name of applicant)* of
(full address).

Copy to the chief clerk at *(address of courthouse).*

Note:

[1] Delete as applicable.]

(**a**) Form 210 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**c**) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**d**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(**a**) FORM 211

[(**b**) LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 31(1)(i))]

Order consenting to alteration to licensed premises

BY THE COUNTY COURT JUDGE/RECORDER
IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

UPON AN APPLICATION made on the day of 20 by (full name) of (full address) under [(**c**) Article 31] of the above Order.

AND UPON READING the notice of application

AND UPON HEARING

THE COURT HEREBY ORDERS that consent be given to the alteration in the licensed premises at (address), being an alteration of the kind specified in [(**c**) Article 31(1)[(*a*)], [(*b*)], [(*c*)], [(*d*)]] [1] of the said Order namely—

(*particulars of alterations*) details of which are shown on the plan of the premises attached to this Order.

Dated this day of 20 .

(Seal) chief clerk.

Note:

[1] Delete reference to paragraphs which are inapplicable.

[(**d**) FORM 211A

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

(Articles 12(1), 14(1), Schedule 2, paras. 2,6)

Notice of application for [provisional] grant of bookmaking office licence

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)/title of body corporate*) of (*full address(es) of applicant(s)/registered office of body corporate*) [1] intend to apply to the

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(**a**) Form 211 substituted by S.R. 1990 No. 234 with effect from 01.07.90
(**b**) Heading substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**c**) Words substituted by S.R. 1997 No. 61 with effect from 20.02.97
(**d**) Forms 211A-D inserted by S.R. 2004 No. 463 with effect from 06.01.05

County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for the [provisional] [2] grant of a bookmaking office licence in respect of [proposed] [2] premises at (*full address of premises*).

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

The owner of the [proposed] [2] premises is (*full name of owner*) of (*full address of owner*) [1]

The applicant is the owner of the business to be carried on under the licence.

[3] The applicant is a body corporate and

(a) the full names and residential addresses of the directors are (*names and addresses of directors*); [1]

(b) the names of persons having executive control are (*names of any such persons*);

(c) the names of persons having a financial interest are (*names of any such persons*);

(d) the following is a statement of the nature and extent of the financial interest of the persons named at (c) and includes a description of any right of direction or instruction to the directors given by that financial interest - (*statement*).

[4] Attached to the Notice served on the chief clerk is the receipt of the Department of Health and Social Services issued under Article 172(3) in respect of payment of the charge specified in Article 172(1)(b); and

[4] Also attached is the receipt issued by the Department of Agriculture under Article 9(2) of the Horse Racing (Northern Ireland) Order 1990 in respect of payment, in relation to this application, of the charge specified in Article 9(1) of that Order.

Attached to the Notice served on the chief clerk is a plan of the premises for which the [provisional] licence is sought [showing the premises as they will be when their construction or alteration or extension has been completed]. [2]

Any person who intends to object to the [provisional] grant of the licence must, in accordance with paragraph 5 of Schedule 2 to the Betting, Gaming, Lotteries and Amusements Order, serve notice of his intention to object upon the applicant and the chief clerk not less than one week before the time of the opening of the court sitting at which the application is to be made. The permissible grounds of objection as such are specified in Articles 12(4) and (6) of the Betting, Gaming, Lotteries and Amusements Order. [5]

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor

To: The chief clerk at (*address of courthouse*)

Copy to:

(i) the district commander at (*headquarters for the police district in which the [proposed] premises are situated*);

(ii) the district council at (*district council for the district in which the [proposed] premises are situated*);

(iii) the Collector of Customs and Excise at (*Collector for the area in which the [proposed] premises are situated*).

Notes:

[1] Where the address of the solicitor for the applicant is given in the notice published in the newspaper, the address of the applicant, of the owner of the business or the premises, of the manager of the business, of the person for whose benefit the business will be carried on, and if the business is a body corporate, the residential addresses of the directors, may be omitted.

[2] The inapplicable words must be deleted.

[3] Insert only where applicable.

[4] This paragraph should only be added where the application is for the full grant of a bookmaking office licence.

[5] Where the address of the applicant's solicitor is given, a person intending to object to the application may serve notice of his objection on the applicant at the address of the solicitor for the applicant.

FORM 211B

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

(Article 14(7), Schedule 2, para.7)

Notice of application for declaration of final grant of bookmaking office licence where grant has been provisional

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I/we (*full name(s) of applicant(s)/title of body corporate*) of (*full address(es) of applicant(s)/registered office of body corporate*) intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse, place of sitting etc*) for a declaration that the grant of a bookmaking office licence for the premises situated at (*full address of premises*) provisionally granted by the above-named Court on the day of be declared final.

AND TAKE NOTICE that this application will be dealt with by the court on the day of 20 commencing at o'clock.

I/we will be the owner of the business

The owner of the premises is (*full name(s)*) and the premises have been completed in accordance with the plan deposited in Court upon the application for the provisional grant of the licence [as modified with the consent of the Court given on the day of 20 under Article 14(6) of the said Order [1]].

Attached to the Notice served on the chief clerk is the receipt of the Department of Health and Social Services issued under Article 172(3) in respect of payment of the charge specified in Article 172(1)(c); and

Also attached is the receipt issued by the Department of Agriculture under Article 9(2) of the Horse Racing (Northern Ireland) Order 1990 in respect of payment, in relation to this application, of the charge specified in Article 9(1) of that Order.

Dated this day of 20 .

Signature of Applicant(s) or his/their Solicitor

To: The chief clerk at (address of courthouse)

Copy to:

(i) the district commander at (*headquarters for the police district in which the premises from which the bookmaking office licence was provisionally granted are situated*);

(ii) the Collector of Customs and Excise at (*the Collector for the area in which the premises from which the bookmaking office licence was provisionally granted are situated*).

Notes:

[1] Delete if inapplicable.

FORM 211C

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

(Article 14(6))

Notice of application for consent to modification of plans of premises for which licence provisionally granted

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I (*full name of applicant(s)) of (full address(es) of applicants*) intend to apply to the County Court/Recorder's Court sitting at (*specify courthouse*) for the above Division for its consent to the modification of a plan deposited under Part II to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 in respect of premises [to be] situated at (*full address of premises for which licence sought*) for which the Court on the day of 20 provisionally granted a bookmaking office licence under Article 14 of the said Order.

AND TAKE NOTICE that this application will be dealt with by the Court on the day of 20 commencing at o'clock.

A copy of the modified plans clearly showing the proposed modifications is attached to this notice.

I/we intend to have the licence declared final when the premises are completed in accordance with the modified plans if they are approved by the Court.

Dated this day of 20 .
Signature of Applicant(s) or his/their Solicitor

To: The chief clerk at (*address of courthouse*)

Copy to:

(i) the district commander at (*headquarters for the police district in which the [proposed] premises are situated*);

(ii) the district council at (*district council for the district in which the [proposed] premises are situated*);

(iii) the Collector of Customs and Excise at (*Collector for the area in which the [proposed] premises are situated*).

FORM 211D

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

(Schedule 2, paras 5 and 6)

Notice of intention to object to [provisional] grant of a bookmaking office licence

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I (*full name*) of (*full address*) (*state rank if member of PSNI*) intend at the hearing of the application of (*name of applicant(s)*) for the [provisional] grant of a bookmaking office licence to be heard on at to appear and object to such [provisional] grant on the following grounds, being grounds specified in Article 12(4) and (6) of the above Order:
(*state briefly grounds of objection*)

Dated this day of 20 .
Signature of Objector or his Solicitor

To: (*full name(s) of applicant(s) for grant of licence) of (full address(es) of applicant(s)*)

Copy to the chief clerk at (*address of courthouse*)]

FORM 212

Notice of appeal to County Court under Article 11 of the Rent (Northern Ireland) Order 1978 by landlord where restricted rent certificate has been issued by District Council under Article 8(2)(a)

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

IN THE MATTER OF an appeal under Article 11 of the Rent (Northern Ireland) Order 1978

Between

of

Appellant

and

the District Council

Respondent

Whereas the appellant is the landlord of dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by (*name of tenant*) under a regulated tenancy within the meaning of Rent (Northern Ireland) Order 1978 and whereas the appellant (*or the said tenant*) on the day of 20 made an application to the respondent District Council under Article 8(1) of the said Order and the said District Council caused the said dwelling-house to be inspected with a view to ascertaining whether it met the regulated tenancy standards under Schedule 3 to the said Order and on the day of 20 served on the appellant a restricted rent certificate with respect to the tenancy of the said dwelling-house;

TAKE NOTICE that the appellant hereby appeals to the County Court/ Recorder's Court for the above-named Division [(a) ...] on the day of 20 for an order that the said certificate be quashed and that the respondent District Council do issue a regulated rent certificate with respect thereto.

Dated the day of 20 .

Appellant/Solicitor for Appellant

To: The chief clerk at

(*address of Crown and County Office*).

and to the respondent District Council
and to the above-named tenant.

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 213

Notice of appeal to County Court under Article 11 of the Rent (Northern Ireland) Order 1978 by tenant where regulated rent certificate has been issued by District Council under Article 8(2)(b)

[*Title as in Form 212*]

WHEREAS the appellant is the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and of which (*name and address of landlord*) is the landlord, held by the appellant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the appellant [*or* the said landlord] on the day of 19 made an application to the respondent District Council under Article 8(1) of the said Order and the respondent District Council caused the said dwelling-house to be inspected with a view to ascertaining whether it met the regulated tenancy standards under Schedule 3 to the said Order and on the day of 19 served on the appeallant a copy of the regulated rent certificate issued to the landlord with respect to the tenancy of the said dwelling-house;

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order that the said certificate be quashed and that the respondent District Council do issue a restricted rent certificate with respect thereto.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the respondent District Council
and to the above-named landlord.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 214

Notice of appeal to County Court under Article 11 of the Rent (Northern Ireland) Order 1978 by landlord where an application for a regulated rent certificate has been refused by District Council under Article 9(2)

[*Title as in Form 212*]

WHEREAS the appellant is the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by (*name of tenant*) under a restricted tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the appellant on the day of 19 made an application under Article 9 of the said Order and the respondent District Council caused the said dwelling-house to be inspected with a view to ascertaining whether it met the regulated tenancy standards under Schedule 3 to the said Order and on the day of 19 gave notice to the appellant of its refusal of his application for a regulated rent certificate in respect of the tenancy of the said dwelling-house;

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order that the respondent District Council do issue a regulated rent certificate with respect thereto.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the respondent District Council
and to the above-named tenant.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 215

Notice of appeal to County Court under Article 11 of the Rent (Northern Ireland) Order 1978 by tenant where regulated rent certificate has been issued under Article 92

[*Title as in Form 212*]

WHEREAS the appellant is the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and of which (*name and address of landlord*) is the landlord, held by the appellant under a tenancy which until the day of 19 was a restricted tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the said landlord made an application under Article 9 of the said Order and the respondent District Council caused the said dwelling-house to be inspected with a veiw to ascertaining whether it met the regulated tenancy standards under Schedule 3 to the said Order and on the day of 19 served on the appellant a copy of the regulated rent certificate issued to the said landlord with respect to the tenancy of the said dwelling-house;

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order quashing the said certificate.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at (*address of Crown and County Office*)

and to the respondent District Council
and to the above-named landlord.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 216

Order by County Court allowing appeal by landlord under Article 11 of the Rent (Northern Ireland) Order 1978 were restricted rent certificate has been issued under Article 8(2)(a)

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an appeal under Article 11 of the Rent (Northern Ireland) Order 1978

Between

of

Appellant

and

the District Council

Respondent

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant (*name of tenant*) under a regulated tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Tenant;

THE COURT ORDERED that the restricted rent certificate with respect to the tenancy of the said dwelling-house issued by the respondent District Council under Article 8(2)(*a*) of the said Order of 1978 and served on the appellant on the day of 19 be quashed and that the respondent District Council do forthwith issue a regulated rent certificate with respect hereto;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all the other circumstances it was equitable so to do, that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said tenant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed

Chief Clerk

(Seal)

Signed

Appellant/Solicitor for Appellant

FORM 217

Order by County Court dismissing appeal by landlord under Article 11 of Rent (Northern Ireland) Order 1978 where restricted rent certificate has been issued under Article 8(2)(a)

[Title as in Form 216]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely— .

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant (*name of tenant*) under a regulated tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Tenant;

THE COURT ORDERED that the restricted rent certificate issued with respect to the tenancy of the said dwelling-house issued by the respondent District Council under Article 8(2)(*a*) of the said Order of 1978 issued to the appellant on the day of 19 be confirmed and that the appeal be dismissed;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do, that [respondent District Council to recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said tenant do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Respondent/Solicitor for Respondent
Tenant/Solicitor for Tenant

FORM 218

Order by County Court allowing appeal by tenant under Article 11 of the Rent (Northern Ireland) Order 1978 where a regulated rent certificate has been issued under Article 8(2)(b)

[Title as in Form 216]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and which (*name and address of landlord*) is the landlord, held by the appellant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Landlord;

THE COURT ORDERED that the regulated rent certificate issued with respect to the tenancy of the said dwelling-house by the respondent District Council under Article 8(2)(*a*) of the said Order of 1978 and a copy of which was served on the appellant on the day of 19 be quashed and that the said District Council do forthwith issue a restricted rent certificate with respect thereto;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do, that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [the said landlord the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Appellant/Solicitor for Appellant

FORM 219

Order by County Court dismissing appeal by tenant under Article 11 of the Rent (Northern Ireland) Order 1978 where regulated rent certificate has been issued under Article 8(2)(b)

[Title as in Form 216]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and of which (*name and address of landlord*) is the landlord, held by the appellant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Landlord;

THE COURT ORDERED that the regulated rent certificate issued with respect to the tenancy of the said dwelling-house by the respondent District Council under Article 8(2)(*a*) of the said Order of 1978 and a copy of which was served on the appellant on the day of 19 be confirmed and that the appeal be dismissed;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do that [the respondent District Council do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said landlord do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Respondent/Solicitor for Respondent
Landlord/Solicitor for Landlord.

FORM 220

Order by County Court allowing appeal by landlord under Article 11 of the Rent (Northern Ireland) Order 1978 where application for regulated rent certificate has been refused by District Council under Article 9(2)

[*Title as in Form 216*]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant (*name of tenant*) under a restricted tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellent;
and for the Respondent District Council;
and for the Tenant;

THE COURT ORDERED that the refusal of the application of the appellant for a regulated rent certificate by the respondent District Council notice of which was given to the appellant by the respondent under Article 9(2) of the said Order of 1978 on the day of 19 be quashed and that the respondent District Council do forthwith issue a regulated rent certificate with respect thereto;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all the other circumstances it was equitable so to do, that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said tenant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed Appellant/Solicitor for Appellant

FORM 221

Order by County Court dismissing appeal by landlord under Article 11 of the Rent (Northern Ireland) Order 1978 where application for regulated rent certificate has been refused by District Council under Article 9(2)

[*Title as in Form 216*]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant (*name of tenant*) under a restricted tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Tenant;

THE COURT ORDERED that the refusal of the application of the appellant for a regulated rent certificate by the respondent District Council notice of which was given to the appellant by the respondent under Article 9(2) of the said Order of 1978 on the day of 19 be upheld and that the appeal be dismissed;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do that [the respondent District Council do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said tenant do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Respondent/Solicitor for Respondent
Tenant/Solicitor for Tenant

FORM 222

Order by County Court allowing appeal under Article 11 of the Rent (Northern Ireland) Order 1978 by tenant where regulated rent certificate has been issued under Article 9(2)

[*Title as in Form 216*]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and of which (*name and address of landlord*) is the landlord, held by the appellant under a restricted tenancy within the meaning of the Rent (Northern Ireland) Order 1978;

UPON HEARING	for the Appellant;
and	for the Respondent District Council;
and	for the Landlord;

THE COURT ORDERED that the regulated rent certificate issued by the respondent District Council and a copy of which was served on the appellant by the respondent under Article 10(3)(*a*) of the said Order of 1978 on the day of 19 be quashed;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do, that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said landlord the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Appellant/Solicitor for Appellant

FORM 223

Order by County Court dismissing appeal under Article 11 of the Rent (Northern Ireland) Order 1978 by tenant where regulated rent certificate has been issued under Article 9(2)

[Title as in Form 216]

UPON AN APPEAL under Article 11 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and of which (*name and address of landlord*) is the landlord, held by the appellant under a tenancy which until the day of 19 was a restricted tenancy within the meaning of the Rent (Northern Ireland) Order 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Landlord;

THE COURT ORDERED that the regulated rent certificate issued by the respondent District Council and a copy of which was served on the appellant by the respondent under Article 10(3)(*a*) of the said Order of 1978 be confirmed and that the appeal be dismissed;

[AND IT WAS FURTHER ORDERED by the Court, it appearing to it having regard to the conduct of the parties and all other circumstances it was equitable so to do, that [the respondent District Council do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said landlord do recover from the appellant the sum of £ for costs and the sum of £ for witnesses' expenses]].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed
Respondent/Solicitor for Respondent
Landlord/Solicitor for Landlord

FORM 224

Notice of application to County Court by tenant for compensation under Article 20 of the Rent (Northern Ireland) Order 1978

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 20 of the Rent (Northern Ireland) Order 1978.

Between

of Appellant

and

of Respondent

WHEREAS the respondent was the landlord of the dwelling-house at (*address*) held by the applicant under a [protected] [statutory] tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and on the day of 19 the Court made an order for possession of the said dwelling-house in accordance with Article 13 of the said Order under the following circumstances, namely—

(*specify under what circumstances and under what case in Schedule 4 to the Order possession was obtained*);

AND WHEREAS the applicant alleges that the said order for possession was obtained by the following misrepresentation [or concealment] of material facts, namely—

TAKE NOTICE that the applicant intends to apply to the County Court/Recorder's Court for the above-named Division [(a) . . .] for an order that the respondent do pay to the applicant the sum of £ as compensation for damage or loss sustained by the applicant as a result of the said order for possession.

Applicant/Solicitor of Applicant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the above-named Respondent.

(a) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98

FORM 225

Order by County Court awarding compensation under Article 20 of the Rent (Northern Ireland) Order 1978

[*Title as in Form 224*]

UPON AN APPLICATION under Article 20 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) the former tenant of the dwelling-house at (*address*) held by the applicant under a [protected] [statutory] tenancy within the meaning of the Rent (Northern Ireland) Order 1978;

UPON HEARING for the Applicant;

AND UPON HEARING for the Respondent;

IT APPEARING to the Court that the order for possession of the said dwelling-house made in accordance with Article 13 of the said Order of 1978 by the County Court/Recorder's Court sitting for the above-named Division on the day of 19 was obtained by the respondent by misrepresentation [or concealment] of certain material facts.

THE COURT ORDERED that the respondent do pay to the applicant the sum of £ as compensation for damage or loss sustained by the applicant as a result of the said order for possession;

AND IT WAS FURTHER ORDERED that the applicant do recover from the respondent the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated the day of 19 .

Signed Chief Clerk

(Seal)

Signed Applicant/Solicitor for Applicant

FORM 226

Notice of appeal to County Court under Article 47 of the Rent (Northern Ireland) Order 1978 by landlord where certificate of disrepair has not been issued under Article 46 on application of landlord

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under Article 47 of the Rent (Northern Ireland) Order 1978

Between

of

Appellant

and

the District Council
Respondent

WHEREAS the appellant is the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by (*name of tenant*) under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the appellant on the day of 19 made an application to the respondent District Council under Article 46(1) of the said Order and the said District Council caused the dwelling-house to be inspected with a view to ascertaining whether the tenant was in breach of the repairing conditions within the meaning of the said Article 46(1) in relation to the said premises and on the day of 19 served a notice on the appellant stating that it did not intend to issue a certificate of disrepair with respect to the said premises [*or* failed to issue a certificate of disrepair];

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order that the respondent District Council do issue a certificate of disrepair with respect to the said premises.

Dated the day of 19 .

Apellant/Solicitor for Appellant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the respondent District Council
and to the above-named tenant

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

Notice of appeal to County Court under Article 47 of the Rent (Northern Ireland) Order 1978 by tenant where certificate of disrepair has been issued under Article 46 on application of landlord

[*Title as in Form 226*]

WHEREAS the appellant is the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the landlord of the said dwelling-house (*name*) of (*address*) on the day of 19 made an application to the respondent District Council under Article 46(1) of the said Order and the said District Council caused the dwelling-house to be inspected with a view to ascertaining whether the appellant was in breach of the repairing conditions within the meaning of the said Article 46(1) in relation to the said premises and on the day of 19 served a certificate of disrepair on the appellant with respect to the said premises;

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order quashing the said certificate.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the respondent District Council
and to the above-named landlord

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 228

Notice of appeal to County Court under Article 47 of the Rent (Northern Ireland) Order 1978 by landlord where certificate of disrepair has been issued under Article 46 on application of tenant

[*Title as in Form 226*]

WHEREAS the appellant is the landlord of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and whereas the tenant *(name)* of *(address)* on the day of 19 made an application to the respondent District Council caused the dwelling-house to be inspected with a view to ascertaining whether the appellant was in breach of the repairing conditions within the meaning of the said Article 46(1) in relation to the said premises and on the day of 19 served a certificate of disrepair on the appellant with respect to the said premises;

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order quashing the said certificate.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at *(address of Crown and County Office)*

and to the respondent District Council
and to the above-named tenant

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

Notice of appeal to County Court under Article 47 of the Rent (Northern Ireland) Order 1978 by tenant where certificate of disrepair has not been issued under Article 46 on applicant of tenant

[*Title as in Form 226*]

WHEREAS the appellant is the tenant of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant under a regulated tenancy within the meaning of the Rent (Northern Ireland) Order 1978 and where the appellant on the day of 19 made an application to the respondent District Council under Article 46(1) of the said Order and the said District Council caused the dwelling-house to be inspected with a view to ascertaining whether the landlord of the said premises *(name)* of *(address)* was in breach of the repairing conditions within the meaning of the said Article 46(1) in relation to the said premises and on the day of 19 served a notice on the appellant that it did not intend to issue a certificate of disrepair with respect to said premises [*or* failed to issue a certificate of disrepair];

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for an order that the respondent District Council do issue a certificate of disrepair with respect to the said premises.

Dated the day of 19 .

Appellant/Solicitor for Appellant

To the Chief Clerk at

(address of Crown and County Office)

and to the respondent District Council
and to the above-named landlord

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 230

Order by County Court allowing appeal by landlord under Article 47 of the Rent (Northern Ireland) Order 1978 where certificate of disrepair has not been issued under Article 46 on application of landlord

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an appeal under Article 47 of the Rent (Northern Ireland) Order 1978

Between

of

Appellant

and

the District Council
Respondent

UPON AN APPEAL under Article 47 of the Rent (Northern Ireland) Order 1978 by *(name)* of *(address)* being the landlord of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant *(name of tenant)* under a regulated tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Tenant;

The Court being satisfied that the said tenant is in breach of the repairing conditions within the meaning of Article 46 of the said Order of 1978 in relation to the said premises in the following respect—

(state conditions with which tenant has not complied)

THE COURT ORDERED that the respondent District Council do issue a certificate of disrepair specifying such works as are required by the tenant to make good the repairing conditions and requiring the tenant to carry out to the respondent District Council's satisfaction the works specified in the said certificate;

AND IT WAS FURTHER ORDERED by the Court that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [[and] the said tenant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Appellant/Solicitor for Appellant

FORM 231

Order by County Court allowing appeal by tenant under Article 47 of the Rent (Northern Ireland) Order 1978 where certificate of disrepair has been issued under Article 46 on application of landlord

[*Title as in Form 230*]

UPON AN APPEAL under Article 47 of the Rent (Northern Ireland) Order 1978 by *(name)* of *(address)* being the tenant of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant under a restricted tenancy within the meaning of the said Order of 1978 from the landlord *(name of landlord)* of *(address);*

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Landlord;

THE COURT being satisfied that the said tenant is not in breach of the repairing conditions within the meaning of Article 46(1) in relation to the said premises;

THE COURT ORDERED that the certificate of disrepair issued by the respondent District Council and served on the appellant on the day of 19 be quashed;

AND IT WAS FURTHER ORDERED by the Court that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [[and] the said landlord the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed Appellant/Solicitor for Appellant

FORM 232

Order by County Court allowing appeal by landlord under Article 47 of the Rent (Northern Ireland) Order 1978 where certificate of disrepair has been issued under Article 46 on application of tenant

[*Title as in Form 230*]

UPON AN APPEAL under Article 47 of the Rent (Northern Ireland) Order 1978 by (*name*) of (*address*) being the landlord of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant (*name of tenant*) under a regulated tenancy within the meaning of the said Order of 1978;

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Tenant;

THE COURT being satisfied that the appellant is not in breach of the repairing conditions within the meaning of Article 46 of the said Order of 1978 in relation to the said premises;

THE COURT ORDERED that the certificate of disrepair issued by the respondent District Council and served on the appellant on the day of 19 be quashed;

AND IT WAS FURTHER ORDERED by the Court that the appellant do recover from [the respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said tenant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed Appellant/Solicitor for Appellant

FORM 233

Order by County Court allowing appeal by tenant under Article 47 of the Rent (Northern Ireland) Order 1978 where certificate of disrepair has not been issued under Article 46 on application of tenant

[*Title as in Form 230*]

UPON AN APPEAL under Article 47 of the Rent (Northern Ireland) Order 1978 by (*name*) of the tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant under a regulated tenancy within the meaning of the said Order of 1978 from the landlord (*name of landlord*) of (*address*);

UPON HEARING for the Appellant;
and for the Respondent District Council;
and for the Landlord;

THE COURT being satisfied that the said landlord is in breach of the repairing conditions within the meaning of Article 46 of the said Order of 1978 in relation to the said premises in the following respect—

(*state conditions with which landlord has not complied*);

THE COURT ORDERED that the respondent District Council do issue a certificate of disrepair specifying such works as are required by the landlord to make good the repairing conditions and requiring the landlord to carry out to the respondent District Council's satisfaction the works specified in the said certificate;

AND IT WAS FURTHER ORDERED by the Court that the appellant do recover from [the Respondent District Council the sum of £ for costs and the sum of £ for witnesses' expenses] [and] [the said landlord the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Appellant/Solicitor for Appellant

FORM 234

Notice of application to County Court under Article 69 of the Rent (Northern Ireland) Order 1978 for determination as to whether a tenancy is a protected tenancy

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 69 of the Rent (Northern Ireland) Order 1978.

