AND TAKE FURTHER NOTICE that you are entitled to appear in person or by your Solicitor at the hearing of the said application and that if you fail to appear such order may be made on the said application and for costs as to the Court may seem just.

FORM II. (*Order*).

(Title as in Form I.)

IT APPEARING to the Court that Notice of an Application under the above-mentioned Act on behalf of against the above-mentioned Respondent was duly served on the Respondent , and that the Applicants are entitled under section 12 sub-section 2 (*b*) of the Act to an order directing payment to the Applicants by the Respondent of the sum of £ .

IT IS HEREBY ORDERED by the Court that the said do recover from the said the said sum of £ together with the sum of £ for costs, making in all £ .

AND the several Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said to satisfy the said sum and costs.

Dated at this day of , 19 .

The Landlord and Tenant (War Damage) Act (Northern Ireland), 1941, County Court Rules, 1942.

1942. No. 18.

Dated the 30th day of January, 1942.

I, THE RIGHT HONOURABLE JAMES ANDREWS, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred upon me by sub-section (2) of section 4 of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and of all other powers enabling me in that behalf, do hereby make and certify the Rules hereinafter set forth as rules to be in force in proceedings in the County Courts under The Landlord and Tenant (War Damage) Act (Northern Ireland), 1941.

Dated this 30th day of January, 1942.

(Signed) *James Andrews*,
Lord Chief Justice of Northern Ireland.

The Scale of Court Fees in Schedule II has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In witness whereof the Official Seal of the Ministry has been affixed hereto this Third day of February, 1942, in the presence of

(L.S.) (Signed) *W. B. Spender*,
Secretary, Ministry of Finance.

THE LANDLORD AND TENANT (WAR DAMAGE) ACT (NORTHERN IRELAND), 1941.

County Court Rules, 1942.

Dated the 30th day of January, 1942.

1.—(i) The following rules shall have effect under The Landlord and Tenant (War Damage) Act (Northern Ireland), 1941, (in these rules referred to as " the Act ").

(ii) These rules may be cited as The Landlord and Tenant (War Damage) Rules (Northern Ireland), 1942.

(iii) Expressions used in these rules shall have the same meaning as the same expressions used in the Act.

(iv) The Interpretation Act, 1889, and the Interpretation Act (Northern Ireland), 1921, shall apply for the interpretation of these rules as they apply for the purpose of the interpretation of an Act of Parliament.

(v) These rules may be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same ; and, save where otherwise provided herein, the rules of interpretation applicable to such rules shall apply also to these rules, and the provisions of such rules shall apply to all proceedings under the Act.

2.—All applications for the determination of questions arising, or for other relief, under the Act shall be heard at the ordinary sittings of the County Court for the County Borough or the Division of the County within which the lands to which the proceedings relate (or any part thereof) is situate.

3.—The application shall be made in the division of the county where the land to which the proceedings relate is situated, except where the said land is situated partly in one county and partly in another. In such last mentioned case the application may be made in either of the said counties.

4.—Every application to the court under the Act shall be by notice which shall be in Form No. 1 in the first schedule hereto, or to the like effect.

5.—Such notice shall be served fourteen clear days before the first day of the sessions at which it is intended to have such application heard, and a copy thereof with the endorsement of service thereof shall be lodged with the Clerk of the Crown and Peace at least six clear days before such sessions.

6.—Such notice shall be served in the manner provided by section 34 of the Act.

7.—Every person making an application to the court under the Act shall be called " the Applicant "; and, subject to these rules, all other persons whose presence at the hearing is necessary to enable the court effectively and completely to adjudicate upon and settle all the questions involved, shall be made parties to the application and shall be called " the Respondents."

8.—Where the landlord brings an application under the Act the following persons shall be made respondents :—

(1) The tenant, and

(2) Any other person who has an interest in the subject matter of the application which would be affected by the decision of the court thereon.

9.—Where the tenant brings an application under the Act the following persons shall be made respondents :—

(1) The landlord, and

(2) Any other person who has an interest in the subject matter of the application which would be affected by the decision of the court thereon.

10.—Where any other person brings an application under the Act, all persons interested in the subject matter of the application, or against whom any right to relief is alleged to exist, whether jointly, severally, or in the alternative, shall be joined as respondents.

11.—No application under the Act shall be defeated by reason only of non-compliance with the provisions of Rules 8, 9, and 10 hereof; but, subject thereto, all existing rules and orders as to joinder of parties applicable in Equity suits in the county court, shall apply to applications under the Act.

12.—Where on the hearing of an application under the Act the court directs inquiries to be made, the matter shall be referred to the Clerk of the Crown and Peace who shall make such inquiries and shall certify the result thereof to the court. The procedure applicable in Equity suits in the county court shall apply where such inquiries are directed.