Between

of Applicant

and

of Respondent

WHEREAS the applicant is the tenant [*or* landlord] of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant as a separate dwelling under a tenancy granted as follows—

(*state how tenancy arose giving details of every relevant tenancy or sub-tenancy, the valuation of the premises at the grant of each tenancy or sub-tenancy, the standard rent, permitted increases, etc., including every particular relevant to the determination of whether the tenancy is a protected tenancy*);

TAKE NOTICE that the applicant intends to apply to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for the determination of the question as to whether the said tenancy is a protected tenancy within the meaning of the Rent (Northern Ireland) Order 1978.

Dated the day of 19 .

Applicant/Solicitor for Applicant

To the Chief Clerk at

(*address of Crown and County Office*)

and to the Respondent.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 235

Notice of application to County Court under Article 69 of the Rent (Northern Ireland) Order 1978 for determination as to whether a person is a statutory tenant of a dwelling-house

[*Title as in Form 234*]

WHEREAS the applicant is the tenant [*or* landlord] of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant as a separate dwelling under a tenancy granted as follows—

(*state how tenancy arose giving details of every relevant tenancy or sub-tenancy, the valuation of the premises at the grant of each tenancy or sub-tenancy, the standard rent, permitted increases, etc., including every particular relevant to the determination of whether the tenancy has become a statutory tenancy*) and whereas the said tenancy was terminated as follows—

(*specify manner of termination including by whom and when notice to quit served*);

TAKE NOTICE that the applicant intends to apply to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for the determination of the question as to whether he [*or* (*name of person alleged to be statutory tenant*)] is a statutory tenant within the meaning of the Rent (Northern Ireland) Order 1978 of the said dwelling-house.

Dated the day of 19 .

Applicant/Solicitor for Applicant

To the Chief Clerk

(*address of Crown and County Office*)

and to the Respondent.

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 236

Notice of application to County Court under [(a) Article 69] of the Rent (Northern Ireland) Order 1978 for determination as to the rent recoverable under a regulated or restricted tenancy

[*Title as in Form 234*]

WHEREAS the applicant is the tenant [*or* landlord] of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant as a separate dwelling under a tenancy granted as follows—

(*state how tenancy arose giving details of every relevant tenancy or sub-tenancy, the valuation of the premises at the grant of each tenancy or sub-tenancy, the standard rent, permitted increases, etc., including every particular relevant to the determination of whether the tenancy is a protected or statutory tenancy and stating, where appropriate, how and when the protected tenancy was terminated*) and whereas the said tenancy is a [regulated] [restricted] tenancy because

(*state how tenancy became a regulated or, as the case may be, restricted tenancy*);

TAKE NOTICE that the applicant intends to apply to the County Court/ Recorder's Court for the above-named Division [(**b**) ...] on the day of 20 for the determination of the question as to the rent recoverable under the said tenancy.

Dated the day of 20 .

Applicant/Solicitor for Applicant

To the chief clerk at

(*address of Crown and County Office*)

and to the Respondent

(**a**) Words substituted by S.R. 1982 No. 120 with effect from 01.06.82
(**b**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 237

Notice of application to County Court under Article 69 of the Rent (Northern Ireland) Order 1978 for determination as to whether a tenancy is a restricted or regulated tenancy

[*Title as in Form 234*]

WHEREAS the applicant is the tenant [or landlord] of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant as a separate dwelling under a tenancy granted as follows—

(*state how tenancy arose giving details of every relevant tenancy or sub-tenancy, the valuation of the premises at the grant of each tenancy or sub-tenancy, the standard rent, permitted increases, etc., including every particular relevant to the determination of whether the tenancy is a protected or statutory tenancy)* and whereas the applicant asserts that the said tenancy being a [protected] [statutory] tenancy is [a restricted] [a regulated] tenancy because

(*state why protected or statutory tenancy is or is not a regulated tenancy*);

TAKE NOTICE that the applicant intends to apply to the County Court/ Recorder's Court for the above-named Division [(a) ...] on the day of 20 for a determination of the question as to whether the said tenancy is a [restricted] [regulated] tenancy within the meaning of the Rent (Northern Ireland) Order 1978.

Dated the day of 20 .

Applicant/Solicitor for Applicant

To the chief clerk at

(*address of Crown and County Office*)

and to the Respondent

(a) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 238

Determination by County Court under Article 69 of the Rent (Northern Ireland) Order 1978 as to whether a tenancy is a protected tenancy

[*Title as in Form 234*]

UPON AN APPLICATION by *(name)* of *(address)* being the tenant [*or* landlord] of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant as a separate dwelling under a tenancy granted as follows—

(state details of tenancy) heard by the above-named County Court/Recorder's Court [(a) . . .] on the day of 19 ;

UPON HEARING for the Applicant and for the Respondent;

THE COURT DETERMINED that the said tenancy was [not] a protected tenancy within the meaning of the Rent (Northern Ireland) Order 1978 [and ordered that the applicant [*or* respondent] do recover from the respondent [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed Applicant/Solicitor for Applicant [*or* Respondent/Solicitor for Respondent]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 239

Determination by County Court under Article 69 of the Rent (Northern Ireland) Order 1978 as to whether a tenancy is a statutory tenancy

[*Title as in Form 234*]

UPON AN APPLICATION by *(name)* of *(address)* being the tenant [*or* landlord] of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant as a separate dwelling under a tenancy granted as follows—

(state details of tenancy) which tenancy was terminated as follows—

(specify manner of termination included by whom and when notice to quit served) which application was heard by the above-named County Court/Recorder's Court [(a) . . .] on the day of 19 ;

UPON HEARING for the Applicant and for the Respondent;

THE COURT DETERMINED that the said tenancy was [not] a statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978 [and ordered that the applicant [*or* respondent] do recover from the respondent [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Applicant/Solicitor for Applicant
[*or* Respondent/Solicitor for Respondent]

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 240

Determination by County Court under Article 69 of the Rent (Northern Ireland) Order 1978 as to rent recoverable under a regulated or restricted tenancy

[Title as in Form 234]

UPON AN APPLICATION by *(name)* of *(address)* being the tenant [*or* landlord] of the dwelling-house at *(address)* being premises consisting of the following accommodation, namely—

(specify details of dwelling-house and of accommodation occupied by tenant) held by the tenant as a separate dwelling under a tenancy granted as follows—

(state details of tenancy) which is a [regulated] [restricted] tenancy within the meaning of the Rent (Northern Ireland) Order 1978 because

(state how tenancy became a regulated, or as case may be, restricted tenancy) for a determination as to the rent recoverable under the said tenancy;

UPON HEARING for the Applicant and for the Respondent;

THE COURT DETERMINED that the sum of £ per [week] [month] was recoverable for the rent under the said tenancy for the period [and ordered that the applicant [*or* respondent] do recover from the respondent [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Applicant/Solicitor for Applicant

FORM 241

Determination by County Court under Article 69 of the Rent (Northern Ireland) Order 1978 as to whether tenancy is a restricted or regulated tenancy

[*Title as in Form 234*]

UPON AN APPLICATION by (*name*) of (*address*) being the tenant [*or* landlord] of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) held by the tenant as a separate dwelling under a tenancy granted as follows—

(*state how tenancy arose*) for a determination as to whether the said tenancy is a [restricted] [regulated] tenancy;

UPON HEARING for the Applicant and for the Respondent;

THE COURT DETERMINED that the said tenancy was a [restricted] [regulated] tenancy [and ordered that the applicant [*or* the respondent] do recover from the respondent [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated this day of 19 .

Signed Chief Clerk

(Seal)

Signed

Applicant/Solicitor for Applicant
[*or* Respondent/Solicitor for Respondent]

FORM 242

Notice of application to the County Court for decision under paragraph 4 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of original tenant's family shall be statutory tenant

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

IN THE MATTER of an application under paragraph 4 of Schedule 1 to the Rent (Northern Ireland) Order 1978;

Between

of

Applicant

and

of

Respondent(s)

WHEREAS (*name*) of (*address*) was the [protected] [statutory] tenant within the meaning of the Rent (Northern Ireland) Order 1978 of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and was the original tenant of the dwelling-house within the meaning of Schedule 1 to the said Order of 1978 and whereas paragraphs 2 and 3 of that Schedule do not apply and the following persons, namely—

who were members of the family of the original tenant were residing with him at the time of and for the period of 6 months immediately before his death;

TAKE NOTICE that the applicant hereby applies to the County Court/ Recorder's Court for the above-named Division [(**a**) ...] on the day of 20 for a decision as to which of the said persons shall be the statutory tenant of the said dwelling-house.

Dated the day of 20 .

Applicant/Solicitor for Applicant

To the chief clerk at

(*address of Crown and County Office*)

and to the Respondent(s).

(**a**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

FORM 243

Order by County Court under paragraph 4 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of original tenant's family to be statutory tenant

[*Title as in Form 242*]

UPON AN APPLICATION by (*name*) of (*address*) for a decision by the County Court/Recorder's Court for the above-named Division under paragraph 4 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of the family of the original tenant within the meaning of the Schedule should be the statutory tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant);*

UPON HEARING for the Applicant; and upon hearing for the Respondent(s);

THE COURT ORDERED that (*name*) of (*address*) should be the statutory tenant of the said dwelling-house;

[AND IT WAS FURTHER ORDERED that the applicant [*or* respondent(s)] do recover from the respondent(s) [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses.]

Dated the day of 20 .

Signed

chief clerk

(Seal)

Signed

Applicant/Solicitor for Applicant

FORM 244

[*Supplt. No. 27 (Sept. 1995)*]

Notice of application to the County Court for decision under paragraph 9 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of first successor's family to be statutory tenant

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under paragraph 9 of Schedule 1 to the Rent (Northern Ireland) Order 1978;

Between

of Applicant

and

of Respondent(s)

WHEREAS (*name*) of (*address*) was the statutory tenant within the meaning of the Rent (Northern Ireland) Order 1978 of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*) and was the first successor within the meaning of Schedule 1 to the said Order of 1978 to the tenancy of the said dwelling-house and whereas paragraphs 7 and 8 of that Schedule do not apply and the following persons, namely—

who were members of the family of the first successor were residing with him at the time of and for the period of 6 months immediately before his death;

TAKE NOTICE that the applicant hereby applies to the County Court/Recorder's Court for the above-named Division [(a) . . .] on the day of 19 for a decision as to which of the said persons shall be the statutory tenant of the said dwelling-house.

Dated the day of 19 .

Applicant/Solicitor for Applicant

To the Chief Clerk at (*address of Crown and County Office*)

and to the Respondent(s).

(a) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 245

Order by County Court under paragraph 9 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of first successor's family to be statutory tenant

[*Title as in Form 244*]

UPON AN APPLICATION by (*name*) of (*address*) for a decision by the County Court/Recorder's Court for the above-named Division under paragraph 9 of Schedule 1 to the Rent (Northern Ireland) Order 1978 as to which member of the family of the first successor within the meaning of that Schedule should be the statutory tenant of the dwelling-house at (*address*) being premises consisting of the following accommodation, namely—

(*specify details of dwelling-house and of accommodation occupied by tenant*);

UPON HEARING for the Applicant and upon hearing for the Respondent(s);

THE COURT ORDERED that (*name*) of (*address*) should be the statutory tenant of the said dwelling-house;

[AND IT WAS FURTHER ORDERED that the applicant [*or* respondent(s)] do recover from the respondent(s) [*or* applicant] the sum of £ for costs and the sum of £ for witnesses' expenses.]

Dated the day of 19 .

Signed Chief Clerk

(Seal)

Signed Applicant/Solicitor for Applicant

FORM 246

[(**a**)...]

FORM 247

[(**a**)...]

FORM 248

[(**a**)...]

(a) Forms 246, 247 and 248 deleted by S.R. 1989 No. 306 with effect from 01.09.89

[(a) FORM 249 TO 262]

(a) Forms 249-262 revoked by S.R. 2003 No. 272 with effect from 01.06.03

FORM 263

Part of decree ordering payment of costs in first instance by plaintiff to successful defendant

ORDER 55, RULE 3(2)

TAKE THE PLAINTIFF'S CLAIM against the defendant **A.B**. be and the same is hereby dismissed on the merits and that the said defendant do recover against the plaintiff the sum of £ costs of this dismiss.

THAT THE PLAINTIFF DO RECOVER from the defendant **C.D**. the said sum of £ together with the sum of £ his costs of the said decree and witnesses' expenses and the said sum of £ the costs payable by the Plaintiff to the defendant **A.B.**

FORM 264

Summons for contempt of Court

ORDER 57, RULE 1(1)(*i*)

IN THE COUNTY COURT
FOR THE DIVISION OF

To

of

YOU ARE HEREBY SUMMONED to appear at the Court to be held at on the day of 20 , at o'clock and to show cause why an order should not be made against you under Article 55 of the County Courts (Northern Ireland) Order 1980 for payment of a sum not exceeding [(**a**) £1,000] or for your committal to prison for a term not exceeding one month for [*here state particulars of alleged offence*] committed by on the day of 20 .

Dated at this day of 20 .

[(**b**) District Judge] or chief clerk.

FORM 265

Bench warrant

ORDER 57, RULE 1(1)(*ii*)

IN THE COUNTY COURT
FOR THE DIVISION OF

By the County Court Judge/Recorder

To the Superintendent of the Police Service of Northern Ireland for Division.

WHEREAS it is alleged that of has been guilty of contempt of Court in that [*state nature of offence*] and it is necessary for him to appear before the aforesaid Court to answer the said allegation and to show cause why an order should not be made against him under Article 55 of the County Courts (Northern Ireland) Order 1980 for payment of a sum not exceeding [(**a**) £1,000] or for his committal to prison for a term not exceeding one month.

THIS IS THEREFORE TO COMMAND the said Superintendent of the Police Service of Northern Ireland, and he is hereby required, to cause the said to be taken into custody and brought before the aforesaid Court sitting at at the hour of on the day of 20 .

By the direction of [(**c**) the judge] of the Court for the aforesaid Division.

Dated at this day of 20 .

chief clerk

(**a**) Figure substituted by S.R. 1992 No. 439 with effect from 01.11.92
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.06.91
(**c**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

(AND WHEREAS the name or names and surname stated in the application as those by which the child is to be known are ;)

IT IS DIRECTED that the Registrar General shall make in the Adopted Children Registrar an entry in accordance with Article 51 of the 1987 Order recording the particulars set out in this order;

(AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of Births/Adopted Children Register to be marked with the words 'adopted'/'re-adopted'/'proposed foreign adoption'/'proposed foreign re-adoption'.)

Dated this day of 20 .]

[(**a**) FORM 265A

Warrant of Arrest

ORDER 52, RULE 19

IN THE COUNTY COURT
FOR THE DIVISION OF

By the
County Court Judge/Recorder

To the Superintendent of the Police Service of Northern Ireland for Division.

WHEREAS it is alleged that of has disobeyed an order made by the county court for the Division of on the day of 20 in the following respects (set out the breaches alleged):—

THIS IS THEREFORE TO COMMAND the said Superintendent of the Police Service of Northern Ireland, and he is hereby required, to cause the said to be taken into custody and brought forthwith before this Court that he may be further dealt with according to law and for his so doing this shall be his sufficient Warrant.

By direction of [(**b**) the judge] of the Court for the aforesaid Division.

Dated this day of 20 .

chief clerk]

(**a**) Form 265A inserted by S.R. 1999 No. 129 with effect from 12.04.99
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

FORM 266

Order imposing a fine and/or imprisonment for contempt of Court

ORDER 57, RULE 1(3)

IN THE COUNTY COURT for the Division of

By the County Court Judge/Recorder.

WHEREAS it has been proved to the satisfaction of the Court that of did [*state nature of offence*] on the day of 19 .

IT IS THEREFORE ORDERED that the said [do forfeit the sum of £ which he shall pay to the chief clerk of this Court on/within] [and [in default of payment] that he] [be committed to prison for the period of].

Dated at this day of 19 .

Chief Clerk.

FORM 267

Warrant for committal for contempt of Court

ORDER 57, RULE 2

IN THE COUNTY COURT for the Division of

By the County Court Judge/Recorder.

To the Superintendent of the Royal Ulster Constabulary for Division and the Governor of Her Majesty's Prison at .

WHEREAS at the aforesaid Court held at on the day of 19 , of having been adjudged guilty of contempt of Court for was ordered by the Court [to pay a fine of £ allowing to pay, [and in default of payment] to undergo imprisonment for

[AND WHEREAS the said sum of £ has not been paid.]

THIS IS THEREFORE TO COMMAND that the said Superintendent of the Royal Ulster Constabulary do, and he is hereby required forthwith, to cause the said to be taken into custody and delivered to the Governor of Her Majesty's Prison at , and that the said Governor do, and he is hereby required to receive the said and safely to keep him in the said Prison for a period not exceeding [unless the said sum be sooner paid] or until the said shall be sooner discharged by competent authority and in due course of law. And for their so doing this shall be their sufficient warrant.

Dated at this day of 19 .

County Court Judge/Recorder.

FORM 268

Order revoking an order of committal

ORDER 57, RULE 3

IN THE COUNTY COURT for the Division of

By the County Court Judge/Recorder.

WHEREAS of was by order of this Court dated committed to the custody of the Governor of Her Majesty's Prison at for [*recite order of committal*].

AND WHEREAS [*state reasons for revocation of order*].

It is ordered that the said order of committal be revoked [and that the said be discharged out of the custody of the Governor of Her Majesty's Prison at].

Dated at this day of 19 .

Chief Clerk.

FORM 269

Notice of motion for an order which may be enforced by committal

ORDER 57, RULE 6

[*Title as in Form 1*]

YOU ARE REQUIRED to take notice that on the day of 19 , an application will be made to the above-mentioned County Court on the part of the plaintiff [*or* defendant] that the defendant [*or* plaintiff] be ordered on or before the day of 19 [*or* days after the service of this notice on him] to [*set out order required*] and that the said may be ordered to pay the costs of this application, which application will be grounded, etc.

Dated this day of 19 .

Signed

To the Chief Clerk.

FORM 270

Notice Endorsed under Rule 7(1) of Order 57

ORDER 57, RULE 7(1)

To
of

TAKE NOTICE that unless you obey the directions contained in this decree [by the time herein limited] you will be guilty of contempt of Court and will be liable to be committed to prison.

Dated this day of 20 .

(Seal)

chief clerk.

FORM 271

Notice of application for committal for disobedience of an order of the Court

ORDER 57, RULE 7(2)

[Title as in Form 269]

TAKE NOTICE that the [plaintiff] will on the day of 20 , apply to [(**a**) the judge] sitting at for an order for your committal to prison for having disobeyed the order of the Court made on the day of 20 , requiring you to [restraining you from]

AND FURTHER TAKE, NOTICE that you are hereby required to attend the Court to show cause why an order for your committal should not be made.

Dated this day of 20 .

Signed

FORM 272

Notice to chief clerk of application for committal for disobedience of an order enforceable by committal

ORDER 57, RULE 7(2)

[Title as in Form 269]

YOU ARE REQUIRED to take notice, that on the day of 20 , an application will be made on the part of the plaintiff [*or* defendant] to [(**a**) the judge] sitting at that the defendant [*or* plaintiff] be committed to prison for contempt of Court in that he has disobeyed an order of this Court dated the day of 20 , requiring him to [restraining him from]

Dated this day of 20 .

Signed

To the chief clerk.

(**a**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

FORM 273

Order of committal for disobedience of an order

ORDER 57, RULE 7(5)

[Title as in Form 269]

WHEREAS by an order of this Court dated the day of 20 , [*here recite the order*].

NOW, UPON THE APPLICATION of the and upon hearing the

[*or in case of non-appearance,* reading the affidavit of

or affidavit of service of the said order and notice of this application *or* being satisfied on oath that a copy of the said order and notice of the application have been duly served]

AND UPON READING the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said has been guilty of a contempt of this Court in that he has disobeyed the said order

HEREBY ORDERS that he do for his said contempt stand committed to Her Majesty's Prison at [for a period not exceeding one year or] until he shall be [sooner] discharged by competent authority and in due course of law; and that a warrant of committal for the arrest of the said be forthwith issued.

[AND IT IS ORDERED that the said do pay the costs of the of this application and the costs of and incidental to this order.]

Dated at this day of 20 .

Signed
chief clerk.

(Seal)

Signed
Plaintiff/Defendant/Solicitor for the Plaintiff/Defendant.

FORM 274

Warrant for committal for disobedience of an order

ORDER 57, RULE 7(5)

[*Title as in Form 269*]

To the Superintendent of the Royal Ulster Constabulary for Division [*or* to the Under-Sheriff for the County of [the City of]] and to the Governor of Her Majesty's Prison at

WHEREAS, by order of the day of 19 , it was ordered and adjudged that the said of in the City [County] of do for his contempt of this Court stand committed to Her Majesty's Prison at for

THIS IS THEREFORE TO COMMAND that the said Superintendent of the Royal Ulster Constabulary [*or* the Under-Sheriff for the County of [the City of]] do, and he is hereby required, forthwith, to cause the said to be taken into custody and delivered to the Governor of the said Prison; and that the said Governor do, and he is hereby required to receive the said and safely to keep him in the said Prison [for a period not exceeding one year or] until he shall be [sooner] discharged by competent authority and in due course of law. And for their so doing this shall be their sufficient authority.

Dated at this day of 19 .

(Seal)

Chief Clerk.

FORM 275

Notice of application for discharge from custody

ORDER 57, RULE 8(2)

[*Title as in Form 269*]

TAKE NOTICE that I intend on the day of 19 , to apply to the above-mentioned Court to discharge me from custody, being desirous of clearing my contempt.

Dated this day of 19 .

Signed

To

FORM 276

Order of discharge from custody
ORDER 57, RULE 8(2)

[*Title as in Form 269*]

UPON APPLICATION made this day of 19 , by who was committed to prison for contempt by order of this Court dated the day of 19 , and upon reading the affidavit of the filed the day of 19 , showing that he is desirous of clearing his contempt and upon hearing [*or in case of non-appearance*, upon being satisfied that notice of this application has been duly served upon]

IT IS HEREBY ORDERED that the said be discharged out of custody of the Governor of Her Majesty's Prison at as to the said contempt [but not as to the costs of the said contempt].

Dated this day of 19 .

Signed Chief Clerk.

FORM 277

Order of sequestration against individual for disobedience of an order

ORDER 57, RULE 9

[Title as in Form 269]

WHEREAS by an order of this Court [*or* a Court of summary jurisdiction sitting for the Petty Sessions District of] dated the day of 19 [*here recite the order for payment into Court or otherwise*];

NOW, UPON THE APPLICATION of the and upon hearing the [*or in case of non-appearance*, reading the affidavit of *or* affidavit of service of the said order and notice of this application *or* being satisfied on oath that a copy of the said order and notice of this application have been duly served];

AND UPON READING the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said has been guilty of contempt of this Court in that he disobeyed the said order [for payment into Court]; HEREBY ORDERS and empowers you (*insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under Article 111(2) of the Judgments Enforcement (Northern Ireland) Order 1981* to enter upon the lands of the said and to receive, sequestrate and take the rents and profits of any such lands and to take any other personal property of the said and to keep such land and property under sequestration in your hands until the said has complied with that Order [to pay the said sum into Court or as the case may be] and cleared his contempt and until the Court makes other order to the contrary.

AND IT IS ORDERED that the said do pay the costs of the of this application and the costs of and incidental to this Order.]

Dated this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Defendant/Solicitor for the Plaintiff/Defendant.

FORM 278

Order of sequestration against Company for disobedience of an order

ORDER 57, RULE 9

[*Title as in Form 269*]

WHEREAS by an order of this Court [*or* a Court of summary jurisdiction sitting for the Petty Sessions District of] dated the day of 19 , (*here recite the order against Company for payment into Court or otherwise*);

NOW, UPON THE APPLICATION of the and upon hearing the [*or in case of non-appearance*, reading the affidavit of *or* affidavit of service of the said order and notice of this application *or* being satisfied on oath that a copy of the said order and notice of this application have been duly served];

AND UPON READING the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said Company has been guilty of contempt of this Court in that is disobeyed the said Order [for payment into Court];

HEREBY ORDERS and empowers you (*insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under Article 111(2) of the Judgments Enforcement (Northern Ireland) Order 1981*) to enter upon the lands of the said company and to receive, sequestrate and take the rents and profits of any such lands and to take any other personal property of the said Company and to keep such land and property under sequestration in your hands until the said company has complied with that Order [to pay the said sum into Court or as the case may be] and cleared its contempt and until the Court makes other order to the contrary.

[AND IT IS ORDERED that the said Company do pay the costs of the of this application and the costs of and incidental to this Order.]

Dated this day of 19 .

Signed Chief Clerk.

(Seal)

Signed Plaintiff/Defendant/Solicitor for the Plaintiff Defendant.

FORM 279

Notice after General Adjournment for 12 months

ORDER 14, RULE 4(4)

[*Title as in Form 1*]

TAKE NOTICE that, as no application has been made within 12 months for a day to be fixed for the hearing of this action [or matter], the action [or matter] will be struck out unless within 14 days after receipt of this notice any party applies to have a day fixed for the hearing or to have the action [or matter] again adjourned.

Chief Clerk.

[(a) FORM 280

[Supplt. No. 12 (March 1987)]

Request for service out of Northern Ireland through the Court

ORDER 6A, RULE 9(1)

No. .....

In the County Court for the Division of

Between

A.B. of

[description]

Plaintiff

and

C.D. of

[description]

Defendant

1. Date of Order giving leave to serve out of Northern Ireland [(b) or, where appropriate, state the grounds on which the process may be served out of Northern Ireland without the leave of the Court]
2. Nature of process to be served
3. Name of Country in which service is to be effected
4. Name of party to be served
5. Address of party to be served
6. Is the party to be served a State as defined in section 14 of the State Immunity Act 1978? Yes ☐ No ☐
7. Is party to be served a United Kingdom National? Yes ☐ No ☐
8. Service is desired—
   (1) through the authority designated under the Hague Convention
   (1) through the judicial authority of
   (1) through a British consular authority at
   (1) through the Government of
   [where the government is willing to effect service]

(1) Delete as appropriate

I/We request that the above-mentioned process may be served through the Court.

I/We personally undertake to be responsible for all expenses incurred by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs or the Lord Chancellor in respect of the service requested, and on receiving notice of the amount of such expenses to pay them.

(1) I am/We are willing for service to be effected by whatever method the Secretary of State may choose.(2)

(2) Delete if the answer to question 6 above is No.

(Signed Plaintiff or other Party or his Solicitor)]

(a) Form 280 inserted by S.R. 1983 No. 14 with effect from 14.3.83
(b) Words inserted by S.R. 1986 No. 347 with effect from 1.1.87

[(a) FORM 281

Notice of Motion under the Consumer Credit Act 1974

ORDER 30, RULE 8(2), 11(3)

[*Title of Action*]

TAKE NOTICE that [(b) . . .] on the day of 19 an application will be made to the Court under the Consumer Credit Act 1974 section on behalf of the plaintiff [or defendant] for an order [*specify remedy applied for*].

Dated this day of 19 .

Signed Applicant/Solicitor for the Applicant

To the above-named defendant [or plaintiff] and the Chief Clerk for the Division of]

[(c) FORM 282

Notice of Application for an Enforcement Order under the Consumer Credit Act 1974

ORDER 30, RULES 9(1), 10

Between

of

Applicant

and of

Respondent(s)

TAKE NOTICE that [(b) . . .] on the day of 19 an application will be made to the Court under the Consumer Credit Act 1974, section(s) on behalf of the Applicant for an enforcement order [give particulars of the order applied for].

Dated this day of 19 .

Signed Applicant/Solicitor for the Applicant

To the above-named Respondent(s) and the Chief Clerk at (Courthouse).]

(a) Form 281 inserted by S.R. 1985 No. 102 with effect from 19.5.85
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Form 282 inserted by S.R. 1985 No. 102 with effect from 19.5.85

[(**a**) 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 and for such relief as is specified in section 140B(1) 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 20 whereby (*state briefly nature of agreement*) on the grounds that the credit agreement [or the agreement taken with any related agreement] is unfair for the reasons set out below:

(*state briefly and precisely the reasons upon which application is grounded*).

Dated this day of 20 .

Applicant/Solicitor for Applicant
(Courthouse)

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

(**a**) Form 283 substituted by S.R. 2008 No. 199 with effect from 30.05.08

[(a) FORM 284

Notice of application for a Time Order under [(b) section 129(1)(*b*) or (*ba*)] of the Consumer Credit Act 1974

ORDER 30, RULE 12(1)

Between

of } Applicant

and

of } Respondent(s)

TAKE NOTICE that [(c) ...] on the day of 20 an application will be made to the Court under the Consumer Credit Act 1974, [(b) section 129(1)(*b*) or (*ba*)] on behalf of the Applicant for a time order.

The following are the required particulars of the regulated agreement in respect of which a time order is sought—

(1) The agreement is dated

(2) The names and addresses of the other parties to the agreement are:

(3) The name and address of the person (if any) who acted as surety (e.g., as guarantor) is:

(4) (*delete if not applicable*) The rights and duties of the party named at (2) above passed to the respondent on (give date) when (*here insert the reason why you now regard the respondent as your creditor*)

His address is:

(5) The agreement was signed at (*here give the address of the shop or other place where you signed the agreement*):

(6) The agreement provided for the payment of instalments of £ per week/ month

(7) The unpaid balance under the agreement (if known) is £

(8) The arrears that have accrued to date (if known) amount to £

(9) On (give date) the Respondent served [*delete as applicable*]:

(a) a default notice, or

(b) a notice given under section 76(1) of the Consumer Credit Act 1974, or

(c) a notice given under section 98(1) of the Consumer Credit Act 1974

OR a copy of the notice—served by the Respondent on (*give date*) is attached.

(a) Form 284 inserted by S.R. 1985 No. 102 with effect from 19.5.85
(b) Reference substituted by S.R. 2009 No. 19 with effect from 09.02.09
(c) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

(10) [IF YOU ARE APPLYING FOR TIME TO PAY] The Applicant's proposals for payment are (*give details*) to clear the arrears (if any) and then instalments of £ per week/month.

[*Supplt. No. 27 (Sept. 1995)*]

(11) [IF YOU HAVE FAILED TO COMPLY WITH THE AGREEMENT IN ANY OTHER RESPECT] The Applicant is in breach of the following provisions of the agreement (*give details*).

The Applicant's proposals for remedying this are as follows (*give details*):

Dated this day of 19 .

Signed Applicant/Solicitor for the Applicant

To the above-named Respondent(s) and the Chief Clerk at (Courthouse).]

[(a) FORM 285

Notice of Application under the Consumer Credit Act 1974

ORDER 30, RULES 13(1), 14(1), 15(1)

Between

of

Applicant

and of

Respondent(s)

TAKE NOTICE that [(b) . . .] on the day of 19 an application will be made to the Court under the Consumer Credit Act 1974, section(s) on behalf of the Applicant for an order [*specify remedy applied for, giving all necessary particulars*].

Dated this day of 19 .

Signed

Applicant/Solicitor for the Applicant

To the above-named Respondent(s) and the Chief Clerk at (Courthouse).]

(a) Form 285 inserted by S.R. 1985 No. 102 with effect from 19.5.85
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 286

Decree for delivery of goods under a hire-purchase agreement/conditional sale agreement/consumer hire agreement

[With additions if Order made also for sum of money claimed in the action]

ORDER 30, RULES 5, 7

[*Title as in Form 1*]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought [(b) . . .] against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a [regulated] hire-purchase agreement [*or* regulated conditional sale agreement *or* regulated consumer hire agreement] dated day of 19 , and made between and , did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant, that is to say [specify the goods which the Court decides to have been detained] and that the defendant do return the said goods to the plaintiff on or before the day of 19 .

[AND IT ALSO APPEARING TO THE COURT that the defendant is justly indebted to the plaintiff in the sum of £ due on foot of the said hire-purchase agreement [*or* conditional sale agreement *or* consumer hire agreement]];

IT IS FURTHER ORDERED that the defendant [insert name] do pay to the plaintiff the [said sum together with the] sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

(Seal)

Signed Chief Clerk

Signed Solicitor for the Plaintiff]

(a) Form 286 inserted by S.R. 1985 No. 102 with effect from 19.5.85
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98

[(**a**) FORM 287

Decree for delivery of goods under a hire-purchase agreement or a conditional sale agreement, suspended in accordance with a time Order

[With additions if Order made also for a sum of money claimed in the action]

ORDER 30, RULES 5, 7

[Title as in Form 1]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought [(**b**) ...] against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a [regulated] hire-purchase agreement [*or* regulated conditional sale agreement] dated day of 20 , and made between and did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant, that is to say [specify the goods which the court decides to have been detained].

AND IT IS ORDERED that, unless the defendant fulfils the conditions of the suspension hereinafter imposed, the defendant do return the said goods to the plaintiff on or before the day of 20 .

[AND IT ALSO APPEARING TO THE COURT that the defendant is justly indebted to the plaintiff in the sum of £ due on foot of the said agreement];

IT IS FURTHER ORDERED that the defendant [insert name] do pay to the plaintiff the [said sum together with] the sum of £ for the costs and the sum of £ for witnesses' expenses;

AND IT IS ORDERED that the operation of this Order be suspended on condition that the [said sum of £ together with the further] unpaid balance of total price, namely £ is paid to the plaintiff by instalments of £ for every month, the first instalment to be paid on the day of 20 , [add any further conditions imposed by the Court];

AND IT IS ORDERED that the above-mentioned agreement be modified in the following respects—

No sum except the instalments aforesaid shall be payable to the plaintiff in respect of the said agreement during the said suspension.

[State any other respect in which the agreement is to be modified].

Dated at this day of 20 .

(Seal)

Signed
chief clerk.
Signed
Solicitor for the Plaintiff.]

(**a**) Form 287 inserted by S.R. 1985 No. 102 with effect from 19.05.85
(**b**) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(**a**) FORM 288

Decree for delivery of goods under a hire-purchase agreement or a conditional sale agreement, including a transfer Order

ORDER 30, RULES 5, 7

[Title as in Form 1]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought [(**b**) ...] against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a [regulated] hire-purchase agreement [*or* regulated conditional sale agreement] dated the day of 20 , and made between and did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant, that is to say [specify the goods which the Court decides to have been detained];

AND IT IS ORDERED that the defendant do return the said goods to the plaintiff on or before the day of 20 ;

AND IT IS FURTHER ORDERED that the plaintiff's title to the following goods be transferred to the defendant, that is to say [specify remainder of the goods to which the agreement relates];

AND IT IS ORDERED that the defendant do pay the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 20 .

chief clerk.]

(**a**) Form 288 inserted by S.R. 1985 No. 102 with effect from 19.05.85
(**b**) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(a) FORM 289

[*Suppl. No. 8 (June 1985)*]

Order on application under section 130(6) or 135(4) of the Consumer Credit Act 1974

ORDER 30, RULE 14(1)

[*Title of Application*]

UPON AN APPLICATION made the [date] under Section 130(6)/135(4) of the Consumer Credit Act 1974.

AND UPON READING the notice of application:

AND UPON HEARING

IT IS ORDERED that in lieu of the conditions mentioned in the decree made in this action on the day of 19 , the operation of the order therein shall be suspended on the following conditions, that is to say [state the varied conditions]

AND IT IS ORDERED that the terms of the regulated agreement referred to in the said decree be further modified in the following respects [state respects in which the agreement is to be modified];

OR IT IS ORDERED that the suspension of the operation of the Order in the decree in this action dated the day of 19 , be revoked, and that the defendant do return the goods specified in the decree namely [specify the goods] on or before the day of 19

AND IT IS ORDERED that the do pay the sum of £ for the costs and the sum of £ for witnesses' expenses;

AND IT IS ORDERED that the do pay to the the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

(Seal)

Signed Chief Clerk.]

(a) Form 289 inserted by S.R. 1985 No. 102 with effect from 19.5.85

[(a) FORM 290

Order on application under section 133(6) of the Consumer Credit Act 1974

ORDER 30, RULE 14(1)

[*Title of Application*]

UPON AN APPLICATION made the [*date*] under section 133(6) of the Consumer Credit Act 1974.

AND UPON READING the notice of application

AND UPON HEARING

IT IS ORDERED that the order in this action dated the day of 19 , for the return of the specified goods be revoked;

AND IT IS ORDERED that the do pay the sum of £ in respect of the balance of the total price of the goods [by instalments of £ per week/month, first instalment to be paid on or before the (*date*)];

AND IT IS ORDERED that the do pay the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

(Seal)

Signed Chief Clerk.]

(a) Form 290 inserted by S.R. 1985 No. 102 with effect from 19.5.85

[(a) FORM 291

[*Supplt. No. 11 (Sept 1986)*]

Enforcement Order under the Consumer Credit Act 1974

ORDER 30, RULE 9(1)

[*Title of Application*]

UPON AN APPLICATION made the [*date*] under section of the Consumer Credit Act 1974.

AND UPON READING the notice of application

AND UPON HEARING

IT IS ORDERED that an enforcement order do issue pursuant to section of the Consumer Credit Act 1974 in the following terms [*give particulars of order*]

AND IT IS ORDERED that the do pay the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

(Seal)

Signed Chief Clerk.]

(a) Form 291 inserted by S.R. 1985 No. 102 with effect from 19.5.85

[(a) FORM 292

Notice to Insurer

Road Traffic (Northern Ireland) Order 1981, Article 98

ORDER 52, RULE 1

[*Title of proceedings in respect of which Notice is to be served*]

TAKE NOTICE that the above-named Plaintiff [or Defendant], on the day of 19 caused a civil bill [or a writ of summons] to be issued against the above-named Defendant [or Plaintiff] [or delivered a counterclaim in the above action] claiming against the above-named Defendant [or Plaintiff]

[here set out the substance of the claim as appearing in the endorsement on the civil bill, or writ of summons or counterclaim].

The accident in respect of which the proceedings are brought occurred on the day of 19 .

A motor vehicle numbered [give motor vehicle registration number] in respect of which the above-named Defendant [or Plaintiff] holds a policy of insurance issued by you [or as the case may be] was involved in the accident.

Dated this day of 19 .

Plaintiff/Solicitor for the Plaintiff

To:]

(a) Form 292 inserted by S.R. 1986 No. 218 with effect from 1.9.86.

FORM 293

[(a) . . .]

(a) Form 293 revoked by S.R. 1999 No. 129 with effect from 12.4.99

FORM 294

[(a) . . .]

(a) Form 294 revoked by S.R. 1999 No. 129 with effect from 12.4.99

[(a) FORM 295

Certificate under section 10 of the Foreign Judgments (Reciprocal Enforcement) Act 1933

ORDER 40, RULE 12(4)

[*Title of proceedings in which decree was obtained*]

I, Chief Clerk of the County Court HEREBY CERTIFY as follows:—

1. That Civil Bill No. [*or as the case may be*], a copy of which is annexed, was issued [(b) in] the County Court for the Division of [(c) . . .] by the above-named plaintiff against the above-named defendant.
2. That the said Civil Bill [*or other originating process as the case may be*] was duly served on the day of 19 upon the said defendant [*insert name of defendant*] by [*state mode of service*].
3. That the proceedings were defended by the defendant [*insert name of defendant*] [or, that the defendant gave notice of counterclaim dated 19].
4. That [no] objection has been made to the jurisdiction of the Court [on the grounds that *state ground of objection*].
5. That [the following] [no other] notices or other papers were lodged with the Court.
6. The said [*insert name of person obtaining decree*] obtained judgment against the said [*insert name of unsuccessful party*] for payment of the sum of £ [*or state any other relief ordered*], together with the sum of £ for costs.
7. That the time for giving notice of appeal has expired [or, will expire on *give date*].
8. That no notice of appeal has been given and no application for a re-hearing has been made.
9. That the decree carries interest at the rate of per cent per annum calculated on the judgment debt and costs from the date of the decree until payment.
10. That the enforcement of the decree is not for the time being stayed and that the time available for its enforcement has not expired.
11. This certificate is issued under section 10 of the Foreign Judgments (Reciprocal Enforcement) Act 1933.

Signed Chief Clerk

Dated the day of 19 .

(Seal)

]

(a) Form 296 inserted by S.R. 1986 No. 347 with effect from 1.1.87
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Words deleted from S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 296

[(b) Certificate under section 12 of the Civil Jurisdiction and Judgments Act 1982]

ORDER 40, RULE 13(3)

[*Title of proceedings in which decree was obtained*]

I, Chief Clerk of the County Court HEREBY CERTIFY as follows:—

1. That Civil Bill No. [*or as the case may be*], a copy of which is annexed, was issued [(c) in] the County Court for the Division of [(d) . . .] by the above-named plaintiff against the above-named defendant.
2. That the said Civil Bill [*or other originating process as the case may be*] was duly served on the day of 19 upon the said defendant [*insert name of defendant*] by [*state mode of service*].
3. That the proceedings were defended by the defendant [*insert name of defendant*] [or, that the defendant gave notice of a counterclaim dated 19].
4. The said [*insert name of person obtaining decree*] obtained judgement against the said [*insert name of unsuccessful party*] for the payment of the sum of £ [*or state any other relief ordered*], together with the sum of £ for costs.
5. That [no] objection has been made to the jurisdiction of the Court [on the grounds that *state ground of objection*].
6. That the decree carries interest at the rate of per cent per annum calculated on the judgement debt and costs from the date of the decree until payment.
7. That a copy of the decree has been served on the defendant in accordance with Order 40 Rule 13(2)(*d*).
8. [That no application to set the decree aside] [*or* no notice of appeal] has been lodged.
9. [That an application to set the decree aside] [*or* an appeal] [has been finally disposed of].
10. That enforcement of the decree is not for the time being stayed and that the time available for its enforcement has not expired.
11. This certificate is issued under section 12 of the Civil Jurisdiction and Judgments Act 1982.

Signed Chief Clerk

Dated the day of 19 .

(Seal)

]

(a) Form 296 inserted by S.R. 1986 No. 347 with effect from 1.1.87
(b) Words substituted by S.R. 1998 No. 21 with effect from 20.4.98
(c) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95
(d) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 297

Certificate of Money Provisions contained in a Decree for Registration under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982

ORDER 40, RULE 15

I, Chief Clerk of the County Court HEREBY CERTIFY as follows:—

1. That [*state name, address and description of plaintiff*] obtained a decree against [*state name, address and description of defendant*] on the day of 19 in the County Court for the Division of held at for the payment of the sum of £ for [*state shortly nature of claim*] together with £ for costs.
2. That the decree carries interest at the rate of per cent per annum calculated on the judgment debt and costs from the date of the decree until payment.
3. That the conditions specified in paragraph 3(*a*) and (*b*) of Schedule 6 to the Civil Jurisdiction and Judgments Act 1982 are satisfied in relation to the decree.
4. That enforcement of the decree is not for the time being stayed and that the time available for its enforcement has not expired.
5. This certificate is issued under Schedule 6 of the Civil Jurisdiction and Judgments Act 1982.

Signed Chief Clerk

Dated the day of 19 .

ENDORSEMENT TO BE MADE ON CERTIFICATE BY CHIEF CLERK

(*a*) Number of Civil Bill

(*b*) Amount remaining due on the decree £

(*c*) Rate of interest payable on the judgment debt and the date or time from which interest began to accrue

(*d*) Fee and costs for obtaining this certificate £]

[(a) FORM 298

Certificate issued under Schedule 7 to the Civil Jurisdiction and Judgments Act 1982 in respect of Non-Money Provisions

ORDER 40, RULE 16(3)

I, Chief Clerk of the County Court certify that the annexed copy decree is a true copy of a decree obtained in the County Court for the Division of , that it is issued in accordance with section 18 of the Civil Jurisdiction and Judgments Act 1982 and that the conditions specified in paragraph 3(*a*) and (*b*) of Schedule 7 to that Act are satisfied in relation to the decree.

This certificate is issued under paragraph 4(1)(*b*) of Schedule 7 to the Civil Jurisdiction and Judgments Act 1982.

Signed Chief Clerk

Dated the day of 19 .]

(a) Forms 297 and 298 inserted by S.R. 1986 No. 347 with effect from 1.1.87

[(a) FORM 299

Notice of application for an order under Article 25(3) of the Mental Health (Northern Ireland) Order 1986 that guardianship of a patient be transferred to the responsible Health and Social Services Board or other person approved for the purpose by the Board.

ORDER 52, RULE 5(1)

IN THE COUNTY COURT/RECORDER'S COURT
for the DIVISION OF
IN THE MATTER OF THE MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

BETWEEN

of

Applicant

an officer of the Health and Social Services Board
and

of

Respondent

TAKE NOTICE that [(b) . . .] on the day of 19 an application will be made to the Court under Article 25(3) of the Mental Health (Northern Ireland) Order 1986 for an order that the guardianship of (*name of patient*) at present residing at (*private address and, where applicable, name of hospital in which patient is*), a patient, be transferred from (*name*) of (*address*) to the Health and Social Services Board [*or* to (*name*) of (*address*) being a person approved for that purpose by the said Board].

The said patient was received into guardianship in pursuance of an application made on (*date*) as follows:—

Dated this day of 19 .

Applicant/Solicitor for Applicant.

To: the above-named Respondent and the Chief Clerk at (Courthouse)]

(a) Form 299 inserted by S.R. 1988 No. 100 with effect from 1.5.88
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(**a**) FORM 300

Order transferring guardianship of the patient under Article 25(3) of the Mental Health (Northern Ireland) Order 1986

ORDER 52, PART II

[Title as in Form 299]

UPON AN APPLICATION made the [date] under Article 25(3) of the Mental Health (Northern Ireland) Order 1986;

AND UPON READING the notice of application;

AND UPON HEARING

IT IS ORDERED THAT the guardianship of (*name and present place of residence of patient*), be transferred from (*name and address of present guardian*) to—

[1](*a*) The Health and Social Services Board, being the responsible Board;

[1](*b*) (*name and address of person appointed*), being a person approved for the purpose by the Health and Social Services Board.

Dated this day of 20 .

(Seal)

Signed
chief clerk

Note:

[1] Delete as applicable.]

(**a**) Form 300 inserted by S.R. 1988 No. 100 with effect from 01.05.88

[(a) FORM 301

Notice of Application for appointment of acting nearest relative under Article 36 of the Mental Health (Northern Ireland) Order 1986

ORDER 52, RULE 5(1)

[Title as in Form 299]

Between
of
Applicant
and
of
Respondent(s)

TAKE NOTICE that [(b) ...] on the day of 20 an application will be made to the Court under Article 36 of the Mental Health (Northern Ireland) Order 1986 for an order directing that the functions of the nearest relative of (name of patient) at present residing at (*private address and, where applicable, name of hospital in which patient is in residence*) under the Mental Health (Northern Ireland) Order be exercisable by the applicant [*or* by (*name and address of person proposed*)].

The ground upon which this application will be made is—

[1](*a*) that the patient has no nearest relative within the meaning of the Mental Health Order, or that it is not reasonably practicable to ascertain whether he has such a relative, or who that relative is;

[1](*b*) that the nearest relative of the patient is incapable of acting as such by reason of mental disorder or other illness;

[1](*c*) that the nearest relative of the patient unreasonably objects to the making of an application for assessment or a guardianship application in respect of the patient; or

[1](*d*) that the nearest relative of the patient has exercised without due regard to the welfare of the patient or the interests of the public his power to discharge the patient from hospital or guardianship under Part II of the Mental Health Order, or is likely to do so.

[2]The nearest relative of the said patient at the date of this application is (*name and address of nearest relative*).

The applicant is—

[1](*a*) a relative of the patient [give particulars];

[1](*b*) a person (other than a relative) with whom the patient is reading (or, if the patient is an in-patient in a hospital, was last residing before he was admitted) [give particulars];

[1](*c*) an approved social worker.

(a) Form 301 inserted by S.R. 1988 No. 100 with effect from 01.05.88
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

Dated this day of 20 .

Signed
Applicant/Solicitor for
Applicant.

To: the above-named Respondent and the chief clerk at (Courthouse)

Notes:

[1] Delete as applicable

[2] Delete if inapplicable.]

[(a) FORM 302

Order appointing a person to act as nearest relative of a patient under Article 36 of the Mental Health (Northern Ireland) Order 1986

ORDER 52, PART II

[Title as in Form 301]

UPON AN APPLICATION made the [date] under Article 36 of the Mental Health (Northern Ireland) Order 1986;

AND UPON READING the notice of application;

AND UPON HEARING ;

IT IS ORDERED THAT

(*name and address of person appointed*), being a person who, in the opinion of the Court, is a proper person to act as the patient's nearest relative and is willing to do so, do exercise the functions under the Mental Health (Northern Ireland) Order 1986 of the nearest relative
of
(*name and present place of residence of patient*).

AND IT IS FURTHER ORDERED that this appointment shall continue in force—

[1](*a*) for [here state the period specified by the Court under Article 36(4)];

[2](*b*) as provided for by Article 37(4) of the Mental Health Order.

Dated this day of 20 .

(Seal)

Signed
chief clerk

Notes:

[1] Delete in a case where the court has not specified a period under Article 36(4).

[2] Delete in a case where the Court has specified a period under Article 36(4).]

(a) Form 302 inserted by S.R. 1988 No. 100 with effect from 01.05.88

[(a) FORM 303

[*Suppl. No. 27 (Sept. 1995)*]

Notice of Application under Article 37 of the Mental Health (Northern Ireland) Order 1986 for discharge or variation of an order appointing a person to act as nearest relative under Article 36 of the Mental Health Order 1986

ORDER 52, RULE 5(1)

[*Title as in Form 301*]

TAKE NOTICE that [(b) . . .] on the day of 19 an application will be made to the Court under Article 37 of the Mental Health (Northern Ireland) Order 1986 for—

[1](*a*) discharge of the order dated made by Court appointing (*name and address of person appointed*) to exercise the functions of the nearest relative of (*name and present place of residence of patient*);

[1](*b*) variation of the order dated made by Court appointing (*name and address of person appointed*) to exercise the functions of the nearest relative of (*name and present place of residence of patient*) by substituting for the person so appointed (*name and address of person proposed*).

The application is made on the following grounds—

The applicant is [here give particulars, including the name and address of the applicant and the capacity, as prescribed by Article 37(1), (2) or (3) of the Mental Health Order, in which the application is made].

Dated this day of 19 .

Signed

Applicant/Solicitor for Applicant.

To: the above-named Respondent and the Chief Clerk at (Courthouse)

Note:
[1] Delete as applicable.]

(a) Form 303 inserted by S.R. 1988 No. 100 with effect from 1.5.88
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 304

Order of discharge/variation of appointment of a person to act as nearest relative under Article 36 of the Mental Health (Northern Ireland) Order 1986

ORDER 52, PART II

[*Title as in Form 301*]

UPON AN APPLICATION made the [date] under Article 37 of the Mental Health (Northern Ireland) Order 1986;

AND UPON READING the notice of application;

AND UPON HEARING

IT IS ORDERED THAT the order dated made by Court appointing (*name and address of person appointed*) to exercise the functions under the Mental Health (Northern Ireland) Order 1986 of the nearest relative of (*name and present place of residence of the patient*) be—

[1](*a*) discharged;

[1](*b*) varied by substituting for the person so appointed (*name and address of person substituted*), being a person who, in the opinion of the Court, is a proper person to exercise those functions and is willing to do so.

Dated this day of 19 .

(Seal)

Signed Chief Clerk

Note:
[1] Delete as applicable.]

(a) Form 304 inserted by S.R. 1988 No. 100 with effect from 1.5.88

[(a) FORM 305

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

(Article 5 and Schedule 2 paras. 1(1)(a))

Preliminary notice of application for the registration of a club

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I, (*full name*) of (*full address*), Secretary, intend to apply to the County Court/Recorder's Court sitting for the above division at a time not less than one year from the date of this notice for a grant of registration of (*full name of club*) of (*full address of club premises*).

[FURTHER TAKE NOTICE that I also intend to apply for a children's certificate at that time] [and for a direction under Article 33(4) of the above Order that the said certificate shall operate between the hours of and on .[1]

The objects of the club are (*state objects of club*)

Dated this day of 19 .

Signature of Secretary/
Solicitor.

To: The Chief Clerk at (*address of courthouse*).

Copy to:—

(i) the sub-divisional commander at
(*police sub-division in which the premises of the club are situated*);

(ii) the district council at
(*district council for the district in which the premises are situated*).

Note:

[1] Children's certificates can be operational for any time up until 9.00 p.m. However, an applicant can request that the certificate cease to be operational at an earlier time on a specified day or days. Insert the requested days and time.]

(a) Form 305 substituted by S.R. 1997 No. 61 with effect from 20.2.97

[(a) FORM 306

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

(Article 5 and Schedule 2 paras. 1(1)(b), (c) and (d))

Notice of application for the registration of a club

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I, *(full name)* of *(full address)*, Secretary, intend to apply to the County Court/Recorder's Court at *(specify courthouse and address)* for the above division at o'clock in the noon on the day of 19 for a grant of registration of *(full name of club)* of *(full address of club premises)*.

[FURTHER TAKE NOTICE that I also intend to apply at that time for a children's certificate at that time] [and for a direction under Article 33(4) of the above Order that the said certificate shall operate between the hours of and on .[1]

Preliminary notice of this application was given by notice dated the day of 19 .[2]

The owner of the premises is *(full name)* of *(full address)*

The objects of the club are *(state objects of club)*.

All of the information, particulars and documents required under paragraph 2(2) of Schedule 2 to the Registration of Clubs (Northern Ireland) Order 1996 are attached [3].

Dated this day of 19 .

Signature of Secretary/
Solicitor.

To: The Chief Clerk at *(address of courthouse)*.

Copy to:—

(i) the sub-divisional commander at *(police sub-division in which the premises of the club are situated)*;

(ii) the district council at *(district council for the district in which the premises are situated)*.

Notes:

[1] Children's certificates can be operational for any time up until 9.00 p.m. However, an applicant can request that the certificate cease to be operational at an earlier time on a specified day or days. Insert the requested days and time.

[2] Delete if inapplicable.

(a) Form 306 substituted by S.R. 1997 No. 61 with effect from 20.2.97

[3] Paragraph 2(2) of Schedule 2 to the Order requires an applicant for registration to attach such information, particulars and documents with respect to the club, its officials and members, its objects and activities, its accounts and financial standing as may be required by regulations made by the Department of Health and Social Services to the notice served on the Chief Clerk and the copy notices served on the sub-divisional commander and the district council.] *[Supplt. No. 33 (Feb. 1997)]*

[(a) FORM 307

[(b) REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996
(*Schedule 2 paras. 3 and 4*)]

Notice of intention to object to the grant of registration of a club

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I, (*full name*) of (*full address*), being [sub-divisional commander for the police sub-division in which] [1] [the district council for the district in which] [1] [a person owning, residing or carrying on business in premises in the vicinity of which] [1] the premises of the club are situated intend at the hearing of the application for the grant of registration (*place of hearing*) on (*date of hearing*) to appear and object to such grant on the following grounds (being grounds specified in [(c) Article 5(5) or (6) of the above Order).

(*state briefly and precisely the grounds of objection*)

Dated this day of 19 .

Signature of Objector or
his Solicitor.

To: (*full name of club*) at (*full address of club*).

Copy to the Chief Clerk at (*address of courthouse*).

Note:

[1] Insert as applicable.]

(a) Form 307 substituted by S.R. 1988 No 234 with effect from 1.7.88
(b) Heading substituted by S.R. 1997 No. 61 with effect from 20.2.97
(c) Words substituted by S.R. 1997 No. 61 with effect from 20.2.97

[(a) FORM 307A

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

Notice of intention to object to the application for a children's certificate

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

TAKE NOTICE that I (*full names*) of *(*full address*), being [sub-divisional commander of the police sub-division in which the premises of the club are situated] [or an officer of the district council in which the premises of the club are situated] [or a person owning or residing in premises in the vicinity of the premises of the club] [1] intend at the County Court Recorder's Court sitting at
to appear and object to the granting of a children's certificate to (*full name of club*) having its premises at
(*full address of premises of club*) on the following grounds (*state briefly and precisely the grounds of objection*), being grounds specified in Article 33(2) of the above Order. [2]

Dated this day of 19 .

Signature of Objector or
his Solicitor.

To the Applicant

Copy to the Chief Clerk at (*address of courthouse*).

Notes:

* if sub-divisional commander, state sub-divisional headquarters.

[1] Delete if inapplicable.

[2] The following may be grounds for objecting to the granting of a children's certificate:

(*a*) that the part of the premises to which the application relates does not constitute an environment in which it is suitable for a person under the age of 18 to be present, or

(*b*) meals and suitable beverages other than intoxicating liquor (including drinking water) will not be made available for consumption in the part of the premises to which the application relates when the children's certificate is operational, or

(*c*) that the part of the premises to which the application relates is not equipped with an adequate number of tables and chairs, or

(*d*) prescribed conditions have not been complied with.]

(a) New Form 307A inserted by S.R. 1997 No.. 61 with effect from 20.2.97

[(a) . . .]

(a) Form 308 revoked by S.R. 2002 No. 255 with effect from 4.11.02

[(a) FORM 309

Petition for Declaration as to adoption effected overseas

ORDER 53, RULE 4(1)

IN THE COUNTY COURT/RECORDER'S COURT
for the Division of

IN THE MATTER OF Part V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.

THE PETITION of of

showeth as follows:

1. Your petitioner was born on the day of 19 , at in the county/city of .

2. The persons who are to be respondents to this petitioner are residing at and residing at (*here enter the names and addresses of the persons whom the petitioner claims are [or are not] his adoptive parents*).

3. Your petitioner refers to the adoption order a copy [and translation] of which is attached made at by on the day of 19 .

4. Your petitioner is domiciled and resident in Northern Ireland at [*or* your petitioner has been habitually resident in Northern Ireland throughout the past year having resided at the following address(es):

   (a)

   (duration:)

   (b)

   (duration:)

   (c)

   (duration:)].

5. Your petitioner prays for a declaration that (*here state terms of declaration sought*) on the grounds that

6. A copy of your petitioner's birth certificate is attached.

Signed

Petitioner

Dated]

(a) Form 309 inserted by S.R. 1989 No. 306 with effect from 1.9.89

[(a) FORM 310

Endorsement on petition for declaration under Part V of the Metrimonial and Family Proceedings (Northern Ireland) Order 1989

ORDER 53, RULE 9

[*Title as in Form 308*]

TAKE NOTICE that [(b) . . .] this matter is intended to be dealt with [(b) . . .] on the day of 19 , and will be held at . If you do not attend either in person or by your solicitor at the aforesaid Court at the hour of on the day of 19 .* such declaration will be made as the Court thinks fit. If you wish to object to the making of a declaration in the terms sought you must within 10 days of the service hereof send a notice of objection in Form 311 addressed to the chief clerk at the aforesaid court.

Dated

Signed Chief Clerk]

* Day for hearing as in Court calendar

[(a) FORM 311

Notice of objection to making of Declaration under Part V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989

ORDER 53, RULE 11

[*Title as in Form 308*]

WHEREAS I have been served with a copy of the petition of praying for a declaration that

AND WHEREAS the petition is to be dealt with at on the day of 19 at the hour of .

TAKE NOTICE that I intend to object to the making of the Declaration in the terms sought and wish to be heard in the proceedings. The grounds of my objection may be summarised as follows:

Dated

Signed

Respondent/
Solicitor for Respondent]

(a) Forms 310 and 311 inserted by S.R. 1989 No. 306 with effect from 1.9.89
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

FORM 312

[(a) . . .]

[(b) FORM 313

Declaration as to adoption effected overseas under Article 33 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989

ORDER 53, RULE 13(2)

[*Title as in Form 312*]

UPON READING the petition of (*the petitioner*) and upon hearing the petitioner and upon hearing (*the respondent*)

IT IS DECLARED* that, the said the petitioner was [*or* was not] adopted for the purposes of section 4(3) of the Adoption (Hague Convention) Act (Northern Ireland) 1969 on the day of 19 , in (*country where the adoption took place or did not take place*) by (*the actual or alleged adoptive parent*), then for the purposes of Article 40 of the Adoption (Northern Ireland) Order 1987 the said , the petitioner, is [*or* is not] the adopted child of the said (*the actual or alleged adoptive parent*).

Dated

* *or where the adoption is or is not recognised by the law of Northern Ireland and was not effected under the law of any country outside the United Kingdom, the Channel Islands and the Isle of Man, the following form shall be used:—*

. . . that, because the said the petitioner, was [*or* was not] adopted for the purposes of being recognised under the law of Northern Ireland on the day of 19 , in (*country where the adoption took place or did not take place*) by (*the actual or alleged adoptive parent*), then for the purposes of Article 40 of the Adoption (Northern Ireland) Order 1987 the said , the petitioner is [*or* is not] the adopted child of the said (*the actual or alleged adoptive parent*).

* *Delete as applicable*]

(a) Form 312 revoked by S.R. 2002 No. 255 with effect from 4.11.02
(b) Form 313 inserted by S.R. 1989 No. 306 with effect from 1.9.89

[(a) FORM 314

[*Supplt. No. 27 (Sept. 1995)*]

Notice of application to the County Court in respect of a contentious business agreement under Part V of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 11(1)

IN THE COUNTY COURT/RECORDER'S COURT

FOR THE DIVISION OF

IN THE MATTER OF PART V OF THE SOLICITORS (NORTHERN IRELAND) ORDER 1976

BETWEEN

of

APPLICANT

AND

of

RESPONDENT

TAKE NOTICE that [(b) . . .] on the day of 19 , an application will be made to the Court under Article of the Solicitors (Northern Ireland) Order 1976 for an order or determination in respect of a contentious business agreement that [*here insert terms of order or determination sought*].

A copy of the agreement is attached.

The grounds of this application are as follows:

Signed

Dated Applicant/Solicitor for Applicant

To the Chief Clerk at

and to the above named Respondent.]

(a) Form 314 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 315

Notice of application to the [(b) District Judge] in respect of a contentious business agreement under Part V of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 11(2)

BY THE [(b) DISTRICT JUDGE]

IN THE COUNTY COURT/RECORDER'S COURT

FOR THE DIVISION OF

IN THE MATTER OF PART V OF THE SOLICITORS (NORTHERN IRELAND) ORDER 1976

BETWEEN

of

APPLICANT

AND

of

RESPONDENT

TAKE NOTICE that [(c) . . .] on the day of 19 , an application will be made to the [(b) District Judge] under Article of the Solicitors (Northern Ireland) Order 1976 for the examination of a contentious business agreement made with the above named respondent.

A copy of the agreement is attached.

The grounds of this application are as follows:

Signed

Dated Applicant/Solicitor for Applicant

To the Chief Clerk at

and to the above named Respondent.]

(a) Form 315 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(c) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 316

[*Supplt. No. 19 (Jan. 1990)*]

Order or determination of the County Court in respect of a contentious business agreement under Part V of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 11(6)

[*Title of Application*]

UPON AN APPLICATION made (*date*) to the [Court] [(b) district judge] under Article of the Solicitors (Northern Ireland) Order 1976.

[AND UPON THE MATTER being referred to the Court by the [(b) district judge].

AND UPON READING the notice of application together with the contentious business agreement to which it relates.

AND UPON HEARING

IT IS ORDERED that

AND IT IS ORDERED that the costs of this application and the costs of and incidental to this order be paid by the applicant/respondent.

Dated this day of 19

(Seal)

Signed Chief Clerk]

(a) Form 316 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

[(a) FORM 317

Notice of application to the County Court under Article 71F(1) of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 12(1)

IN THE COUNTY COURT/RECORDER'S COURT for the Divison of

IN THE MATTER of an application under Article 71F(1) of the Solicitors (Northern Ireland) Order 1976.

BETWEEN [SOLICITOR]*

of

APPLICANT

AND [SOLICITOR]*

of

RESPONDENT

TAKE NOTICE that [(b) . . .] on the day of 19 , an application will be made to the Court under Article 71F(1) of the Solicitors (Northern Ireland) Order 1976 to determine a dispute in regard to the retainer of the above named solicitor, the applicant/respondent.

The grounds of this application are as follows:

A copy of the bill of costs is attached.

(Dated)

Signed Applicant/Solicitor for Applicant

To the Chief Clerk at

and to the above named Respondent.

*Delete if inapplicable.]

(a) Form 317 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 318

[*Supplt. No. 19 (Jan 1990)*]

Order by County Court on an application under Article 71F(1) of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 12(1)

[*Title of Application*]

UPON AN APPLICATION made (*date*) under Article 71F(1) of the Solicitors (Northern Ireland) Order 1976 for the determination of a dispute in regard to the retainer of the above named solicitor the applicant/respondent,

AND UPON READING the notice of application [together with the bill of costs]

AND UPON HEARING

IT IS DETERMINED that a proper retainer [does] [does not] exist between the applicant and respondent.

AND IT IS ORDERED that the applicant's (respondent's) bill of costs be [delivered and] taxed.

AND IT IS FURTHER ORDERED that the costs of this application and the costs of and incidental to this order be paid by the

Dated the day of 19 .

(Seal)

Signed Chief Clerk]

(a) Form 318 inserted by S.R. 1989 No. 480 with effect from 1.1.90

[(a) FORM 319

Notice of application to the [(b) District Judge] under Article 71F(2) of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 12(2)

BY THE [(b) DISTRICT JUDGE]

In the County Court for the Division of

IN THE MATTER of an application under Article 71F(2) of the Solicitors (Northern Ireland) Order 1976

BETWEEN

of

APPLICANT

AND

of

RESPONDENT

TAKE NOTICE that [(c) . . .] on the day of 19 , an application will be made to the [(b) District Judge] under Article 71F(2) of the Solicitors (Northern Ireland) Order 1976 for an order.

[1. For the delivery and taxation of the bill of costs of the above named the Respondent (Article 71F(2)(a))]*

[2. For the taxation of the bill of costs delivered by the above named the Respondent, a copy of which, endorsed with particulars of delivery is attached (Article 71F(2)(b))]*

[3. For the taxation of the bill of costs delivered to the above named the Respondent, a copy of which endorsed with particulars of delivery is attached (Article 71F(2)(c)) and where no other order for taxation has been made.

The grounds of the application are as follows:

Applicant/Solicitor for Applicant

To the Chief Clerk at

and to the above named Respondent

*Delete if inapplicable.]

(a) Form 319 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(c) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 320

[*Suppl. No. 19 (Jan. 1990)*]

Order of [(b) District Judge] on application under Article 71F(2) of the Solicitors (Northern Ireland) Order 1976

ORDER 52, RULE 12(2)

[*Title of Application*]

UPON AN APPLICATION made (*date*) under Article 71F(2) of the Solicitors (Northern Ireland) Order 1976.

AND UPON READING the notice of application [together with the bill of costs]

AND UPON HEARING

IT IS ORDERED that

[the bill of costs of the above named respondent be delivered and taxed, Article 71F(2)(a)]*

[the bill of costs, already delivered by the above named Respondent, on (*date*) be taxed, Article 71F(2)(b)]*

[the bill of costs delivered to the above named Respondent, on (*date*) be taxed, Article 71F(2)(c)]*

AND IT IS ORDERED that the costs of this application and the costs of and incidental to this order be paid by

Dated the . day of 19 .
(Seal)

Signed

Chief Clerk

*Delete if inapplicable.]

(a) Form 320 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

[(a) FORM 321

Notice of date when costs will be taxed

ORDER 55, RULE 5A(2)

[*Title as in Form 1*]

TAKE NOTICE that the costs in this case will be taxed at on at .

[A copy of the bill/agreement is enclosed]*

Dated this day of 19 .

Signed

Chief Clerk

*Delete if inapplicable.]

(a) Form 321 inserted by S.R. 1989 No. 480 with effect from 1.1.90

[(a) FORM 322

Certificate of the [(b) District Judge] upon taxation under Part V of the Solicitors (Northern Ireland) Order 1976

ORDER 55, RULE 5A(3)

[*Title as in Form 1*]

I HEREBY CERTIFY that in pursuance of an order of the court [(**b**) district judge] dated the day of 20 , I HAVE TAXED [the bill of costs of]* [the cost payable under a contentious business agreement made between
and .]*
Amount claimed: £
Items Disallowed:

Deductions: £
Cost of taxation: £
Amount certified: £

Dated this day of 20
Signed [(**b**) District Judge]

* Delete if inapplicable]

(**a**) Form 322 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

[(a) FORM 323

[(b) Application for order under section 114, 204, or 231 of the Copyright, Designs and Patents Act 1988 or under section 97 of the Trade Marks Act 1994]

ORDER 52, RULE 13

IN THE COUNTY COURT/RECORDER'S COURT FOR THE DIVISION OF

TAKE NOTICE that I, of intend to apply to the County Court/Recorder's Court sitting at for the above Division commencing at o'clock on the day of 20 , for:

[an order for forfeiture of the copies or other articles specified in this Notice;]*

[an order that the copies or other articles specified in this Notice be destroyed or otherwise dealt with as the Court may think fit;]*

[a decision that no order for forfeiture or destruction of the copies or other articles specified in this Notice should be made.]*

The copies or other articles to which this application relates are:

(here list all copies or articles in respect of which the application is made)

The value of the said copies or articles is:

This application is made under *(here specify the statutory provision under which the application is made)* and the grounds of this application are:

(here state briefly the grounds of the application, including a statement of the applicant's interest in the said copies or articles

[There have been no previous proceedings in respect of the said copies or articles]*
[The following proceedings have already been taken in respect of the said copies or articles

(here specify details of all previous proceedings in respect of the articles and copies, including details of Court orders made)]

A copy of this notice has been served on *(here specify those persons on whom notice has been served in compliance with Order 52, Rule 13(2))*

Dated this day of 20

.....
Signature of Applicant or
Applicant's Solicitor

*Delete if inapplicable.]

(a) Form 323 inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) Title amended by S.R. 2006 No. 521 with effect from 8.1.07

[(a) FORM 324

Notice of appeal (by applicant) to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Between

of

Appellant

and

the Secretary of State

Respondent

Application No.

TAKE NOTICE that the Appellant hereby appeals to the County Court against the decision/determination/order of the Secretary of State dated the day of 19 in respect of the above-numbered application served on him on the day of 19 (in case of postal service state date on which notice of decision/determination/order was delivered to applicant or his solicitor) and the appeal will be heard at the sitting of the Court for the above-named Division to be held at on a date to be notified to the parties by the chief clerk.

The appeal is against the entire decision/determination/order on the grounds set out below [or so much of the decision/determination/order as relates to the items set out below in numerical order on the grounds specified against each item] — [(add if applicable). The applicant has already been paid the sum of £ on account of compensation under Article 12(1) of the said Order of 1977.]

Dated this day of 19 .

Signature of Appellant/Solicitor for Appellant

Name and address of Agent/Solicitor

(a) Form 324 inserted by S.R. 1992 No. 249 with effect from 1.7.92

To:—

(*a*) The Chief Clerk at
(*address of Courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

[(*c*)
(name(s) of person(s) upon whom notice has been served by the Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of—

(*a*) the decision/determination/order of the Secretary of State served on the appellant under Article 15 of the Order endorsed with a certificate as to the date of service of the notice on the appellant;

(*b*) a copy of any written form of application for compensation served on the Secretary of State under Article 8 of the Order;

must be delivered to the chief clerk with this notice of appeal.]

[(a) FORM 325

[*Suppl. No. 23 (January 1993)*]

Notice of Appeal (by person other than applicant) to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[*Title as in Form 324*]

Application No.

TAKE NOTICE that I of being a person affected by the decision/determination/order of the Secretary of State in respect of the above-numbered application served on me on the day of 19 (in the case of postal service state date on which notice of decision/determination/order was delivered to applicant or his solicitor) do hereby appeal to the County Court against such decision/determination/order and the appeal will be heard at the sitting of the Court for the above-named Division to be held at on a date to be notified to the parties by the chief clerk.

The appeal is against the entire decision/determination/order on the grounds set out below [or so much of the decision/determination/order as relates to the items set out below in numerical order on the grounds specified against each item]—

Dated this day of 19 .

Signature of Appellant/Solicitor for Appellant

Name and address of Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(*address of Courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

[(*c*)
(name(s) of person(s) upon whom notice has been served by the Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of the decision/determination/order of the Secretary of State served on the appellant under Article 15 of the Order endorsed with a certificate as to the date of service of the notice on the appellant must be delivered to the chief clerk with this notice of appeal.]

(a) Form 325 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 326

Notice of Appeal to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against decision of Secretary of State upon request submitted to him under Article 7(3) of that Order

[*Title as in Form 324*]

TAKE NOTICE that the appellant hereby appeals to the County Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the decision of the Secretary of State dated the day of 19 served on him on the day of 19 (in case of postal service state date on which notice of decision was delivered to appellant or his solicitor) to refuse the request of the appellant dated the day of 19 that the period within which preliminary notice of his claim to compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in accordance with Article 7(1) of that Order may be extended under Article 7(3) thereof.

Dated this day of 19 .

Signature of Appellant/Solicitor for Appellant

Name and address of Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(*address of Courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

[(*c*)
(name(s) of person(s) upon whom notice has been served by Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of the preliminary notice sought to be served under Article 7 (1) must be attached to this notice served on the chief clerk.]

(a) Form 326 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 327

Notice of Appeal to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against decision of Secretary of State to refuse to extend time under Article 8 for making application for compensation

[*Title as in Form 324*]

TAKE NOTICE that the appellant hereby appeals to the County Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the decision of the Secretary of State dated the day of 19 served on him on the day of 19 (in case of postal service state date on which notice of decision was delivered to appellant or his solicitor) to refuse the request of the appellant dated the day of 19 that the period of four months from the date on which the appellant served on the Secretary of State the preliminary notice (a copy of which is attached hereto) of his claim for compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in accordance with Article 7(1) thereof, namely the day of 19 , be extended under Article 8(1) thereof to a longer period not exceeding twelve months from the date of such service.

Dated this day of 19 .

Signature of Appellant/Solicitor for Appellant

Name and address of Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(*address of Courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

[(*c*)
(name(s) of person(s) upon whom notice has been served by the Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of the preliminary notice served under Article 7(1) and any application sought to be served on the Secretary of State under Article 8 of the Order must be attached to this notice served on the chief clerk.]

(a) Form 327 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 328

Certificate of Order by County Court allowing appeal (by applicant) under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the County Court Division of

IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF an appeal under Article 15 of the Order against a decision/determination/order of the Secretary of State in respect of Application No. for compensation under that Order.

Between

of Appellant

and The Secretary of State

Respondent

UPON AN APPEAL made by the appellant on the day of 19 under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard at the sitting;

AND WHEREAS the appellant under the decision/determination/order of the Secretary of State dated and served on the appellant [it is entitled to receive] [*or* has received] the sum of £ specified as due to the appellant in that decision/determination/order by way of compensation [together with the sum of £ payable under Article 12(2) of the Order] and the appellant has appealed against [the entire decision/determination/order of the Secretary of State] [*or* so much of the decision/determination/order as relates to the items specified in the notice of appeal] on the grounds specified in the notice of appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found that the sum of £ is payable by the respondent Secretary of State to the appellant as compensation for the loss suffered by the appellant [together with the sum of £ payable by the Secretary of State under Article 12(2) of the Order].

IT WAS ORDERED that the [additional] sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses;

[AND IT WAS FURTHER ORDERED that the sum of £ lodged in Court by the respondent be forthwith paid out to the appellant in part satisfaction of the amount decreed, costs and expenses.]

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 19 .

Chief Clerk

(Seal) Solicitor for Appellant]

(a) Form 328 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 329

[*Supplt. No. 23 (January 1993)*]

Certificate of Order by County Court allowing appeal (by person other than applicant) under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[*Title as in Form 328*]

UPON AN APPEAL by the appellant on the day of 19 under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard at the sitting;

IT APPEARING THAT on the day of 19 the respondent Secretary of State served on the appellant a copy of his decision/determination/order made on an application for compensation under the said Order of 1977 by

(full names)

of

(full address)

to the following effect, namely—

(state terms of decision/determination/order);

AND IT FURTHER APPEARING that the appellant having the following estate or interest, namely—

in the subject matter of the application was aggrieved by the said decision/determination/order;

AND THE COURT HAVING EXAMINED into the matter of said appeal and having found that the sum of £ is payable by the Secretary of State to the appellant as compensation for the loss suffered by the appellant;

IT WAS ORDERED that the sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses.

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 19 .

(Seal) Chief Clerk

Solicitor for Appellant]

(a) Form 329 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 330

Certificate of Order by County Court allowing appeal from refusal of request submitted to Secretary of State under Article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[Title as in Form 328]

UPON AN APPEAL made by the appellant on the day of 19 under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard [(b) on the day of 19];

AND WHEREAS the appellant submitted a request under Article 7(3) of the said Order of 1977 to the Secretary of State in writing dated the day of 19 to extend the period specified in Article 7(1) thereof for serving a preliminary notice of intention to claim compensation under the Order in respect of the following act

(state briefly details of act giving rise to claim for compensation)
alleged to have been committed on the day of 19 and the Secretary of State on the day of 19 served upon the appellant notice of his decision to refuse that request;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED that the appellant be allowed to serve such preliminary notice on the Secretary of State not later than the day of 19 ;

AND IT WAS ORDERED that the appellant be paid by the respondent Secretary of State the sum of £ for the costs of this appeal;

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sum for costs is payable by the respondent Secretary of State.

Dated at this day of 19 .

(Seal) Chief Clerk

Solicitor for Appellant]

(a) Form 330 inserted by S.R. 1992 No. 249 with effect from 1.7.92.
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 331

Certificate of Order by County Court allowing appeal against decision of Secretary of State to refuse to extend time under Article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for making application for compensation

[*Title as in Form 328*]

UPON AN APPEAL made by the appellant on the day of 19 under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard [(b) on the day of 19];

AND WHEREAS the appellant served preliminary notice under Article 7(1) of that Order of his intention to claim compensation thereunder on the Secretary of State dated the day of 19 and the appellant failed within four months from that date to make an application to the Secretary of State for such compensation in accordance with Article 8 of that Order and the Secretary of State on the day of 19 served notice of his decision not to allow such longer period for service of such notice as is specified in Article 8(1) thereof;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED that the appellant be allowed to make such application to the Secretary of State not later than the day of 19 ;

AND IT WAS ORDERED that the appellant be paid by the respondent Secretary of State the sum of £ for the costs of this appeal;

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sum of costs is payable by the respondent Secretary of State.

Dated at this day of 19 .

(Seal)

Chief Clerk

Solicitor for Appellant]

(a) Form 331 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 332

Order by County Court dismissing an appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 from decision/determination/order by Secretary of State on claim for compensation under that Order

[Title as in Form 328]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision/determination/order of the respondent Secretary of State to the following effect:—

(state briefly relevant terms of decision/determination/order as the case may be);

AND IT FURTHER APPEARING that the appellant has failed to prove that the sum of £ claimed as compensation under the Order [*and/or* the sum of £ claimed under Article 12(2) of the Order] is payable to the appellant by the respondent;

IT IS THEREFORE ORDERED by the Court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

(Seal) Chief Clerk

Solicitor for Respondent]

[(a) FORM 333

Order by County Court dismissing appeal for refusal of request submitted to Secretary of State under Article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[Title as in Form 328]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision under Article 7(3) of that Order of the respondent Secretary of State to extend the period specified in Article 7(1) thereof for service on the Secretary of State by the appellant of a preliminary notice of intention to claim compensation under that Order;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED by the Court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Chief Clerk

(Seal) Solicitor for Respondent]

(a) Forms 332 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 334

Order by County Court dismissing appeal against decision of Secretary of State to refuse to extend time under Article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for making application for compensation

[*Title as in Form 328*]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision of the respondent Secretary of State not to allow the appellant to make any application under Article 8 of the said Order for compensation thereunder within the period specified in Article 8(1) thereof from the date on which the appellant served on the respondent Secretary of State preliminary notice under Article 7(1) of that Order of his intention to apply for such compensation;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED by the Court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

(Seal)

Chief Clerk

Solicitor for Respondent

FORM 335

Notice of Payment into Court (Appeals)

[*Title as in Form 324*]

TAKE NOTICE that the respondent Secretary of State has paid into Court the sum of £ being £ in satisfaction of so much of the appellant's claim for compensation under the Order [*and/or* £ payable under Article 12(2) of the Order] as is the subject of the appeal and in the event of the appellant accepting the amount so paid, the Secretary of State undertakes to pay to the appellant the amount of any costs or expenses reasonably incurred by him between the date on which the Secretary of State served on him notice of his decision/determination/order under Article 15(1) of the Order and the date of lodgment (such costs and expenses to be settled in default of agreement by the district judge or by the Judge on appeal).

Signed:

(Rank) on behalf of the Secretary of State/Solicitor for Secretary of State

To the Appellant]

(a) Forms 334 and 335 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 336

Notice of acceptance of sum lodged in Court (Appeals)

[*Title as in Form 324*]

TAKE NOTICE that the appellant accepts the sum of £ paid into Court by the respondent Secretary of State being £ in satisfaction of so much of his claim for compensation under the Order [*and/or* £ for such sum as is payable by the Secretary of State under Article 12(2) of the Order] as is the subject of the appeal without prejudice to his rights on foot of the respondent's undertaking regarding costs and expenses.

Signed:

Appellant/Solicitor for
Appellant

(Date)

To the respondent Secretary of State and to the Chief Clerk]

[(a) FORM 337

Order approving acceptance by Minor, in satisfaction, of sum lodged by Secretary of State

[*Title as in Form 328*]

IT APPEARING TO THE COURT that notice of appeal under Article 15 of the Order was duly served on the respondent Secretary of State for hearing [(b) . . .] and that the [additional] sum of £ is payable by the Secretary of State as compensation under the Order [together with the sum of £ for such sum as is payable under Article 12(2) of the Order, making the total amount payable £];

IT IS THEREFORE ORDERED that the chief clerk do out of the sum lodged in Court by the Secretary of State on foot of this claim pay the sum of £ to and transfer the balance, namely £ from the Criminal Injuries Account to the separate credit of , a Minor, without prejudice to the appellant's rights on foot of the respondent's undertaking regarding costs and expenses, to which there shall be added the sum of £ costs of this application and order;

AND IT IS FURTHER ORDERED that the sum when so transferred be invested in to abide further order;

AND IT APPEARING TO THE COURT that the said is a Minor having been born on the day of 19 and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed as such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order.

Dated at this day of 19 .

Signed:

Chief Clerk

Signed:

(Seal)

Solicitor for Appellant]

(a) Forms 336 and 337 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(**a**) FORM 338

Order for payment out of sum not greater than Secretary of State's lodgment (with directions as to application of funds in Court)

[Title as in Form 328]

IT APPEARING TO THE COURT that notice of appeal under Article 15 of the Order was duly served on the respondent Secretary of State for hearing [(**b**) ...] and that the sum of £ is payable to the Secretary of State to the appellant as compensation under the Order [together with the sum of £ for such sum as is payable by the Secretary of State under Article 12(2) of the Order, making the total amount payable £];

AND IT FURTHER APPEARING TO THE COURT that the respondent Secretary of State did on the day of 20 pay into Court the sum of £ in satisfaction of so much of the appellant's claim to compensation [and £ in satisfaction of so much of such sum payable under the said Article 12(2)] as is the subject of the appeal [each of] which said sum(s) so lodged is not less than the amount payable as recited above;

IT IS THEREFORE ORDERED by the Court that there be paid out of the sums so lodged in Court as aforesaid (1) to the Secretary of State the sum of £ being costs for the payment of which the appellant is liable under Rule 4 of Order 54 as determined by the Court and (2) to the appellant the sum of £ *in satisfaction of his claim for compensation [and for such sum as is payable by the Secretary of State under Article 12(2) of the Order].

AND IT IS FURTHER ORDERED that the balance of the said sum so lodged in Court, namely £ , be paid out to the Secretary of State.

Dated at this day of 20 .

Signed:
chief clerk

(Seal)

Signed:
Solicitor for Appellant

* Amount awarded for compensation under the Order together with any sum payable under Article 12(2) less the Secretary of State's costs of the appeal.]

(**a**) Form 338 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(**b**) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(a) FORM 339

Order where appellant does not obtain on appeal sum greater than amount lodged and is a Minor

[Title as in Form 328]

IT APPEARING TO THE COURT that notice of appeal under Article 15 of the Order was duly served on the respondent Secretary of State for hearing [(b) ...] and that the [additional] sum of £ is payable by the Secretary of State to the appellant as compensation under the Order [and £ for such sum as is payable by the Secretary of State under Article 12(2) thereof] and that the Secretary of State has lodged in Court the sum of £ in satisfaction of the appellant's claim for such compensation [and £ for such sum] [*or* so much of such compensation] [*or* of such sum] as was the subject of the appeal from the Secretary of State's decision/determination];

IT IS ORDERED that the chief clerk do out of the sum lodged in Court by the Secretary of State on foot of this claim pay thereout the sum of £ to and to transfer the balance, namely, £ from the Criminal Injuries Account to the separate credit of, a Minor;

AND IT IS FURTHER ORDERED that the sum when so transferred to be invested in

AND IT APPEARING TO THE COURT that the appellant is a Minor, having been born on the day of 20 , and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed.

IT IS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the appellant during his minority or until further order.

Dated at this day of 20 .

Signed:

chief clerk

(Seal)

Signed:

Solicitor for Appellant]

(a) Form 339 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(a) FORM 340

Application under Article 16(1) or 17(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for order directing offender or person to whom compensation has been paid to reimburse to Secretary of State compensation paid under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 16(1) [(17(4)] of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

Between

the Secretary of State

Applicant

and

of

Respondent

WHEREAS compensation has been paid [is payable] by the Secretary of State under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of the following damage to [or loss as a result of the unlawful removal of] property:—

(*details of damage or loss*)

being damage [or loss] directly attributable to the following offence:—

(*details of offence*)

committed at on the day of 19 ;

AND WHEREAS it appears that you (*name*)
of (*address*)
were on the day of 19 convicted by the Court sitting at of that offence;

[AND WHEREAS it appears that the Respondent failed to make full and true disclosure of the following facts material to the determination of the application for compensation, that is to say—

(*give details*)

APPLICATION IS HEREBY MADE under Article 16(1) [17(4)] of the said Order of 1977 by the Secretary of State to the County Court/Recorder's Court for the above Division [at the sitting to be held at on the day of 19 at the hour of at Courthouse] for an order directing you to reimburse to the Secretary of State the said sum paid [or payable] under the said Order or such part thereof as the Court may direct.

(a) Form 340 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[*Supplt. No. 23 (January 1993)*]

Dated this day of 19 .

Signed:
Solicitor for Secretary of State

To

of]

[(a) FORM 341

[*Supplt. No. 27 (Sept. 1995)*]

Order under Article 16(1) or 17(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 directing offender or person to whom compensation has been paid to reimburse to Secretary of State compensation paid under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 16(1) [17(4)] of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

Between

the Secretary of State

Applicant

and

of

Respondent

IT APPEARING TO THE COURT that an application under Article 16(1) [17(4)] of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made to the Court [(b) on the day of 19];

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ by the Secretary of State as compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of the following damage to [or loss as a result of the unlawful removal of] property:—

(*details of damage or loss*)

being damage [or loss] directly attributable to the following offence:—

(*details of offence*)

committed at on the day of 19 and that on the day of 19 the Respondent was convicted by the Court sitting at of the said offence;

(a) Form 341 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

uppIt. No. 27 (Sept. 1995)]

[AND IT FURTHER APPEARING that the Respondent failed to make full and true disclosure of all the facts material to the determination of the application for compensation]

IT IS THEREFORE ORDERED AND DIRECTED that the Respondent reimburse to the Secretary of State the sum of £ being [part of] the sum paid [or payable] under the said Order of 1977 [together with the sum of £ for the costs and £ for witnesses' fees and expenses incurred on the hearing of this application making £ in the aggregate] [by instalments, the first of such instalments to be for the sum of £ and to be paid on the day of 19 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the sum is paid].

Dated at this day of 19 .

Signed:
Chief Clerk

(Seal)

Signed:
Solicitor for Secretary of State]

[(**a**) FORM 342

Application under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for variation of order under Article 16(1) for reimbursement to Secretary of State of compensation paid or payable under that order

IN THE COUNTY COURT/RECORDER'S COURT
FOR THE DIVISION OF

IN THE MATTER of an application under Article 16(4) of the Criminal Damage (Compensation (Northern Ireland) Order 1977.

Between

Applicant

and

Respondent

WHEREAS on the day of 20 an Order under Article 16(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made by the Court sitting at for the above Division directing the [Applicant] [Respondent] [(*name*) of (*address*) to reimburse to the Secretary of State the sum of £ being [part of] a sum of £ paid [*or* payable] by the Secretary of State under Criminal Damage (Compensation) (Northern Ireland) Order 1977 as compensation for damage to (*or* loss as a result of the unlawful removal of] property which was damage [*or* loss] attributable to an offence of which the [Applicant] [Respondent] was convicted by the Court on the day of 20 together with £ for costs and £ for witnesses' fees and expenses making £ in the aggregate.

APPLICATION IS HEREBY MADE under Article 16(4) of the said Order of 1977 by the Applicant to the County Court/Recorder's Court for the above division [(**b**)[(**c**)...]] on the day of 20 at the hour of at Courthouse for an order varying the order for such reimbursement on the following grounds;

Dated this day of 20 .

Applicant/Solicitor for Applicant]

(**a**) Form 342 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(**b**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95
(**c**) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(**a**) FORM 343

Order under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 varying order under Article 16(1) of that Order for reimbursement to Secretary of State of compensation paid or payable under that Order

BY THE COUNTY COURT JUDGE/RECORDER
FOR THE DIVISION OF

IN THE MATTER of an application under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Between [of]
[the Secretary of State]
Applicant
and [the Secretary of State] [of]
Respondent

IT APPEARING TO THE COURT that an application under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made to the Court [(**b**) on the day of 20];

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ by the Secretary of State as compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 as compensation for damage to [, *or* loss as a result of the unlawful removal of] property which was damage [*or* loss] attributable to an offence which the [Applicant] [Respondent] was convicted by the Court sitting at on the day of 20 ;

AND IT FURTHER APPEARING that the said order for reimbursement to the Secretary of State should be varied as follows:

IT IS THEREFORE ORDERED AND DIRECTED that under the Order as so varied the [Applicant] [Respondent] reimburse the Secretary of State the sum of £ [outstanding] being [part of] the sum paid [*or* payable] as foresaid [by [fresh] instalments, the first of such [fresh] instalments to be for the sum of £ and to be paid on the day of 20 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the aforesaid sum outstanding is paid].

Dated at this day of 20 .

Signed:
chief clerk

(Seal)

Signed:
Applicant/Solicitor for Applicant

(**a**) Form 343 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(**b**) Words substituted by S.R. 1995 No. 151 with effect from 01.09.95

[(a) FORM 344

Notice of payment into court by secretary of State under Article 12(3) [*or* 14(1)(*ii*)] of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by Article 12(3) [*or* 14(1)(*ii*)] of that Order.

WHEREAS, in pursuance of an affidavit filed in the Court on the day of 19 (a copy of which is attached hereto) the Secretary of State on the day of 19 did pay the sum of £ being compensation to which the applicant named in the said affidavit is entitled under the said Order, into the County Court/Recorder's Court for the above-named Division in accordance with Article 12(3) [*or* 14(1)(*ii*)] thereof, to be dealt with in accordance with the Orders of the Court.

TAKE NOTICE that any person interested in or entitled to the said compensation may apply to this Court respecting the investment, payment out, or mode of dealing with the said sum or the income thereof.

Chief Clerk

To:

(full names of person appearing to have right to receive compensation)

of:

(address)

FORM 345

Certificate of chief clerk of payment into court under Article 12(3) [*or* 14(1)(*ii*)] of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by Article 12(3) [*or* 14(1)(*ii*)] of that Order.

I HEREBY CERTIFY THAT has on the day of 19 , filed with me, the chief clerk of this Court, an affidavit entitled as above-mentioned, with reference to a payment into Court by the Secretary of State of £ which sum was duly paid into the County Court Account of the County Court Bank under the provisions of Article 12(3) [*or* 14(1)(*ii*)] of the said Order on the day of 19 .

Dated this day of 19 .

Chief Clerk

To:

]

(a) Forms 344 and 345 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 346

Certificate of Readiness

[Title as in Form 324, 347 or 374 as appropriate]

To the Chief Clerk

Sir,

I/We request that you enter this appeal for hearing.

I/We certify on behalf of the appellant—

(1) that, so far as concerns the appellant, the appeal is ready for hearing; and

(2) that the appellant estimates that the hearing will last not more than hour(s).*

Signed

Appellant/Solicitor for the Appellant

(Date)

To: the Chief Clerk and to the respondent Secretary of State.

*Note: this information will assist the Chief Clerk in assessing the likely duration of the hearing.]

(a) Form 346 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 347

[*Suppit. No. 27 (Sept. 1995)*]

Notice of Appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Appellant

and

The Secretary of State
Respondent

Application No.

TAKE NOTICE that the Applicant hereby appeals to the County Court against the determination of the Secretary of State dated day of 19 in respect of the above-numbered application served on him on the day of 19 (*in case of postal service state date on which notice of determination was delivered to applicant or his solicitor*) and the appeal will be heard at [(b) . . .] the Court for Division sitting at on a date to be notified to the parties by the chief clerk.

The appeal is against the entire determination on the grounds set out below [or so much of the determination as relates to the items set out below in numerical order on the grounds specified against each item]—

Dated this day of 19 .

Signature of Appellant/
Solicitor for Appellant

Name and address of
Agent/Solicitor:

To the Chief Clerk at (*address of courthouse*)
and to the Secretary of State at (*address of Department*).

(a) Form 347 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

NOTE:

A copy of—

(*a*) the notice of the determination of the Secretary of State served on the applicant under Article 12(1) or (2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 endorsed with a certificate as to the date of service of the notice on the appellant;

(*b*) a copy of any written notice of intention to apply for compensation served on the Secretary of State in accordance with Article 5(4)(*b*) of the Order;

(*c*) a copy of any written form of application for compensation made under Article 4 of the Order;

must be delivered to the chief clerk with this notice of appeal.

UPON AN APPEAL made by the appellant on the day of 19 under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 heard at the sittings;

AND WHEREAS the appellant under the determination of the Secretary of State dated and served on the appellant is entitled to receive the sum of £ by way of compensation specified as due to the appellant [together with the sum of £ payable under Article 13(2) of the Order] [*or* is not entitled to receive compensation] and the appellant has appealed against the entire determination of the Secretary of State [*or* so much of the determination as relates to the items specified in the notice of appeal] on the grounds specified in the notice of appeal;]

[(a) FORM 348

Certificate of Order by County Court allowing appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the County Court/Recorder's Court for the Division of

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

AND IN THE MATTER OF an appeal under Article 16 of the Order against a determination of the Secretary of State in respect of Application No. for compensation under that Order.

Between

of

Appellant

and

the Secretary of State
Respondent

UPON AN APPEAL made by the appellant on the day of 19 under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 heard [(b) on the day of 19];

AND WHEREAS the appellant under the determination of the Secretary of State dated 19 and served on the appellant is entitled to receive the sum of £ by way of compensation specified as due to the appellant [together with the sum of £ payable under Article 13(2) of the Order] [*or* is not entitled to receive compensation] and the appellant has appealed against the entire determination of the Secretary of State [*or* so much of the determination as relates to the items specified in the notice of appeal] on the grounds specified in the notice of Appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found the sum of £ is payable as compensation under the Order by the respondent Secretary of State to the appellant [together with the sum of £ payable by the Secretary of State under Article 13(2) of the Order].

IT WAS ORDERED that the [additional] sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of his appeal and the sum of £ for witnesses' expenses;

[AND IT WAS FURTHER ORDERED that the sum of £ lodged in Court by the respondent be forthwith paid out to the appellant in part satisfaction of the amount decreed, costs and expenses].

(a) Form 348 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

opit. No. 23 uary 1993)] I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the said respondent Secretary of State.]

Dated at this day of 19 .

(Seal)

Chief Clerk

Solicitor for Appellant]

[(a) FORM 349

Order by County Court dismissing an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

[*Title as in Form 348*]

IT APPEARING TO THE COURT that on the day of 19 the appellant served notice of appeal under Article 16 of the Order against the determination of the respondent to the following effect—

(*state briefly relevant terms of determination as the case may be*)

AND IT FURTHER APPEARING that the appellant has failed to prove that the sum of £ claimed as compensation under the Order [and/or the sum of £ claimed under Article 13(2) of the Order] is payable to the appellant by the respondent.

IT IS THEREFORE ORDERED by the Court that the appeal be and the same is hereby dismissed [and that the respondent do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

Chief Clerk

(Seal)

Solicitor for Respondent]

(a) Form 349 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(**a**) FORM 350

Notice of Payment into Court (Appeals)

[Title as in Form 347]

TAKE NOTICE that the respondent Secretary of State has paid into Court the sum of £ being £ in satisfaction of so much of the appellant's claim for compensation under the Order [and £ payable by the Secretary of State under Article 13(2) of the Order] as is subject to the appeal* and in the event of the appellant accepting the amount so paid, the Secretary of State undertakes to pay to the appellant the amount of any costs or expenses reasonably incurred by him between the date on which the Secretary of State served on him notice of his determination under Article 12(1) or (2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 and the date of lodgment (such costs and expenses to be settled in default of agreement by the district judge or by [(**b**) the judge] on appeal).

Signed:

(*Rank*) on behalf of the Secretary of State

Solicitor for the Secretary of State

To the Appellant

* This undertaking should be lodged in Court with the amount paid into Court (see Rule 3(3) of Order 54).

FORM 351

Notice of Acceptance of the Sum Lodged in Court (Appeals)

[Title as in Form 347]

TAKE NOTICE that the appellant accepts the sum of £ paid into Court by the respondent Secretary of State being £ in satisfaction of so much of his claim for compensation under the Order [and £ for such sum as is payable by the Secretary of State under Article 13(2) of the Order] as is the subject of the appeal without prejudice to his rights on foot of the respondent's undertaking regarding costs and expenses.

Signed:

Appellant/Solicitor for the Appellant

(Date)

To the respondent Secretary of State and to the chief clerk.]

(**a**) Form 350 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(**b**) Words amended by S.R. 2013 No. 19 with effect from 25.02.13

[(a) FORM 352

Order approving acceptance by person under a disability, in satisfaction of sum lodged by Secretary of State

[Title as in Form 348]

IT APPEARING TO THE COURT that notice of appeal under Article 16 of the Order was duly served on the respondent Secretary of State for hearing [(b) ...] and that the [additional] sum of £ is payable by the Secretary of State as compensation under the Order [together with the sum of £ for such sum as is payable by the Secretary of State under Article 13(2) of the Order, making the total amount payable of £];

IT IS THEREFORE ORDERED that the chief clerk do transfer the sum of £ lodged in Court by the Secretary of State in satisfaction of this claim from the Criminal Injuries Account to the separate credit of , a person under disability, without prejudice to the appellant's rights on foot of the respondent's undertaking regarding costs and expenses, to which there shall be added the sum of £ costs of the application and Order;

AND IT IS FURTHER ORDERED that the sum when so transferred be invested in to abide further order.

[AND IT APPEARING TO THE COURT that the said is a Minor having been born on the day of 20 and that it is necessary to appoint for him a Guardian of his fortune and that his , is a fit and proper person to be appointed as such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed.

IT IS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order].

Dated at this day of 20 .

Signed:
chief clerk

(Seal)

Signed:
Solicitor for the Appellant]

(a) Form 352 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.04.98

[(a) FORM 353

Order for payment out of sum not greater than Secretary of State's lodgement (with directions as to application of funds in Court)

[*Title as in Form 348*]

IT APPEARING TO THE COURT that notice of appeal under Article 16 of the Order was duly served on the respondent Secretary of State for hearing [(b) . . .] and that the sum of £ is payable by the Secretary of State to the appellant as compensation under the Order [together with the sum of £ for such sum as is payable by the Secretary of State under Article 13(2) of the Order, making the total amount payable of £];

AND IT FURTHER APPEARING TO THE COURT that the respondent Secretary of State did on the day of 19 pay into Court the sum of £ in satisfaction of so much of the appellant's claim to compensation [and £ in satisfaction of so much of such sum payable under the said Article 13(2) as is the subject of the appeal, [each of] which said sum(s) so lodged is not less than the amount payable as recited above;

IT IS THEREFORE ORDERED by the Court that there be paid out of the sums so lodged in Court as aforesaid (1) to the Secretary of State the sum of £ being costs for the payment of which the appellant is liable under Rule 4 of Order 54 as determined by the Court and (2) to the appellant the sum of £ * in satisfaction of his claim for compensation [and for such sum as is payable by the Secretary of State under Article 13(2) of the Order];

AND IT IS FURTHER ORDERED that the balance of the said sum so lodged in Court, namely £ , be paid out to the Secretary of State.

Dated at this day of 19 .

Signed:
Chief Clerk

(Seal)

Signed:
Solicitor for the Appellant]

* Amount awarded for compensation under the Order together with any sum payable under Article 13(2) less the Secretary of State's costs of the appeal.]

(a) Form 353 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98

[(a) FORM 354

Order where appellant does not obtain on appeal sum greater than amount lodged and is a person under disability

[*Title as in Form 348*]

IT APPEARING TO THE COURT that notice of appeal under Article 16 of the Order was duly served on the respondent Secretary of State for hearing [(b) . . .] and that the [additional] sum of £ is payable by the Secretary of State to the appellant as compensation under the Order [and £ for such sum as is payable by the Secretary of State under Article 13(2) thereof] and that the Secretary of State has lodged in Court the sum of £ in satisfaction of the appellant's claim for such compensation [and £ for such sum] [[*or* so much of such compensation] [*or* of such sum] as was the subject of the appeal from the Secretary of State's determination];

IT IS ORDERED that the chief clerk do out of the sum lodged in Court by the Secretary of State on foot of this claim pay thereout the sum of £ to and to transfer the balance, namely, £ from the Criminal Injuries Account to the separate credit of , a person under a disability;

AND IT IS FURTHER ORDERED that the sum when so transferred to be invested in ;

[AND IT APPEARING TO THE COURT that the appellant is a Minor, having been born on the day of 19 , and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed to be such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed;

IT IS ORDERED THAT the said be and he is hereby appointed Guardian of the fortune of the appellant during his minority or until further order.]

Dated at this day of 19 .

Signed:
Chief Clerk

(Seal)

Signed:
Solicitor for the Appellant]

(a) Form 354 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1998 No. 21 with effect from 20.4.98

[(a) FORM 355

Certificate of Order allowing appeal and ordering payment to credit of person under a disability, in part satisfaction, of sum lodged by Secretary of State

[Title as in Forms 328, 348 or 374 (as appropriate) with any necessary modifications]

[The Form of Certificate is as in Form with any necessary modifications and in particular for the words "IT WAS ORDERED that the [additional] sum of £ be paid to the appellant by the respondent" onwards there shall be substituted the following:—

IT WAS ORDERED that the appellant, a person under a disability, [by his and next friend] do recover from the respondent Secretary of State the [additional] sum of £ together with the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses.

AND IT WAS FURTHER ORDERED that the chief clerk do transfer the sum lodged in Court by the Secretary of State on foot of this claim from the Criminal Injuries Account to the separate credit of , a person under a disability;

AND IT WAS FURTHER ORDERED that the Secretary of State do forthwith upon the direction of the Accountant General lodge the sum of £ , being the balance of the sum otherwise due to the appellant, in Court to the credit of this matter and to the separate credit of ;

AND IT WAS FURTHER ORDERED that the sums transferred and lodged in Court as aforesaid be invested in to abide further order;

[AND IT APPEARING TO THE COURT that the said is a Minor, having been born on the day of 19 , and that it is necessary to appoint him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed;

IT WAS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order.]

I certify that for the purposes of section 25 of the Crown Proceedings Act 1947 the following sums are payable by the respondent Secretary of State, namely the sum of £ (being the balance otherwise due to the appellant to be paid into court as aforesaid) and the sum of £ for the said costs and expenses to be paid to the appellant.

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

Signed:

Solicitor for Appellant]

(a) Form 355 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 356

Notice of Application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of award of compensation to person under a disability

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to (*name of person under disability*) a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*), being a person under a disability, that he had determined that the said person was entitled to receive the sum of £ by way of compensation under the said Order of 1988 [together with the sum of £ payable under Article 13(2) of the Order];

TAKE NOTICE that I shall apply to the Judge/Recorder at the County Court/Recorder's Court sitting at (*Courthouse*) on a date to be notified to the parties by the chief clerk, for approval of the said determination.

Dated this day of 19 .

Signed:

Solicitor for Applicant

To the respondent Secretary of State

and to the Chief Clerk at
(*address of Courthouse*).]

(a) Form 356 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 357

[Suppl. No. 23 (January 1993)]

Order under Article 14(2)(a) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 approving determination of Secretary of State as to Compensation

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to (*name of person under disability*) a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*), being a person under a disability, that he had determined that the said person under a disability was entitled to receive the sum of £ by way of compensation under the said Order of 1988 [together with the sum of £ payable under Article 13(2) of the Order];

AND WHEREAS on the day of 19 application was made on behalf of the said person under a disability for approval of the said determination;

THE COURT HAVING EXAMINED into the matter of the said determination and having found that the sum of £ is so payable (together with the sum of £ payable under Article 13(2) of the Order];

THE COURT on the day of 19 approved the said determination.

IT WAS ORDERED that the Secretary of State do forthwith upon the direction of the Accountant General lodge in Court to the separate credit of the said person under a disability the sum of £ and that the said sum be invested [or dealt with] as follows:—

(*state order or direction*)

[AND IT APPEARING TO THE COURT that the said (*name of minor*) is a minor, having been born on the day of 19 , and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed;

(a) Form 357 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[*Suppl. No. 23 (January 1993)*]

IT WAS FURTHER ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order.]

AND IT WAS FURTHER ORDERED that the said (*name of person under disability*) do recover from the Secretary of State the sum of £ being his costs of appearing upon the said application and I hereby certify for the purposes of section 25 of the Crown Proceedings Act 1947 that the said sum is payable by the Secretary of State.

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

]

[(a) FORM 358

[Suppl. No. 23 (January 1993)]

Order under Article 14(2)(b) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to

(*name of person under disability*), a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*) being a person under a disability, that he had determined that the said person under a disability was entitled to receive the sum of £ by way of compensation under the said Order of 1988 [together with sum of £ payable under Article 13(2) of the Order];

AND WHEREAS the Court having considered the said determination did not approve the sums specified therein;

AND THE COURT HAVING EXAMINED into the matter of the said determination and having found that the sum of £ is payable by the Secretary of State to or for the benefit of the said (*name of person under a disability*) [together with a sum of £ payable under Article 13(2) of the Order];

IT WAS ORDERED that the Secretary of State do forthwith upon the direction of the Accountant General lodge in Court to the separate credit of the said person under a disability the sum of £ and that the said sum be invested [or dealt with] as follows:—

[AND IT APPEARING TO THE COURT that the said (*name of minor*) is a minor, having been born on the day of 19 , and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed.

(a) Form 358 inserted by S.R. 1992 No. 249 with effect from 1.7.92

IT WAS FURTHER ORDERED that the said

be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order.]

AND IT WAS FURTHER ORDERED that the said (*name of person under a disability*) do recover from the Secretary of State the sum of £ being the costs of appearing upon the said application and I hereby certify for the purposes of section 25 of the Crown Proceedings Act 1947 that the said sum is payable by the Secretary of State.

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

[(a) FORM 359

[Suppl. No. 23 (January 1993)]

Notice of Application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

TAKE NOTICE that I will on the day of 19 apply to the Court for the above-named County Court Division sitting at at a.m./p.m. for an order

(*Insert nature of application and attach a copy of the notice of intention under Article 5(4)(b) of the Order of 1988 or of application under Article 5(5)(a) or 11(1) of that Order, as appropriate.*)

Dated this day of 19 .

Applicant/or
Solicitor for Applicant

To the Chief Clerk at
(*address of courthouse*)

and to the solicitor for the Secretary of State

at

(*address of Department dealing with claims for compensation under Order*)

ENDORSEMENT

(*Here endorse order made on application*)

Chief Clerk]

(a) Form 359 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 360

Order dismissing application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

UPON AN APPLICATION made by the applicant on the day of 19 under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988:

AND UPON READING the notice of such application, due service of such notice upon the respondent having been proved;

AND UPON HEARING

AND THE COURT HAVING EXAMINED into the matter of such application;

IT IS ORDERED by the Court that the application be and the same is hereby dismissed and that the respondent do recover against the applicant the sum of £ for costs.

Dated at this day of 19 .

Chief Clerk

(Seal)

Solicitor for Secretary of State]

(a) Form 360 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 361

[*Suppl. No. 23 (January 1993)*]

Notice of Application for a Declaration under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application for a declaration under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for a declaration as to delay in determining an application for compensation.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

TAKE NOTICE that I will on the day of 19 apply to the Court for a declaration under Article 15 of the Order of 1988 that the Secretary of State has had sufficient information to enable him to determine the applicant's application for compensation under the said Order and that he has not determined the said application within such period after he received or obtained that information as is reasonable.

Dated this day of 19 .

Applicant/or Solicitor
for Applicant

To the Chief Clerk at
(*address of courthouse*)

and to the solicitor for the Secretary of State

ENDORSEMENT

(*Here endorse declaration as in Form 362*)]

(a) Form 361 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 362

Declaration to be endorsed on Notice under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

WHEREAS on the day of 19 the applicant applied to the Court under Article 15 of the Order of 1988 for a declaration that the Secretary of State has had sufficient information to enable him to determine the applicant's application for compensation under the said Order, the Court on the day of 19 made a declaration that the Secretary of State has not determined this application within such period after he received or obtained that information as is reasonable.

Chief Clerk

(Seal)

Date]

(a) Form 362 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 363

Order dismissing Application for Declaration under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

UPON AN APPLICATION made by the applicant on the day of 19 under Article 15 of the said Order of 1988;

AND UPON READING the notice of such application, due service thereof upon the Secretary of State having been proved;

AND UPON HEARING

AND THE COURT HAVING EXAMINED into the matter of such application;

IT IS ORDERED by the Court that the application be and the same is hereby dismissed and that the respondent Secretary of State do recover against the applicant the sum of £ for costs.

Dated at this day of 19 .

Chief Clerk

(Seal)

Solicitor for the Secretary of State]

(a) Form 363 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 364

Application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for Order directing offender to reimburse to Secretary of State compensation paid under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and

of

Respondent

Application No.

WHEREAS compensation has been paid [is payable] by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following offence:—

(*details of offence*)

committed at on the day of 19 ;

AND WHEREAS it appears that you (*name*)
of (*address*)
were on the day of 19 convicted by the
court sitting at of that offence.

APPLICATION IS HEREBY MADE under Article 17(1) of the said Order of 1988 by the Secretary of State to the County Court/Recorder's Court for the above Division [at the sitting to be held at on the day of 19 at the hour of at Courthouse] for an order directing you to reimburse to the Secretary of State the said sum paid [or payable] under the said Order or such part thereof as the Court may direct.

Dated this day of 19 .

Signed:

Solicitor for Secretary of State

To (*name of offender*) of

(*address of offender*).

Copy to the Chief Clerk at
(*address of courthouse*).]

(a) Form 364 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 365

Order under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 directing offender to reimburse to Secretary of State compensation paid under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and
of

Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 was made to the Court [(b) on the day of 19];

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ by the Secretary of State as compensation under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following offence:—

(*details of offence*)

committed at on the day of 19 and that on the day of 19 the Respondent was convicted by the Court sitting at of the said offence;

IT IS THEREFORE ORDERED AND DIRECTED that the Respondent reimburse to the Secretary of State the sum of £ being [part of] the sum paid [or payable] under the said Order of 1988 [together with the sum of £ for the costs and £ for witnesses' fees and expenses incurred on the hearing of this application making £ in the aggregate] [by instalments, the first of such instalments to be for the sum of £ and to be paid on the day of 19 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the sum is paid].

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

Signed:

Solicitor for the Secretary of State]

(a) Form 365 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 366

Application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for variation of Order under Article 17(1) thereof for reimbursement to Secretary of State of compensation paid or payable under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

Applicant

and

Respondent

Application No. (*including number of original application for compensation*)

WHEREAS on the day of 19 , an Order under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 was made by the Court sitting at for the above Division directing the [Applicant] [Respondent] [(*name*) of (*address*) to reimburse to the Secretary of State the sum of £ being [part of] a sum of £ paid [or payable] by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 as compensation for criminal injury to the person of of attributable to an offence of which the [Applicant] [Respondent] was convicted by the Court on the day of 19 , together with £ for costs and £ for witnesses' fees and expenses making £ in the aggregate.

APPLICATION IS HEREBY MADE under Article 17(4) of the said Order of 1988 by the Applicant to the County Court/Recorder's Court for the above Division at the sitting to be held at on the day of 19 , at the hour of at Courthouse for an Order varying the Order for such reimbursement on the following grounds:

Dated this day of 19 .

Applicant/Solicitor for Applicant

To: (*name of respondent*)

of (*address of respondent*).

Copy to the Chief Clerk at (*address of courthouse*).]

(a) Form 366 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 367

Order under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 varying Order under Article 17(1) of that Order for reimbursement to Secretary of State of compensation paid or payable under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between [of]
[the Secretary of State]
Applicant

and [the Secretary of State][of]
Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 was made to the Court for hearing [(b) on the day of 19];

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ by the Secretary of State as compensation under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 as compensation for a criminal injury to the person of attributable to an offence of which the [Applicant] [Respondent] was convicted by the Court sitting at on the day of 19 ;

AND IT FURTHER APPEARING that the said order for reimbursement to the Secretary of State should be varied as follows:—

IT IS THEREFORE ORDERED AND DIRECTED that under the Order as so varied the [Applicant] [Respondent] reimburse the Secretary of State the sum of £ [outstanding] being [part of] the sum paid [or payable] as aforesaid [by fresh] instalments, the first of such [fresh] instalments to be for the sum of £ and to be paid on the day of 19 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the aforesaid sum outstanding is paid].

(a) Form 367 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

Signed:

Applicant/Solicitor for Applicant]

[(a) FORM 368

Notice of payment into Court by Secretary of State under Article 21(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

AND IN THE MATTER OF payment into Court as provided by Article 21(1) of that Order.

WHEREAS, in pursuance of an affidavit in the Court on the day of 19 (a copy of which is attached hereto) the Secretary of State on the day of 19 did pay the sum of £ being compensation to which the applicant named in the said affidavit is entitled under the said Order, into the County Court/Recorder's Court for the above-named Division in accordance with Article 21(1) thereof, to be dealt with in accordance with the orders of the Court;

TAKE NOTICE that any person interested in or entitled to the said compensation may apply to this Court respecting the investment, payment out, or mode of dealing with the said sum or the income thereof.

Chief Clerk

To:

(*full names of person appearing to have right to receive compensation*)

of:

(*address*)

Application No.]

(a) Form 368 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 369

Certificate of Chief Clerk of Payment into Court under Article 21(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

AND IN THE MATTER OF payment into Court as provided by Article 21(1) of that Order.

I HEREBY CERTIFY that has on the day of 19 , filed with me, the chief clerk of this Court, an affidavit entitled as above-mentioned, with reference to a payment into Court by the Secretary of State of £ which sum was duly paid into the County Court Account of the County Court Bank under the provisions of Article 21(1) of the said Order on the day of 19 .

Dated this day of 19 .

Chief Clerk

To:

Application No.]

(a) Form 369 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 370

Notice specifying new matter in respect of which the appellant is to adduce evidence in accordance with Article 16(4)(b) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

The Applicant hereby gives Notice pursuant to Article 16(4)(*b*) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 of the following matter:—

(specify details of the new matter)

Dated this day of 19 .

Applicant/or
Solicitor for
Applicant

To the respondent Secretary of State]

(a) Form 370 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 371

Application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for Order directing person to whom compensation has been paid to reimburse to Secretary of State compensation paid under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and

of

Respondent

Application No. *(including number of original application for compensation)*

WHEREAS compensation has been paid to the respondent by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in the sum of £ [together with the sum of £ for costs and £ for witnesses' fees and expenses incurred making £ . in the aggregate] in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following:—

(*give details*)

which took place at on the day of 19 .

AND WHEREAS it appears that the Respondent failed to make full and true disclosure of the following facts material to the determination of the application for compensation, that is to say:—

(*give details*)

APPLICATION IS HEREBY MADE under Article 18(4) of the said Order of 1988 by the Secretary of State to the County Court/Recorder's Court for the above Division [at the sitting to be held at on the day of 19 at the hour of at Courthouse] for an order directing you to reimburse to the Secretary of State the said sum paid under the said Order or such part thereof as the Court may direct.

(a) Form 371 inserted by S.R. 1992 No. 249 with effect from 1.7.92

Dated this day of 19 .

Signed:

Solicitor for Secretary of State

To

of]

[(a) FORM 372

Order under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 directing person to whom compensation has been paid to reimburse to Secretary of State compensation paid under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State

Applicant

and
of

Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 was made to the Court for hearing [(b) on the day of 19];

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid the sum of £ [together with the sum of £ for costs and £ for witnesses' fees and expenses incurred making £ in the aggregate] by the Secretary of State as compensation under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following:—

(*give details*)

which took place at on the day of 19 .

AND IT FURTHER APPEARING that the Respondent failed to make full and true disclosure of all the facts material to the determination of the application for compensation.

IT IS THEREFORE ORDERED AND DIRECTED that the Respondent reimburse to the Secretary of State the sum of £ being [part of] the sum paid under the said Order of 1988 [together with the sum of £ for the costs and £ for witnesses' fees and expenses incurred on the hearing of this application making £ in the aggregate] [by instalments, the first of such instalments to be for the sum of £ and to be paid on the day of 19 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the sum is paid].

(a) Form 372 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

'upplt. No. 23 anuary 1993)]

Dated at this day of 19 .

Signed:

Chief Clerk

(Seal)

Signed:

Solicitor for Secretary of State]

[(a) FORM 373

Notice of appeal to County Court under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 to extend the time to apply for compensation

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991.

Between

Appellant

of

and

The Secretary of State
Respondent

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the refusal of a request made to the respondent by the appellant in writing on the day of to allow the appellant to extend the period during which an application for compensation under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 may be made to him.

The grounds of appeal are as follows—
(Here state grounds of appeal)

Dated this day of

Signature of Appellant/
Solicitor for Appellant
Name and address of
Agent/Solicitor

To—:

(*a*) The Chief Clerk at
(*address of courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

(*c*) The following person(s)
(*name(s) and address(es)*) having an estate or interest in the property in respect of which an application for compensation has been made.

(a) Form 373 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[*Suppl. No. 23 (January 1993)*]

Note:

Attached to this notice served on the chief clerk must be—

(*a*) any certificate of posting;

(*b*) a copy of the notice served on the appellant by the Secretary of State under section 63(3) of the Act endorsed with a certificate as to the date of service of the notice on the appellant;

(*c*) a copy of the application made to the Secretary of State under section 63(2) of the Act.]

[(a) FORM 374

[*Supplt. No. 23 (January 1993)*]

Notice of appeal to County Court under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 against the amount of compensation awarded by the Secretary of State

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991.

Between

Appellant

of

and

The Secretary of State
Respondent

Application No.

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the decision of the Secretary of State under the above section served on [the appellant] on the day of awarding [the appellant] the sum of £ as compensation.

The appeal is made on the following grounds:—

(Here state the precise grounds on which appeal is based and, where the appeal is against so much of the award as relates to specified items which are the subject of compensation, set out those items in numerical order giving the ground for appealing against the amount of the award relating to each item.)

Dated this day of 19 .

Signature of Appellant/
Solicitor for Appellant
Name and address of
Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(*address of courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

(*c*) The following person(s)
(*name(s) and address(es)*) having an estate or interest in the property in respect of which an application for compensation has been made.

(a) Form 374 inserted by S.R. 1992 No. 249 with effect from 1.7.92

Note:

Attached to this notice served on the chief clerk must be—

(*a*) any certificate of posting;

(*b*) a copy of the notice served on the appellant by the Secretary of State under section 63(4)(*a*) of the Act endorsed with a certificate as to the date of service of the notice on the appellant;

(*c*) a copy of the application made to the Secretary of State under section 63(2) of the Act.]

[(a) FORM 375

[*Supplt. No. 23 (January 1993)*]

Notice of appeal to County Court under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 against the decision of the Secretary of State to refuse an application for compensation

[*Title as in Form 374*]

Application No.

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the decision of the Secretary of State stated in a notice under section 63(4)(*b*) of the Northern Ireland (Emergency Provisions) Act 19 served on [the appellant] on the day of refusing an application for compensation.

The appeal is made on the following grounds:—

(Here state the precise grounds on which the appeal is based.)

Dated this day of 19 .

Signature of Appellant/
Solicitor for Appellant
Name and address of
Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(*address of courthouse*)

(*b*) The Secretary of State at
(*address of Department*)

(*c*) The following person(s)
(*name(s) and address(es)*) having an estate or interest in the property in respect of which an application for compensation has been made.

Note:

Attached to this notice served on the chief clerk must be—

(*a*) any certificate of posting;

(*b*) a copy of the notice served on the appellant by the Secretary of State under section 63(4)(*b*) of the Act endorsed with a certificate as to the date of service of the notice on the appellant;

(*c*) a copy of the application made to the Secretary of State under section 63(2) of the Act.]

(a) Form 375 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 376

Certificate of order by County Court allowing an appeal under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 against the refusal of a request made to the Secretary of State to extend the time to apply for compensation

[Title as in Form 373]

Application No.

UPON AN APPEAL made by the appellant on the day of 19 under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 [(b) . . .];

AND WHEREAS the appellant made a request in writing on the day of 19 to the respondent under section 63(2)(*b*) of that Act to extend the period during which an application may be made under section 63(2) to him for compensation in respect of the following act—

(*Here specify the act by which the property of the appellant is alleged to have been taken, occupied, destroyed or damaged or specify any other act alleged to have been done under the Northern Ireland (Emergency Provisions) Act 1991 interfering with the appellant's private rights of property.*)

and the respondent on the day of 19 served notice of his refusal on [the appellant] of the request;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED that the appellant be allowed to make an application for compensation under section 63(2) of that Act not later than the day of 19 ;

AND IT WAS ORDERED that the appellant be paid by the respondent Secretary of State the sum of £ for the costs of this appeal;

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sum for costs is payable by the respondent Secretary of State.

Dated at this day of 19 .

(Seal)

Chief Clerk
Solicitor for Appellant]

(a) Form 376 inserted by S.R. 1992 No. 249 with effect from 1.7.92
(b) Words deleted by S.R. 1995 No. 151 with effect from 1.9.95

[(a) FORM 377

Certificate of order by County Court allowing an appeal against the amount of compensation awarded by the Secretary of State under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991

[Title as in Form 374]

Application No.

UPON AN APPEAL made by the appellant on the day of 20 under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 [(**b**)...];

AND WHEREAS the appellant was awarded the amount of £ as compensation by a decision of the respondent stated in a notice under section 63(4) (*a*) of the Northern Ireland (Emergency Provisions) Act 1991 and served on the applicant on the day of 20 and the appellant has appealed under that section against that decision on the grounds specified in the notice of appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found that the sum of £ is payable by the respondent Secretary of State to the appellant as compensation under section 63(1) of that Act;

IT WAS ORDERED that the sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses;

AND IT WAS FURTHER ORDERED that the sum of £ lodged in Court by the respondent be forthwith paid out to the appellant in part satisfaction of the amount ordered, costs and expenses.]

[I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 20 .

(**a**) Form 377 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(**b**) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(a) FORM 378

Certificate of order by County Court allowing an appeal against the decision of the Secretary of State to refuse compensation under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991

[Title as in Form 374]

Application No.

UPON AN APPEAL made by the appellant on the day of 20 under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 [(b)...];

AND WHEREAS the respondent served on the appellant a notice under section 63(4)(*b*) of the Act on the day of 20 stating that he had decided to refuse an application made by the appellant under section 63(2) of that Act for compensation and the appellant has appealed under that section against that decision on the grounds specified in the notice of appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found that the sum of £ is payable by the respondent Secretary of State to the appellant as compensation under section 63(1) of that Act;

IT WAS ORDERED that the sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses;

[AND IT WAS FURTHER ORDERED that the sum of £ lodged in Court by the respondent be forthwith paid out to the appellant in part satisfaction of the amount ordered, costs and expenses.]

[I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 20 .

(Seal) chief clerk
Solicitor for Appellant]

(a) Form 378 inserted by S.R. 1992 No. 249 with effect from 01.07.92
(b) Words deleted by S.R. 1995 No. 151 with effect from 01.09.95

[(a) FORM 379

Order by County Court dismissing an appeal under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 against the refusal of a request made to the Secretary of State to extend the time to apply for compensation

[*Title as in Form 373*]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under section 63(3) of the Northern Ireland (Emergency Provisions) Act 1991 against the refusal of a request made to the respondent Secretary of State by [the appellant] in writing on the day of 19 to allow [the appellant] to extend the period during which an application for compensation under section 63(2) of that Act may be made to him;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED by the Court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

(Seal)

Chief Clerk
Solicitor for Respondent

FORM 380

Order by County Court dismissing an appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 against the amount of compensation awarded by the Secretary of State

[*Title as in Form 374*]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1978 against the decision of the Secretary of State to award the sum of £ as compensation under section 63 of that Act specified in a notice under section 63(4)(*a*) of that Act served on the appellant on the day of 19 ;

AND IT FURTHER APPEARING that the appellant has failed to prove that an amount of compensation greater than that specified in that notice is payable to the appellant by the respondent;

IT IS THEREFORE ORDERED by the court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19 .

(Seal)

Chief Clerk
Solicitor for Respondent]

(a) Forms 379 and 380 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 381

Order by County Court dismissing an appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 against the refusal of compensation

[*Title as in Form 374*]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 against the decision of the respondent Secretary of State refusing an application for compensation stated in notice under section 63(4)(*b*) of that Act served on the appellant on the day of 19 .

AND IT FURTHER APPEARING that the appellant has failed to prove that any compensation is payable under section 63 of that Act;

IT IS THEREFORE ORDERED by the Court that the appeal be and the same is hereby dismissed [and the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses expenses].

Dated at this day of 19 .

(Seal)

Chief Clerk
Solicitor for Respondent

FORM 382

Notice to appellant of payment into Court by Secretary of State

[*Title as in Form 374*]

TAKE NOTICE that the respondent Secretary of State has paid into Court the sum of £ [being £] in satisfaction of the appellant's claim for compensation under section 63 of the Northern Ireland (Emergency Provisions) Act 1991 and that in the event of the appellant agreeing to an award in the terms specified in this notice, the respondent undertakes to pay to the appellant the amount of any costs reasonably incurred by the appellant between the date on which the respondent served on him notice of his decision under section 63(4) *(*a*)/(*b*) of that Act and the date of the lodgment as may be agreed between the appellant and the respondent or in default of agreement as may be settled by the district judge or by the Judge on appeal.

Dated this date of 19 .

Signed:

(*Rank*) on behalf of the
Secretary of State/Solicitor
for Secretary of State

To:—

(*a*) The Chief Clerk at
(*address of Crown and County Court Office*)

(*b*) The Appellant/Solicitor for Appellant

*Delete as appropriate.]

(a) Forms 381 and 382 inseted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 383

Notice of acceptance of sum lodged in Court by Secretary of State

[Title as in Form 374]

TAKE NOTICE that the appellant accepts the sum of £ paid into Court by the respondent Secretary of State [being £] in satisfaction of the appellant's claim for compensation under section 63 of the Northern Ireland (Emergency Provisions) Act 1991 without prejudice to his rights on foot of the respondent's undertaking regarding costs and expenses.

Dated this day of 19 .

Signed:
Appellant/Solicitor
for Appellant

To:

(*a*) The Chief Clerk
(*address of Crown and County Court Office*)

(*b*) The Respondent Secretary of State/Solicitor for the Respondent (*address of Department or office address of respondent's solicitor*).]

(a) Form 383 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 384

Order approving acceptance by minor, in satisfaction of sum lodged by Secretary of State

[*Title as in Form 374*]

IT APPEARING TO THE COURT that notice of appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 was duly served on the respondent Secretary of State for hearing at the present sittings and that the sum of £ is payable by the Secretary of State as compensation under section 63 of that Act;

IT IS THEREFORE ORDERED that the chief clerk do [out of the sum lodged in Court by the Secretary of State on foot of this claim pay the sum of £ to and] transfer the [balance, namely] [sum of £] from the Criminal Injuries Account to the separate credit of , a minor, without prejudice to the appellant's rights on foot of the respondent's undertaking regarding costs and expenses, to which there shall be added the sum of £ costs of this application and order;

AND IT IS FURTHER ORDERED that the sum when so transferred be invested by the Accountant General in to abide further order;

AND IT APPEARING TO THE COURT that the said is a minor having been born on day of 19 and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed as such Guardian, has no interest in this matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said minor during his minority or until further order.

Dated at this day of 19 .

Signed:
Chief Clerk

Signed:
Solicitor for Appellant]

(a) Form 384 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 385

Order where appellant does not on appeal under section 63(4) of Northern Ireland (Emergency Provisions) Act 1991 obtain a sum greater than the amount (with directions as to application of funds in Court)

[*Title as in Form 374*]

IT APPEARING TO THE COURT that notice of appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 was duly served on the respondent for hearing at the present sittings and the sum of £ is payable by the respondent Secretary of State to the appellant as compensation under section 63 of that Act;

AND IT FURTHER APPEARING TO THE COURT that the respondent Secretary of State did on the day of 19 pay into Court the sum of £ in satisfaction of the appellant's claim to compensation which said sum so lodged is not less than the amount payable as recited above;

IT IS THEREFORE ORDERED by the Court that there be paid out of the sum so lodged in Court as aforesaid (1) to the Secretary of State the sum of £ for costs and (2) to the appellant the sum of £ *in satisfaction of his claim for compensation;

AND IT IS FURTHER ORDERED that the balance of the sum so lodged in Court, namely £ , be paid out to the Secretary of State.

Dated at this day of 19 .

Signed:
Chief Clerk

Signed:
Solicitor for Appellant

*Amount awarded for compensation under section 63 of the Act less the Secretary of State's costs of the appeal.]

(a) Form 385 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 386

Order where appellant does not on appeal under section 63(4) of Northern Ireland (Emergency Provisions) Act 1991 obtain a sum greater than the amount lodged and is a minor

[*Title as in Form 374*]

IT APPEARING TO THE COURT that notice of appeal under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 was duly served on the respondent for hearing at the present sittings and that the sum of £ is payable by the respondent to the appellant as compensation under section 63 of that Act and that the respondent had lodged in Court the sum of £ in satisfaction of the appellant's claim for such compensation as is the subject of the appeal from the Secretary of State's decision;

IT IS ORDERED that the chief clerk do out of the sum lodged in Court [pay the sum of £ to for the use and benefit of the said minor and do] transfer the [balance, namely] [sum of £] from the Criminal Injuries Account to the separate credit of , a minor;

AND IT IS FURTHER ORDERED that the sum when so transferred be invested in

AND IT APPEARING TO THE COURT that the appellant is a minor, having been born on the day of 19 , and it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian and has no interest in the matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED THAT the said be and he is hereby appointed Guardian of the fortune of the appellant during his minority or until further order.

Dated at this day of 19 .

Signed:
Chief Clerk

(Seal)

Signed:
Solicitor for Appellant]

(a) Form 386 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 387

[*Suppl. No. 23 (January 1993)*]

Notice of payment into Court by Secretary of State under Order 54, Rule 3 of the County Court Rules (Northern Ireland) 1981

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Northern Ireland (Emergency Provisions) Act 1991.

AND IN THE MATTER OF payment into Court as provided by Rule 3, Order 54 of the County Court Rules (Northern Ireland) 1981

Between

Appellant

of

and

The Secretary of State
Respondent

WHEREAS, in pursuance of an affidavit filed in the Court on the day of 19 (a copy of which is attached hereto) the Secretary of State on the day of 19 did pay the sum of £ being compensation to which the appellant named in the said affidavit is entitled under section 63 of the Northern Ireland (Emergency Provisions) Act 1991, into the County Court/Recorder's Court for the above-named Division in accordance with Rule 3 of Order 54 of the County Court Rules (Northern Ireland) 1981, to be dealt with in accordance with the orders of the Court.

TAKE NOTICE that any person interested in or entitled to the said compensation may apply to this Court respecting the investment, payment out, or mode of dealing with the said sum or the income thereof.

Chief Clerk

To: (*Full names of person appearing to have right to receive compensation*)

of (*address*)]

(a) Form 387 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 388

Certificate of chief clerk of payment into court under Rule 3 of Order 54 of the County Court Rules (Northern Ireland) 1981

[*Title as in Form 387*]

I HEREBY CERTIFY THAT has on the day of 19 , filed with me, the chief clerk of this Court, an affidavit entitled as above-mentioned, with reference to a payment into Court by the Secretary of State of £ which sum was duly paid into the [County Court Account] of the County Court Bank under the provisions of Rule 3 of Order 54 of the County Court Rules (Northern Ireland) 1981, on the day of 19 .

Dated this day of 19 .

Chief Clerk

To:—

(a) Form 388 inserted by S.R. 1992 No. 249 with effect from 1.7.92

[(a) FORM 389

Petition for a Parental Order

(0.50A, RULE 2)

No. of 20

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Human Fertilisation and Embryology Act 2008

IN THE MATTER OF [ ] a child.

We, the undersigned and

wishing to have a Parental Order made in respect of , a child, hereby give the following particulars in support of our application.

Part 1 – Particulars of the child

(a) The birth name of the child .....

(b) The child is a boy ..... a girl ..... (*please tick*)

(c) The child was born on the ..... day of 20

(d) The address where the child was born.....

(e) The address where the child lives now .....

(f) The parental rights and duties relating to the child are vested in .....

(g) The name(s) of the child if a Parental Order is made.....

Part 2 – Particulars of the petitioners

1st petitioner

(a) Your full name .....

(b) Your occupation.....

(c) Are you a genetic parent of the child? Yes ..... No ..... (*please tick*)

2nd petitioner

(a) Your full name .....

(b) Your occupation.....

(c) Are you a genetic parent of the child? Yes ..... No ..... (*please tick*)

Both applicants

Your address is.....

Part 3 – Particulars of birth parents

The birth mother

(a) Full name .....

(b) Full address.....

The other parent (if applicable)

(a) Full name .....

(b) Full address.....

(a) Form substituted by S.R. 2010 No. 115 with effect from 09.04.10

Part 4 – Parental Agreement

(a) Does the birth mother agree to a Parental Order being made?
Yes …….. No …….. (*please tick*)

(b) Does the other parent, if applicable, agree to a Parental Order being made?
Yes …….. No …….. (*please tick*)
***The agreement of the birth mother and the other parent (where appropriate) is required, or must be dispensed with on one of the grounds in paragraph (*d*) below, before an order can be made.**
***The child must be at least six weeks old when the agreement is given.**

(c) Will you be asking the court to dispense with the agreement of the birth mother and any other parent(s)? .....
Yes …….. No …….. (*please tick*) .....
If yes please give the name(s) of the parent(s) whose agreement you wish to dispense with .....

(d) The grounds of dispensing with agreement are:
(i) The person(s) cannot be found.....
(ii) The person(s) are incapable of giving agreement.....
(*please tick as appropriate*)

Part 5 – General Information

(a) Has the child ever been looked after by the Regional Board, HSC trust or voluntary organisation? Yes …… No ….. (*please tick*)
If yes
(i) Give the period during which this organisation has looked after the child
.....
(ii) Give details of the organisation
Name.....
Address .....

(b) Have there been, or are there, any court proceedings pending or in progress which concern this child?
Yes …… No …… (*please tick*)
If yes, give details of the proceedings .....
.....
Name of court .....
Case number of proceedings (if known) .....

(c) Have there been, or are there, any court proceedings pending or in progress which concern any other children of the applicants' family?
Yes …… No ……(*please tick*)
If yes, give details of the proceedings.....
.....
Name the court .....
Case number of proceedings (if known) .....

(d) Did you attend a licensed treatment centre? Yes ….. No…. (*please tick*).
If yes, give details .....

Part 6 – Particulars of Respondents

The respondents(s) will be:-

(a) the birth parents (except where the petitioners seek to dispense with their consent)

Part 7 – Declaration

We the petitioners declare that:

(a) we are married to each other and our marriage certificate is attached; or
we are civil partners and our civil partnership certificate is attached; or
we are living as partners in an enduring family relationship and are not within the prohibited degrees of relationship to each other,

(b) the child's home is with us,

(c) we are/one of us is/domiciled in a part of the United Kingdom or in the Channel Islands or the Isle of Man,

(d) no money or benefit (other than for expenses reasonably incurred) has been received or given by us for or in consideration of the matters set out in section 54(6) of the Human Fertilisation and Embryology Act 2008,

(e) a copy of the child's birth certificate is attached, and

(f) the information which we have given in this form is correct and complete to the best of our knowledge.

Signed

1st petitioner ..... date .....
2nd petitioner ..... date .....

Notes

Part 7 Two people are within the prohibited degrees of relationship with each other if they share the following relationship: adoptive child; adoptive parent; child; former adoptive child; former adoptive parent; grandparent; grandchild; parent; parent's sibling; sibling (brother, sister, half-brother, half-sister), sibling's child.]

[(a) FORM 390

[*Supplt. No. 26 (March 1995)*]

Agreement to Parental Order

ORDER 50A: RULE 5

(Heading as in Form 389)

IF YOU ARE IN ANY DOUBT ABOUT YOUR LEGAL RIGHTS YOU SHOULD OBTAIN LEGAL ADVICE BEFORE SIGNING THIS FORM.

WHEREAS an application is to be/has been made by and for a parental order in respect of a child;

AND WHEREAS the child is the person to whom the birth certificate attached marked 'A' relates:

AND WHEREAS the child is at least 6 weeks old:

We, the undersigned of being the birth parents of the child hereby state as follows:—

(1) We understand that the effect of a parental order will be to deprive us permanently of the parental rights and duties relating to the child and to vest them in the petitioners; and in particular we understand that, if an order is made, we shall have no right to see or get in touch with the child or to have him/her return to us.

(2) We further understand that the court cannot make a parental order is respect of the child without the agreement of the birth mother and, where appropriate the birth father of the child unless the court dispenses with an agreement on the ground that the persons concerned or one of them cannot be found or is incapable of giving agreement.

(3) We further understand that when the petition for a parental order is heard, this document may be used as evidence of our agreement to the making of the order unless we inform the court that we no longer agree.

(4) We hereby freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in respect of the child in pursuance of the petition.

(5) As far as we know, the only person(s) or body(ies) who has/have taken part in the arrangements in respect of the proposed parental order is/are

(*delete if inapplicable*).

(6) We have not received or given any money or other benefit (other than for expenses reasonably incurred) — for, or in consideration of—

(*a*) the making of the parental order,

(*b*) any agreement required,

(*c*) the handing over of the child to the petitioners, or

(*d*) the making of any arrangements with a view to the making of the parental order.

(*delete if inapplicable*)

(a) Form 390 inserted by S.R. 1995 No. 48 with effect from 20.3.95

or

as authorised by the court, we have received or given money or other benefit as follows (*delete if inapplicable*)

Signatures:

This form, duly completed, was signed by the said and before me at on the day of 19 .

Signature:

Addresss:

Description:

Notes

Preamble Insert the name(s) of the petitioner(s)

Insert the first name(s) and surnames of the child as known to the person giving agreement.

Paragraph 3 Notice will be given of the hearing of the petition and of the court by which it is to be heard. After the lodging of the petition a parent or guardian cannot remove the child from the actual custody of the person with whom the child has his home, except with the leave of the court.

Paragraph 5 Enter the name and address of any body or individual who took part in the arrangements in respect of the proposed parental order.

Witness of statement In Northern Ireland this document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in England and Wales by a Justice of the Peace. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.]

[(a) FORM 391

[*Supplt. No. 26 (March 1995)*]

Notice of hearing of a petition for a Parental Order

ORDER 50A: RULE 6

(Heading as in Form 389)

To

of

WHEREAS a petition for a parental order in respect of a child of the sex born on the day of 19 , has been made by and (*the petitioners' names*)

AND WHEREAS was appointed guardian ad litem of the child;

TAKE NOTICE:

1. That if you wish to appear and be heard on the question whether a parental order should be made, you should give notice to the Court on or before the day of 19 , in order that a time may be fixed for your appearance.

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the application is pending, a parent or guardian of the child must not, except with the leave of the court, remove the child from the actual custody of the person with whom the child has his home.

4. That the Court has been requested to dispense with (your) (the birth parents') agreement to the making of an order on the ground(s) that and a statement of the facts on which the petitioner intends to rely is attached.

If you wish to object to this application you must complete the attached form within 14 days and return it to the chief clerk.

Dated this day of 19 .

Signed

Solicitor for the petitioners or
chief clerk where no Solicitor acting

Notes

Preamble Enter the name(s) and surname of the child as shown in the petition.

Paragraph 4 Unless deleted, this paragraph should contain the grounds specified in the petition.

(a) Form 391 inserted by S.R. 1995 No. 48 with effect from 20.3.95

A copy of Form 392 must be attached to each copy of this form which is sent to all the parties to the application.

A copy of this form must be sent to:—

(*a*) the birth parents;

(*b*) any persons or body in whom the parental rights and duties in relation to the child are vested at the time of the application;

(*c*) any Board, HSS trust or voluntary organisation that has at any time provided accommodation for the child.]

[(a) FORM 392

Response to Notice of Hearing

FORM 50A: RULE 6

(Heading as in Form 389)

To the Chief Clerk, County Court/Recorder's Court.

I received notice of the hearing of the application on the day of 19 .

I wish/do not wish to appear and be heard on the question whether an order should be made.

(Signature)

(Address)

(Date)

(a) Form 392 inserted by S.R. 1995 No. 48 with effect from 20.3.95

[(a) FORM 393

Parental Order

ORDER 50A: RULE 10

(Heading as in Form 389)

WHEREAS an application has been made by and for a parental order in respect of , a child of the sex, the child of (and);

AND THE COURT BEING SATISFIED THAT the conditions set out in [(b) section 54 of the Human Fertilisation and Embryology Act 2008] are met,

[IT IS ORDERED that the consent of (and) be and the same is hereby dispensed with;]

IT IS ORDERED that a parental order be made in respect of the child [and that the parental rights and duties relating to the child (including the legal custody of the child) be vested in the applicant(s)].

AND AS REGARDS COSTS, it is ordered that ;

AND WHEREAS it has been proved to the satisfaction of the court that the child was born on the day of 20 , (and is identical with to whom the entry numbered made on the day of 20 , in the Register of Births for the registration district of in the county of relates;

AND WHEREAS the name or names and surname in the petition as those by which the child is to be known are ;

IT IS DIRECTED that the Registrar General shall make in the Parental Order Register an entry in accordance with Article 51 of, and Schedule 2 to, the Adoption (Northern Ireland) Order 1987 recording the particulars set out in this Order;

AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of Births be marked with the words 'Re-registered by the Registrar General pursuant to Article 51(4) of the Adoption (Northern Ireland) Order 1987 as applied with modifications by the [(c) ...]'.

Dated this day of 20 .]

(a) Form 393 inserted by S.R. 1995 No. 48 with effect from 20.03.95
(b) Words substituted by S.R. 2010 No. 115 with effect from 09.04.10
(c) Words omitted by S.R. 2010 No. 115 with effect from 09.04.10

[(a) FORM 394

Application, in respect of removal of, or for return of, child

ORDER 50A: RULE 11

(Heading as in form 389)

WHEREAS a petition for a parental order in respect of , a child of the sex born on the day of 20 , has been made by and of

AND WHEREAS has been appointed guardian ad litem of the child;

TAKE NOTICE that we , (description) of , hereby make application for

(1) leave of the court under Article 28(1) of the Adoption (Northern Ireland) Order 1987, to remove the child from the actual custody of);

(2) an order to the court directing , of , who removed the child from our actual custody in breach of Article 28 to return the child to us);

(3) an order of the court directing , of , not to remove the child from our custody in breach of Article 28).

THE GROUNDS on which we rely in support of this application are

Signed
Dated

Notes

Paragraph 3 The order may only be made if the applicant for the order has reasonable grounds for believing that the person named intends to remove the child.]

(a) Form 394 inserted by S.R. 1995 No. 48 with effect from 20.03.95

[(a) FORM 395

[*Supplt. No. 26 (March 1995)*]

Order in response to Notice/Application, in respect of removal of, or for return of, child

ORDER 50A: RULE 11

(Heading as in Form 389)

WHEREAS notice has been given by of .

AND WHEREAS a petition for a parental order in respect of , a child of the sex, born on the day of 19 , has been made by and of ;

AND WHEREAS has been appointed guardian ad litem of the child;

AND THE COURT BEING SATISFIED that this order will be in the best interests of the child;

(IT IS ORDERED that (and) of , the applicants, are hereby authorised under Article 28(1) of the Adoption (Northern Ireland) Order 1987 to remove , a child of the sex, born on the day of 19 , from the actual custody of of).

(IT IS ORDERED that of who removed , a child of the sex, born on the day of 19 , from the actual custody of (and) in breach of Article 28 of the 1987 Order, do return the said child immediately to the custody of the applicants).

(IT IS ORDERED that of who appears to intend to remove , a child of the sex, born on the day of 19 , from the actual custody of in breach of Article 28, must not remove the child from the custody of the applicants).

(IT IS ORDERED that the application be, and is hereby, dismissed.);

(AND AS REGARDS COSTS it is ordered that).

Dated this day of 19 .]

(a) Form 395 inserted by S.R. 1995 No. 48 with effect from 20.3.95

[(a) FORM 396

Notice of application for an order under Article 10 of the Access to Health Records (Northern Ireland) Order 1993

ORDER 52: RULE 15

[*Title as in Form 1*]

YOU ARE REQUIRED to take notice that on the day of 19 , an application will be made to the above-mentioned County Court by the applicant that the respondent be ordered on or before the day of 19 [or days after the service of this notice on him] to [set out order required] and that the said may be ordered to pay the costs of this application. This application is grounded on the affidavit served herewith.

Dated this day of 19 .

Signed

To the Chief Clerk]

(a) Form 396 inserted by S.R. 1995 No. 48 with effect from 20.3.95

[(a) FORM 397

Notice of party raising intention to reply on Convention right (or rights) in proceedings otherwise than in originating process or notice of appeal

ORDER 52, PART VII, RULE 24

[Heading as in proceedings in which Convention right or rights are raised]

TAKE NOTICE that I intend to rely in the above-mentioned proceedings on Convention right or rights

[*Specify details set out in Order 52, Part VII, Rule 24(3)*]

Dated this day of 20 .

Solicitor for the
[defendant]
[respondent]

To the [plaintiff] [applicant] [appellant] and to the Chief Clerk for the above-mentioned County Court Division.

FORM 398

Notice to appropriate person of proceedings under section 7(1)(a) of Human Rights Act 1998 in respect of a judicial act

ORDER 52, PART VII, RULES 25 AND 26

[Heading as in proceedings]

TAKE NOTICE that proceedings under section 7(1)(*a*) of the Human Rights Act 1998 in respect of a judicial act have been brought in the above-mentioned county court. A copy of the document under which the issue is raised is attached in this notice.

AND TAKE FURTHER NOTICE that you may not later than [21 days] [or such period as the court has specified] after the date of service of this notice, give notice of intention to be joined as a party to the above-mentioned proceedings. If you do not give such notice within the time allowed, the Court may direct that you be joined as a party to the said proceedings.

To: [*the appropriate person as defined in section 9(5) of the Human Rights Act 1998 and as determined in accordance with Order 52, Part VII, Rule 25(2)*]]

(a) Form 397 and 398 inserted by S.R. 2000 No. 282 with effect from 02.10.00

[(a) FORM 399

Notice of intention to be joined as a party to proceedings under section 7(1)(a) of the Human Rights Act 1998 in respect of a judicial act

ORDER 52, PART VII, RULE 26

[Heading as in proceedings]

WHEREAS NOTICE OF PROCEEDINGS UNDER SECTION 7(1)(*a*) of the Human Rights Act 1998 in respect of a judicial act was received by [*the appropriate person as defined in section 9(5) of the Human Rights Act 1998 and as determined in accordance with Order 52, Part VII, Rule 25(2)*] on the day of 20 .

TAKE NOTICE that the [*appropriate person*] intends to become a party to the above-mentioned proceedings.

Dated this day of 20 .

On behalf of [*the appropriate person*]

To the appellant/defendant/respondent and to the Chief Clerk of the above-mentioned County Court Division.].

[(b) FORM 400

Form of application for a live link direction under section 206A of the Extradition Act 2003

ORDER 52: RULE 28(1)

To be completed by all applicants

Details required	*Notes*
Case details	
ICOS reference number:	
Requested Person's surname:	
Forename(s):	
Requested Person's date of birth:	
Name of prison/place of custody:	
Court venue:	The venue of the court hearing the case.
Date of next hearing:	
Details of application	

(a) Form 399 inserted by S.R. 2000 No. 282 with effect from 02.10.00
(b) Form 400 inserted by S.R. 2010 No. 115 with effect from 09.04.10

Specify the direction sought:	(whether live link direction is sought in respect of one or more hearings)
State the reasons for a live link direction:	(provide evidence that the requested person is likely to be in custody at time of the next hearing)
Give a description of evidence submitted in support of this application:	This requirement is optional.

Arrangements which may be available
Requested Person to appear by live link:
Provide a description of the arrangements relevant to the direction applied for, which may be made available in the prison/place of custody where the defendant is currently being held:

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Chief Clerk for the county court division of

And to
(*insert names and addresses of each of the other parties to the proceedings*)

Note:

- An application for a live link direction under section 206A of the Extradition Act 2003 may be made in proceedings under:

  – **Part 1** of the Extradition Act 2003 (except the substantive extradition hearing or a hearing under section 54 (request for consent to other defence being dealt with) or section 56 (request for consent to further extradition to category 1 territory), and,

  – **Part 2** of the Extradition Act 2003 (*except the substantive extradition hearing*).
- An application for a live link direction must be made **not less than 7 days** before the date fixed for the commencement of proceedings to which the application relates.
- A copy of the application served on the chief clerk shall be endorsed with the date and the manner in which the application was served on each of the other parties to the proceedings.

- An applicant must provide the court with sufficient information to enable a live link to be facilitated, including the location of the requested person, and any technical information required by the court to connect to said location.

Note to party who has received a copy of this notice:

If you wish to object to this application you are required to notify the applicant and the chief clerk in writing of your opposition and stating the reasons for doing so **within 3 days** of receipt of the application.]

[(a) FORM 401

EXTRADITION ACT 2003

(SECTION 206A & 206B)

COUNTY COURTS (NORTHERN IRELAND) ORDER 1980

ORDER 52, RULE 28(9) AND 29(3)

Notice of decision for direction/rescission of a direction* for a live link under section 206A/206B* of the Extradition Act 2003

of

Requesting Territory } Petty Sessions District of

of

Requested Person } County Court Division of

[An application having been made under section 206A/206B* of the Extradition Act 2003 for a live link direction/rescission of a direction]* the Court hereby directs:-

[The Court of its own motion directs:-]*

[The Court stated the reasons for refusing the application as follows:-]*

This day of 20 .

Chief Clerk

* delete as appropriate]

(a) Form 401 inserted by S.R. 2010 No. 115 with effect from 09.04.10

[(a) APPENDIX 2

PART 1

Ordinary civil bills

(other than those provided for in Table 3)

Table 1: Plaintiff's and Defendant's Costs

In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)— (*1*)		*Solicitor's costs* (*2*)	
		As from 25/02/13	As from 25/02/14
(i)	does not exceed £1,000	£527	£538
(ii)	exceeds £1,000 but does not exceed £2,500	£1,114	£1,136
(iii)	exceeds £2,500 but does not exceed £5,000	£1,583	£1,614
(iv)	exceeds £5,000 but does not exceed £7,500	£2,052	£2,092
(v)	exceeds £7,500 but does not exceed £10,000	£2,345	£2,391
(vi)	exceeds £10,000 but does not exceed £12,500	£2,580	£2,630
(vii)	exceeds £12,500 but does not exceed £15,000	£2,814	£2,869
(viii)	exceeds £15,000 but does not exceed £20,000	£3,800	£3,876
(ix)	exceeds £20,000 but does not exceed £25,000	£4,170	£4,253
(x)	exceeds £25,000 but does not exceed £30,000	£4,600	£4,692

In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)— (*1*)		*Counsel's fee* (*3*)	
		As from 25/02/13	As from 25/02/14
(i)	does not exceed £1,000	£176	£180
(ii)	exceeds £1,000 but does not exceed £2,500	£258	£263
(iii)	exceeds £2,500 but does not exceed £5,000	£375	£383
(iv)	exceeds £5,000 but does not exceed £7,500	£469	£478
(v)	exceeds £7,500 but does not exceed £10,000	£551	£562
(vi)	exceeds £10,000 but does not exceed £12,500	£627	£640
(vii)	exceeds £12,500 but does not exceed £15,000	£704	£718
(viii)	exceeds £15,000 but does not exceed £20,000	£825	£842
(ix)	exceeds £20,000 but does not exceed £25,000	£934	£953
(x)	exceeds £25,000 but does not exceed £30,000	£1,039	£1,060

1. This Table does not apply to actions for defamation.

(a) Appendix 2 substituted by S.R. 2013 No. 19 with effect from 25.02.13

2. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

3A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

3B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

4A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

4B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

5. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsels scale fee on the amount claimed/decreed (as appropriate).

6. Where in any action or application under:

(i) the Consumer Credit Act 1974;

(ii) Part IV of the Sex Discrimination (Northern Ireland) Order 1976;

(iii) Part III of the Race Relations (Northern Ireland) Order 1997;

(iv) Part IV of the Fair Employment and Treatment (Northern Ireland) Order 1998;

(v) Part III of the Disability Discrimination Act 1995; or

(vi) regulations 5 to 17 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006,

(vii) the Special Educational Needs and Disability (Northern Ireland) Order 2005,

the amount decreed exceeds £30,000, the costs may be increased by such amounts as the judge or district judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

7. Where in any action or application under any of the statutory provisions listed in paragraph 6, the amount claimed exceeds £30,000 and the action or application is dismissed, the costs may be increased by such amounts as the judge or district judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

Costs where no notice of intention to defend is served and judgment is marked under Order 12

Table 2: Plaintiff's Costs

In actions where amount decreed—		*Where sum claimed and costs specified in civil bill not paid within 21 days of service*	
(1)		*(2)*	
		As from 25/02/13	As from 25/02/14
(i)	does not exceed £1,000	£102	£104
(ii)	exceeds £1,000 but does not exceed £5,000	£187	£191

In actions where amount decreed—		*Where sum claimed and costs specified in civil bill not paid within 21 days of service*	
	(1)	*(2)*	
(iii)	exceeds £5,000 but does not exceed £10,000	£283	£289
(iv)	exceeds £10,000 but does not exceed £15,000	£365	£372
(v)	exceeds £15,000 but does not exceed £20,000	£431	£440
(vi)	exceeds £20,000 but does not exceed £25,000	£488	£498
(vii)	exceeds £25,000 but does not exceed £30,000	£555	£566

1. Where the sum claimed is paid within 21 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See Order 55, Rule 14(1).

2. See Part 9 ("Miscellaneous Costs") of this Appendix for application of this Table to proceedings under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 and under the Hire Purchase Acts.

3. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £30,000, the costs may be increased by such amounts as the district judge thinks proper having regard to the amount involved or the importance or difficulty of the case, provided that the total amount allowed for costs shall not exceed as follows–

(a) £413 as from 25 February 2013; or

(b) £421 as from 25 February 2014.

4. Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor.

Libel and slander

Table 3: Plaintiff's Costs

In actions where amount decreed— (1)		*Solicitor's costs* (2)		*Counsel's fee* (3)	
		As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i)	does not exceed £500	£524	£535	£225	£230
(ii)	exceeds £500 but does not exceed £1,000	£615	£627	£337	£343
(iii)	exceeds £1,000 but does not exceed £1,500	£704	£718	£418	£426
(iv)	exceeds £1,500 but does not exceed £2,000	£838	£855	£524	£535
(v)	exceeds £2,000 but does not exceed £2,500	£951	£969	£623	£635
(vi)	exceeds £2,500 but does not exceed £3,000	£1,067	£1,088	£715	£729

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

3A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

Libel and slander

Table 4: Defendant's Costs

In actions where amount claimed—		*Solicitor's costs*		*Counsel's fee*	
(1)		*(2)*		*(3)*	
		As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i)	does not exceed £500	£509	£519	£225	£230
(ii)	exceeds £500 but does not exceed £1,000	£601	£613	£337	£343
(iii)	exceeds £1,000 but does not exceed £1,500	£691	£704	£418	£426
(iv)	exceeds £1,500 but does not exceed £2,000	£823	£839	£524	£535
(v)	exceeds £2,000 but does not exceed £2,500	£933	£952	£623	£635
(vi)	exceeds £2,500 but does not exceed £3,000	£1,052	£1,072	£715	£729

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

3A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

PART II

Remitted actions

Table 1: Plaintiff's Costs

In actions where amount decreed— (*1*)		*Solicitor's costs* (*2*)	
		As from 25/02/13	As from 25/02/14
(i)	does not exceed £1,000	£527	£538

In actions where amount decreed—	(*1*)	*Solicitor's costs* (*2*)	
(ii)	exceeds £1,000 but does not exceed £2,500	£1,114	£1,136
(iii)	exceeds £2,500 but does not exceed £5,000	£1,583	£1,614
(iv)	exceeds £5,000 but does not exceed £7,500	£2,052	£2,092
(v)	exceeds £7,500 but does not exceed £10,000	£2,345	£2,391
(vi)	exceeds £10,000 but does not exceed £12,500	£2,580	£2,630
(vii)	exceeds £12,500 but does not exceed £15,000	£2,814	£2,869
(viii)	exceeds £15,000 but does not exceed £20,000	£3,800	£3,876
(ix)	exceeds £20,000 but does not exceed £25,000	£4,170	£4,253
(x)	Exceeds £25,00 but does not exceed £30,000	£4,600	£4,692

In actions where amount decreed—	(*1*)	*Counsel's fee* (*2*)	
		As from 25/02/13	As from 25/02/14
(i)	does not exceed £1,000	£176	£180
(ii)	exceeds £1,000 but does not exceed £2,500	£258	£263
(iii)	exceeds £2,500 but does not exceed £5,000	£375	£383
(iv)	exceeds £5,000 but does not exceed £7,500	£469	£478
(v)	exceeds £7,500 but does not exceed £10,000	£551	£562
(vi)	exceeds £10,000 but does not exceed £12,500	£627	£640
(vii)	exceeds £12,500 but does not exceed £15,000	£704	£718
(viii)	exceeds £15,000 but does not exceed £20,000	£825	£842
(ix)	exceeds £20,000 but does not exceed £25,000	£934	£953
(x)	exceeds £25,000 but does not exceed £30,000	£1,039	£1,060

1. Where a Chancery action is remitted the judge or district judge shall direct which costs tables shall apply having regard to the subject matter of the suit.

2. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

3. Where the amount decreed exceeds £30,000, the costs may be increased by such amounts as the judge or district judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

4A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

4B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

5A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

5B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

6. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

Table 2: Defendant's Costs

	As from 25/02/13	As from 25/02/14
Solicitor's costs	£2,814	£2,869
Counsel's fee	£704	£718

provided, however, that where no specific sum or a sum exceeding £30,000 is claimed, the judge or district judge, having regard to the importance or difficulty of the case or to the amount involved, may increase the above amount.

1. Where a Chancery action is remitted the judge or district judge shall direct which costs tables shall apply having regard to the subject matter of the suit.

2. Where the defendant complies with Order 8, Rule 6, he shall be entitled to claim an amount as follows—

(a) £23.59 as from 25 February 2013; or

(b) £24.05 as from 25 February 2014.

3. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

4A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

4B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

5A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

5B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

6. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

PART III

Ejectments

Table 1: Plaintiff's Costs

(1)	*Solicitor's costs (2)*		*Counsel's fee (3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978	£130	£132	£63	£64
In other cases— where the valuation (a) does not exceed— (i) in the case where the lands have a net annual value, £4,060;	£315	£321	£120	£123
(ii) in the case where the lands have a capital value, £400,000; and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied; (b) exceeds— (i) in the case where the lands have a net annual value, £4,060;	£449	£458	£225	£230
(ii) in the case where the lands have a capital value, £400,000; and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied.				

1. See Order 55, Rule 14(1). Only 50% payable where defendant delivers up possession within 21 days of service of civil bill.

2. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

3. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

Table 2: Defendants Costs

(1)	*Solicitor's costs (2)*		*Counsel's fee (3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978	£130	£132	£63	£64
In other cases— where the valuation (a) does not exceed—				

(1)	*Solicitor's costs (2)*		*Counsel's fee (3)*	
(i) in the case where the lands have a net annual value, £4,060;	£315	£321	£120	£123
(ii) in the case where the lands have a capital value, £400,000;				
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied				
(b) exceeds— (i) in the case where the lands have a net annual value, £4,060;	£449	£458	£225	£230
(ii) in the case where the lands have a capital value, £400,000;				
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied.				

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

PART IV

Proceedings to annul precept, order or conviction – Order 37

	As from 25/02/13	As from 25/02/14
Instructions, drawing notice and copy	£19.79	£20.18
Entry, preparation for and attending hearing	£65.36	£66.64
Drawing order	£5.94	£6.05

PART V

Restitution of possession

Where the application for restitution is opposed and is refused, Part 3, Table 2, shall apply as if the respondent were a defendant.

Where the application for restitution is granted no party and party costs shall be allowed.

PART VI

Grant and revocation of probate or administration

Table 1: Plaintiff's Costs

Where the net estate— (1)	*Solicitor's costs (2)*		*Counsel's fee (3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i) does not exceed £10,000	£360	£367	£269	£275
(ii) exceeds £10,000 but not £20,000	£495	£504	£337	£343
(iii) exceeds £20,000 but not £30,000	£660	£673	£375	£383
(iv) exceeds £30,000 but not £40,000	£813	£829	£412	£420
(v) exceeds £40,000 but not £45,000	£957	£976	£444	£452

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2A Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013;

(b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

3A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

Table 2: Defendant's Costs

Where the net estate— *(1)*	*Solicitor's costs* *(2)*		*Counsel's fee* *(3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i) does not exceed £10,000	£346	£353	£269	£275
(ii) exceeds £10,000 but not £20,000	£479	£489	£337	£343
(iii) exceeds £20,000 but not £30,000	£644	£656	£375	£383
(iv) exceeds £30,000 but not £40,000	£799	£814	£412	£420
(v) exceeds £40,000 but not £45,000	£942	£961	£444	£452

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2A. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting a notice for particulars as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £42.00 as from 25 February 2013; or

(b) £43.00 as from 25 February 2014.

3A. Where the judge or district judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum for drafting interrogatories as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows—

(a) £68.00 as from 25 February 2013; or

(b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

PART VII

Application under Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968

Table 1: Applicant's Costs

Where the net estate— (1)	*Solicitor's costs (2)*		*Counsel's fee (3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i) does not exceed £30	£24	£25	£9	£9
(ii) exceeds £30 but does not exceed £75	£45	£46	£24	£25
(iii) exceeds £75 but does not exceed £150	£79	£80	£31	£31
(iv) exceeds £150 but does not exceed £300	£122	£125	£41	£42
(v) exceeds £300 but does not exceed £500	£135	£137	£44	£45
(vi) exceeds £500 but does not exceed £1,000	£160	£163	£46	£47
(vii) exceeds £1,000 but does not exceed £2,000	£179	£182	£66	£68
(viii) exceeds £2,000 but does not exceed £3,500	£204	£208	£79	£80
(ix) exceeds £3,500 but does not exceed £5,000	£223	£228	£93	£95
(x) exceeds £5,000 but does not exceed £5,500	£235	£239	£95	£97
(xi) exceeds £5,500 but does not exceed £6,000	£245	£250	£102	£104
(xii) exceeds £6,000 but does not exceed £6,500	£259	£264	£104	£106
(xiii) exceeds £6,500 but does not exceed £7,000	£268	£274	£111	£113
(xiv) exceeds £7,000 but does not exceed £7,500	£279	£285	£119	£122
(xv) exceeds £7,500 but does not exceed £8,000	£292	£297	£122	£125

(xvi) exceeds £8,000 but does not exceed £8,500	£305	£311	£125	£128
(xvii) exceeds £8,500 but does not exceed £9,000	£314	£320	£135	£137
(xviii) exceeds £9,000 but does not exceed £9,500	£323	£330	£138	£140
(xix) exceeds £9,500 but does not exceed £10,000	£334	£340	£145	£148

1. If claim is settled and attendance of applicant's solicitor is not required at court for purpose of obtaining a decree, 85% only of costs in columns (2) and (3) are payable, unless the parties otherwise agree or the judge orders.

2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the judge. The amount specified in the offer shall not be communicated to the judge until after he has determined the amount awarded.

3. Where the case is of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the judge may certify an amount exceeding scale figure.

4. Where the judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.

5. Where the amount awarded exceeds £10,000, the judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.

RESPONDENT'S COSTS

Where an application for compensation is dismissed the amount recoverable by the respondent for solicitor's costs or counsel's fees shall, in default of agreement, be such amount, if any, as the judge may settle.

Party and party costs in appeals under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in relation to claims for compensation under that Order

Table 2: Appellant's Costs

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
£250	£170	£174	£66	£68

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
£500	£210	£214	£81	£82
£750	£264	£269	£108	£110
£1,000	£301	£307	£126	£129
£2,000	£338	£344	£142	£145
£3,000	£378	£386	£158	£161
£4,000	£417	£425	£165	£168
£5,000	£454	£463	£179	£182
£6,000	£496	£505	£190	£193
£7,000	£536	£546	£204	£208
£8,000	£571	£582	£213	£217
£9,000	£614	£626	£227	£232
£10,000	£653	£666	£240	£244
£15,000	£831	£848	£304	£310
£20,000	£1,031	£1,051	£373	£381
£25,000	£1,211	£1,234	£441	£449
£30,000	£1,409	£1,436	£519	£529
£35,000	£1,588	£1,619	£588	£599
£40,000	£1,781	£1,816	£669	£682
£45,000	£1,964	£2,002	£718	£732
£50,000	£2,144	£2,186	£825	£841
£60,000	£2,432	£2,479	£954	£972
£70,000	£2,715	£2,768	£1,085	£1,107
£80,000	£2,992	£3,050	£1,221	£1,245
£90,000	£3,278	£3,343	£1,368	£1,395
£100,000	£3,549	£3,618	£1,508	£1,537
£125,000	£3,731	£3,804	£1,605	£1,637
£150,000	£3,928	£4,005	£1,714	£1,747
£175,000	£4,121	£4,202	£1,848	£1,884
£200,000	£4,305	£4,390	£1,934	£1,972
£250,000	£4,681	£4,773	£2,153	£2,195
£300,000	£4,774	£4,867	£2,216	£2,260
£350,000	£4,867	£4,963	£2,272	£2,316

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
£400,000	£4,953	£5,050	£2,328	£2,373
£450,000	£5,047	£5,146	£2,383	£2,429
£500,000	£5,138	£5,238	£2,446	£2,494
£600,000	£5,328	£5,433	£2,569	£2,620
£700,000	£5,511	£5,619	£2,690	£2,742
£800,000	£5,700	£5,812	£2,812	£2,867
£900,000	£5,891	£6,006	£2,946	£3,004
£1,000,000	£6,071	£6,190	£3,073	£3,134

NOTE:

1. Subject to the discretion of the judge to certify otherwise, the scale of counsel's fees in column (3) above relates only to the item or items in dispute and not to the value of the claim as a whole.

2. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fees.

3. Where the judge considers it was proper for an applicant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.

4. Where the amount awarded is in excess of £1,000,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

5. Where the case is one of exceptional complexity or difficulty the judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.

6. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 15(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(5).

7. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 12(2) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.

8. (a) Where a solicitor conducts an appeal without counsel he shall, if the judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and

(b) the amount of any enhancement shall be in the discretion of the judge, but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the judge may order the appellant to pay the Secretary of State an amount for his solicitor's costs or counsel's fees.

2. Where he does so, that amount shall, in default of agreement, be such as the judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

Party and party costs in appeals under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

Table 3: Appellant's Costs

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
£500	£264	£269	£108	£110
£750	£363	£370	£148	£151
£1,000	£454	£463	£173	£177
£2,000	£496	£505	£191	£194
£3,000	£520	£530	£212	£216
£4,000	£561	£572	£233	£237
£5,000	£587	£598	£253	£258
£6,000	£614	£626	£258	£263
£7,000	£639	£651	£266	£271
£8,000	£662	£675	£277	£283
£9,000	£691	£704	£289	£294
£10,000	£717	£731	£301	£307
£15,000	£822	£838	£333	£339
£20,000	£948	£966	£378	£386
£25,000	£1,079	£1,100	£410	£418
£30,000	£1,208	£1,231	£444	£452
£35,000	£1,341	£1,368	£495	£504
£40,000	£1,471	£1,500	£547	£557
£45,000	£1,601	£1,633	£597	£608
£50,000	£1,726	£1,760	£653	£666
£60,000	£1,885	£1,922	£710	£724

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
£70,000	£2,081	£2,122	£805	£821
£80,000	£2,342	£2,388	£919	£937
£90,000	£2,600	£2,651	£1,039	£1,060
£100,000	£2,861	£2,917	£1,161	£1,184
£125,000	£3,252	£3,316	£1,354	£1,380
£150,000	£3,379	£3,446	£1,440	£1,468
£175,000	£3,513	£3,582	£1,516	£1,545
£200,000	£3,640	£3,712	£1,590	£1,621
£225,000	£3,775	£3,849	£1,660	£1,692
£250,000	£3,903	£3,979	£1,727	£1,761

NOTE:

1. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fee.

2. Where the judge considers it was proper for an applicant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.

3. Where the amount awarded is in excess of £250,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

4. Where the case is one of exceptional complexity or difficulty the judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.

5. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 16(3) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

6. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 13(2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.

7. (a) Where a solicitor conducts an appeal without counsel he shall, if the judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and

   (b) the amount of any enhancement so allowed shall be in the discretion of the judge, but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fee.

2. Where he does so, that amount shall, in default of agreement, be such as the judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

Party and party costs in appeals under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 and under paragraph (5) of Schedule 12 to the Terrorism Act 2000

Table 4: Appellant's Costs

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's costs*		*Counsel's fee*	
(1)	*(2)*		*(3)*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
£250	£170	£174	£66	£68
£500	£210	£214	£81	£82
£750	£264	£269	£108	£110
£1,000	£301	£307	£126	£129
£2,000	£338	£344	£142	£145
£3,000	£378	£386	£158	£161
£4,000	£417	£425	£165	£168
£5,000	£454	£463	£179	£182
£6,000	£496	£505	£190	£193
£7,000	£536	£546	£204	£208
£8,000	£571	£582	£213	£217
£9,000	£614	£626	£227	£232
£10,000	£653	£666	£240	£244
£15,000	£831	£848	£304	£310
£20,000	£1,031	£1,051	£373	£381
£25,000	£1,211	£1,234	£441	£449
£30,000	£1,409	£1,436	£519	£529
£35,000	£1,588	£1,619	£588	£599
£40,000	£1,781	£1,816	£669	£682
£45,000	£1,961	£2,000	£718	£732
£50,000	£2,144	£2,186	£825	£841

NOTES:

1. Subject to the discretion of the judge to certify otherwise, the scale of counsel's fees in column (3) above relates only to the item or items the subject of the appeal and not to the value of the claim as a whole.

2. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fees.

3. Where the judge considers it was proper for an appellant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.

4. Where the amount awarded is in excess of £50,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

5. Where the case is one of exceptional complexity or difficulty the judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.

6. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54.

7. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable by the Secretary of State in respect of making out and verifying the claim to compensation up to the date of service of notice of the Secretary of State's decision under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 or under paragraph 4 of Schedule 12 to the Terrorism Act 2000.

8. Where an appeal under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 or under paragraph 5 of Schedule 12 to the Terrorism Act 2000 is in respect of an act authorised by or on behalf of the Secretary of State under section 26(2) of the Northern Ireland (Emergency Provisions) Act 1996 or under section 91 of the Terrorism Act 2000 and the judge considers that the scale of costs in this Schedule is inappropriate, the amount of solicitor's costs or of counsel's fees shall be at the discretion of the judge and, unless the parties otherwise agree, he shall certify the amount he allows for such costs and fees.

9. (a) Where a solicitor conducts an appeal without counsel he shall, if the judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and

(b) the amount of any enhancement so allowed shall be in the discretion of the judge, but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fee.

2. Where he does so, that amount shall, in default of agreement, be such as the judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

PART VIII

Equity and Title suits

1. Subject to the judge or district judge's discretion, the following Rules shall be applicable to the costs of equity and title suits and proceedings under Articles 13 and 14 of the Order.

2. In equity and title matters solicitor's costs and counsel's fees shall be determined in accordance with Tables 1 and 2 respectively.

Table 1

Where the value of the personalty and/or lands—	*Solicitor's costs*	
	As from 25/02/13	As from 25/02/14
does not exceed £5,000	£527	£538
exceeds £5,000 but not £10,000	£1,114	£1,136
exceeds £10,000 but not £15,000	£1,583	£1,614
exceeds £15,000 but not £20,000	£2,052	£2,092
exceeds £20,000 but not £25,000	£2,345	£2,391
exceeds £25,000 but not £35,000	£2,580	£2,630
exceeds £35,000 but not £45,000	£2,814	£2,869

Table 2

Where the value of the personalty and/or lands—	*Counsel's fee for advising proceedings defence settling the equity civil bill and advising proofs*		*Counsel's fee on the hearing of every equity civil bill or petition*	
	As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
does not exceed £5,000	£90	£92	£262	£267
exceeds £5,000 but not £10,000	£121	£124	£336	£342
exceeds £10,000 but not £15,000	£149	£152	£449	£458
exceeds £15,000 but not £20,000	£196	£200	£523	£534
exceeds £20,000 but not £25,000	£225	£230	£600	£612
exceeds £25,000 but not £35,000	£295	£301	£749	£763
exceeds £35,000 but not £45,000	£362	£369	£900	£917

3. For the purpose of ascertaining the appropriate scale the value of any lands not valued by a court valuer or sold in the course of the proceedings shall, subject to any direction of the judge or district judge, be taken to be 0.0163 times their capital value or ten times their net annual value.

4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1977 property which is not treated as a hereditament, its value shall, where the property is not valued by a court valuer or sold in the course of the proceedings be taken, subject to any direction of the judge or district judge, to be an amount which is equal to 0.0652 times or forty times the amount which the Commissioner of Valuation certifies would be entered in a valuation list as its capital or net annual value respectively if it were so treated and if it had been valued under the enactments repealed by that Order.

5. Notwithstanding the foregoing provisions of this Part, the judge or district judge may in any case direct that any of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.

6. Where, having regard to the work actually performed, the amounts provided under the relevant scale are in the opinion of the judge or district judge inadequate, he may for any particular case make a special order allowing such costs and expenses as he may think just.

7. The value of the subject matter of any suit for the purpose of stamp duties and for the allowance of costs and expenses shall in case of dispute be assessed by the judge or district judge.

8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the judge or district judge may order such allowance in respect of costs and expenses of either or any of the parties as in his opinion, having regard to the nature and circumstances of the case, may seem just.

9. The costs of separate appearances by counsel or solicitor for parties whose interests are not antagonistic shall not be allowed, nor shall more than one set of costs be allowed for any parties for whom the judge or district judge is of the opinion that separate appearances were unnecessary.

10. Where in a mortgage suit the defendant, either before the hearing or within the time fixed by the primary decree, pays the amount due for principal and interest together with all costs due up to the date of payment, such costs shall be ascertained by reference to the amount due at the commencement of the proceedings and not by reference to the value of the lands.

11. Counsel travelling to attend court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23.00;

(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

Solicitor travelling to attend a court—

(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £23.00;

(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £46.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

12. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

PART IX

Miscellaneous Costs

INTERPLEADER PROCEEDINGS

The costs under Order 10 shall be in accordance with the foregoing Rules and Tables so far as appropriate and subject to any direction by the judge or district judge.

INTERLOCUTORY APPLICATIONS

	As from 25/02/13	As from 25/02/14
Instructions and drawing notice of motion or certificate of application for discovery, filing and serving copy	£116.28	£118.56
Attending before judge or district judge on notice or ex parte	£58.14	£59.28
Drawing up list of documents under Order 15	£41.26 (or such other amount a the judge or district judge may allow).	£42.07 (or such other amount as the judge or district judge may allow).

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: Part VIII

Costs of an enforcement order under Rule 4(2) (a) of Order 40 shall be in accordance with Part 1, Table 3 as if the total amount ordered to be paid by instalments were the amount decreed.

Costs of a committal order or an attachment of earnings order made by the court under the said Act shall be one-half the amount of the costs appropriate to an enforcement order.

ENFORCEMENT OF COUNTY COURT DECREES IN OTHER PARTS OF THE UNITED KINGDOM

	As from 25/02/13	As from 25/02/14
Applicant's costs of obtaining a certificate in respect of a money provision contained in a decree	£26.20	£26.72
And in respect of the affidavit together with the Commissioner's fee (if any) an additional sum as follows—		
£2.67 as from 25 February 2013; or		
£2.72 as from 25 February 2014		

HIRE-PURCHASE

Where an order is made for recovery of possession of goods let under a hire-purchase agreement, the prima facie value of the goods for the purpose of costs shall be the total price less (a) the amount paid, and (b) the amount of arrears (if any) awarded by the decree or order, but this value may be varied by the judge or district judge in his discretion and the costs shall be of the same amount as in proceedings for the recovery of a sum of money equal to the said value of the goods.

Where a decree for arrears of instalments and/or damages is coupled with an order for recovery of possession of goods the amount thereof shall be added to the value of the goods as ascertained as above for the purpose of fixing the amount of the costs.

In any proceedings on foot of a hire-purchase agreement for recovery of possession of goods or for arrears of instalments or for damages for breach of the said agreement where such proceedings are undefended the costs shall be in accordance with Part I, Table 3 and in other cases Part I, Table 1 or 2.

STATUTORY APPEALS AND APPLICATIONS

	As from 25/02/13	As from 25/02/14
Notice of appeal or application, services and entry	£19.51	£19.90
Preparation for and attending hearing, instructing counsel (if any) and taking out order	£103.60	£105.63
Counsel's fees	£64.60	£65.86

The above fees may be increased at the discretion of the judge or district judge, who may, in the case of an application under the Administration of Estates Acts (Northern Ireland) 1955 or the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 or the Administration of Estates (Northern Ireland) Order 1979 or any other statutory application not otherwise provided for, direct that the equity scales shall apply in lieu of the above costs.

PROCEEDINGS FOR WRONGFUL INTERFERENCE WITH GOODS

Where an order is made for delivery of goods with or without an order for damages the value of the goods as assessed by the court shall be added to the damages, if any, for the purpose of ascertaining the appropriate costs scales.

Where an action for wrongful interference with goods is dismissed the defendant's costs shall be based upon the value of the goods claimed as assessed by the court or shall be such sum as the judge or district judge may award.

COSTS OF THE DAY

If ordered by the judge or district judge on the application of any party, the costs of the day in any proceeding shall be in the discretion of the judge or district judge.

PART X

Occasional Costs

	As from 25/02/13	As from 25/02/14
1. For any affidavit of service not otherwise provided for	£2.67	£2.72
2. For any other necessary affidavit not otherwise provided for, per folio	£1.10	£1.12
3. For preparing recognizance	£3.06	£3.12
4. For drawing, issuing and having served a witness summons	£8.93	£9.10
5. For drawing costs and copies, per page	£6.61	£6.74
6. For attending taxation, per hour	£11.17	£11.39]

APPENDIX 3

Statutory Rules revoked

1. *Year and number*	2. *Title*	3. *Extent of revocation*
S.R. 1976 No. 374	County Court Rules (Northern Ireland) 1976	The Whole Rules.
S.R. 1977 No. 324	County Court (Amendment) Rules (Northern Ireland) 1977	The Whole Rules.
S.R. 1978 No. 56	County Court (Costs) (Amendment) Rules (Northern Ireland) 1978	The Whole Rules.
S.R. 1978 No. 370	County Court (Amendment) Rules (Northern Ireland) 1978	The Whole Rules.
S.R. 1978 No. 407	County Court (Rent Order) Rules (Northern Ireland) 1978	The Whole Rules.
S.R. 1979 No. 111	County Court (Amendment) Rules (Northern Ireland) 1979	The Whole Rules.
S.R. 1979 No. 112	County Court (Amendment No. 2) Rules (Northern Ireland) 1979	The Whole Rules.
S.R. 1979 No. 115	County Court (Rent Order) (Amendment) Rules (Northern Ireland) 1979	
S.R. 1979 No. 447	County Court (Licensing) Rules (Northern Ireland) 1979	The Whole Rules.
S.R. 1979 No. 448	County Court (Amendment No. 3) Rules (Northern Ireland) 1979	The Whole Rules.
S.R. 1980 No. 119	County Court (Amendment) Rules (Northern Ireland) 1980	The Whole Rules.
S.R. 1980 No. 227	County Court (Adoption) Rules (Northern Ireland) 1980	The Whole Rules.
S.R. 1980 No. 245	County Court (Amendment No. 2) Rules (Northern Ireland) 1980	The Whole Rules.
S.R. 1980 No. 412	County Court (Amendment No. 3) Rules (Northern Ireland) 1980	The Whole Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules consolidate with minor consequential amendments, the County Court Rules (Northern Ireland) 1976, the County Court (Rent Order) Rules (Northern Ireland) 1978, the County Court (Licensing) Rules (Northern Ireland) 1979 and the County Court (Adoption) Rules (Northern Ireland) 1980 and the amendments to those Rules in force on 5th June 1981.

The Rules also make the following new provisions and amendments:—

1. A matter adjourned generally may be struck out if no application for a hearing has been made in the preceding year (Order 14, Rule 4(4)).
2. Provision is made for entering a defence to a remitted action (Order 22, Rule 8(5)).
3. Rule 19 of Order 25 (which requires proceedings heard before a [(a) district judge] to be treated as if heard before a Judge) has been amended to exclude the provisions of Rule 19(1)(a) of Order 55 (half costs if amount awarded by Judge does not exceed £500).
4. The time for service of a summons under section 17 of the Married Women's Property Act 1882 has been increased from 16 to 28 days before entry day (Order 29, Rule 1(1)).

(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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Unless otherwise indicated, a reference to an Article is to that Article as numbered in the County Courts (Northern Ireland) Order 1980 and a reference to an Order or rule is to that Order or rule as numbered in the County Court Rules (Northern Ireland) 1981.

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1994 No. 472 with effect from 1.1.95
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(c) 1988 c. 48
(d) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(c) Entry inserted by S.R. 1995 No. 471 with effect from 1.1.96

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90
(c) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(d) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95
(e) Words substituted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) Figure substituted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1996 No. 295 with effect from 2.9.96
(c) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90
(d) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1992 No. 249 with effect from 1.7.92

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(a) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90
(c) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(d) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90

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(a) Entry inserted by S.R. 1997 No. 17 with effect from 31.1.97
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Entry amended by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1996 No. 294 with effect from 2.9.96

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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[(c) HUMAN RIGHTS ACT 1998
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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1995 No. 48 with effect from 20.3.95
(c) Entry inserted by S.R. 2000 No. 282 with effect from 2.10.00

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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[(b) . . .]
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(a) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(b) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90

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(**a**) Words substituted by S.R. 1997 No. 61 with effect from 20.2.97
(**b**) Words inserted by S.R. 2004 No. 463 with effect from 29.11.04
(**c**) Words inserted by S.R. 1997 No. 61 with effect from 20.2.97

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(**a**) To be construed as such by S.R. 1991 No.. 230 with effect from 28.6.91
(**b**) To be construed as such by S.R. 1991 No.. 230 with effect from 28.6.91

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(a) Entry substituted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90

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(a) Entry inserted by S.R. 1995 No. 48 with effect from 20.3.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries inserted by S.R. 1995 No. 151 with effect from 1.9.95
(b) Words inserted by S.R. 1995 No. 151 with effect from 1.9.95
(c) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1995 No. 31 with effect from 25.3.85
(b) Entry amended by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90
(b) Entries deleted by S.R. 1995 No. 151 with effect from 1.1.95

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(a) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(**a**) Entry inserted by S.R. 1995 No. 282 with effect from 1.9.95
(**b**) Entry inserted by S.R. 1995 No. 151 with effect from 1.9.95
(**c**) Entry inserted by S.R. 1983 No. 14 with effect from 14.3.83
(**d**) Entry inserted by S.R. 1985 No. 31 with effect from 25.3.85
(**e**) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(**a**) Words inserted by S.R. 2004 No. 216 with effect from 31.5.04
(**b**) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91
(**c**) Words inserted by S.R. 2004 No. 216 with effect from 31.5.04
(**d**) Entry inserted by S.R. 1989 No. 480 with effect from 1.1.90

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entries deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95

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(a) Entry deleted by S.R. 1995 No. 151 with effect from 1.9.95
(b) To be construed as such by S.R. 1991 No. 230 with effect from 28.6.91

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(a) Entry amended by S.R. 1995 No. 151 with effect from 1.9.95