13.—Every decision of the court upon an application under the Act shall be in the form of an order. The order shall be in Form No. 2 in the first schedule hereto.

14.—In any case in which the judge shall consider it expedient to call in the aid of an assessor, he shall make an appointment of an assessor and may direct what fees shall be payable to the person so

appointed. The appointment shall be in Form No. 3 in the first schedule hereto. The fees payable to such assessor shall be according to the scale set forth in the second schedule hereto.

15.—The Clerk of the Crown and Peace shall transmit the appointment to the person named therein as assessor at least four clear days before the date named therein for the hearing of the application.

16.—The judge may make such order as to costs, court fees and witnesses' expenses as he shall think fit, and may at his absolute discretion measure such costs and expenses or direct them to be taxed by the Clerk of the Crown and Peace according to the scale in the second schedule hereto, provided that in all cases in which, having regard to the work actually performed, or the peculiar difficulty or importance of the case, the allowance of fees, costs and expenses shall appear inadequate, the judge may allow such additional fees, costs and expenses as he may think just and reasonable. Any party aggrieved by any taxation may appeal to the judge and have the costs reviewed by him.

17.—The Clerk of the Crown and Peace shall keep a book to be called " The Landlord and Tenant (War Damage) Book " in which he shall enter each application under the Act in the order in which it shall be received by him, and shall set out therein full particulars of each application, and also the ruling of the judge in each case.

18.—Where not otherwise expressly provided by these rules, the existing practice of the county courts in Equity cases shall apply to all applications under the Act.

SCHEDULE I.

FORM I.

Application.

County Court of the County of

Division of

In the Matter of an Application under The Landlord and Tenant (War Damage) Act (Northern Ireland), 1941.

A.B. of in the County of ,

Applicant;

C.D. of in the County of ,

Respondent.

TAKE NOTICE that (applicant's name) hereby applies to the County Court Judge of for

(here set out shortly the nature of the application and the relief sought under the Act including any application as to costs).

Such application will be heard at the Sessions to be held for the above-mentioned County and Division at on the day of , 19 .

Dated this day of , 19 .

(Signed) A.B.
or
X.Y. Solicitor for A.B.
(add address of Solicitor).

To the Clerk of the Crown and Peace for the County of

and to (add the names and descriptions of all parties or their solicitors).

FORM II.

Order.

(Title as in Form I.)

WHEREAS the applicant has applied to the Court for (here set out the relief sought as in the application).

THE COURT having examined the application doth

and doth order that
do recover against the sum of
£ costs and £ witnesses' expenses.

And the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said (applicant or respondent) to satisfy the said costs and expenses.

Dated the day of , 19 .
(Seal)

.....
Clerk of the Crown and Peace.

.....
Solicitor for .

FORM III.

Appointment of Assessor.

(Title as in Form I.)

THE COURT DOTH ORDER that be appointed to act as Assessor in the above matter.

The matter will be listed for hearing on the day of , at the hour of at the Courthouse,

Dated this day of , 19 .
(Seal)

.....
Clerk of the Crown and Peace.

SCHEDULE II.

SCHEDULE OF FEES, COSTS AND EXPENSES PAYABLE.

by the respondent to the applicant in the event of a decree, or by the applicant to the respondent in the event of a dismiss.

Solicitor :

Where the Poor Law Valuation of the land to which the proceedings relate does not exceed £25	...	...	£3 3 0
Exceeds £25 but does not exceed	£50	... ...	4 4 0
Exceeds £50 but does not exceed	£100	... ...	6 6 0
Exceeds £100 but does not exceed	£250	... ...	8 8 0
Exceeds £250 but does not exceed	£500	... ...	12 12 0

An additional sum of £1 1s 0d shall be allowed for each £100 or part thereof by which the Poor Law Valuation exceeds the sum of £500.

Where the Poor Law Valuation exceeds £50, an additional sum of £1 1s 0d shall be allowed as Instructions for Brief (if any).

Brief for Counsel (if any) 6d per folio.

In addition there shall be allowed in respect of witnesses and other out-of-pocket expenses such amount as may be measured by the Judge or as the Taxing Officer may consider reasonable and proper.

Counsel :

Minimum fee on hearing	...	...	...	...	£3 3 0

Additional Allowances :

The above-mentioned fees payable to solicitor and counsel respectively may be increased by such further sum as the Judge may allow under rule 16.

ASSESSOR'S FEES.

Inspection of land (if so directed by the Judge)		...	£3 3 0
Report thereon (if so directed by the Judge)	...	...	£2 2 0

There shall also be allowed to the Assessor for the hearing (if he be required to sit with the Judge) such further sum, calculated on the basis of £7 7s 0d for a full day, as the Judge may consider reasonable and proper.

In any case of special difficulty or of exceptional inconvenience the Judge may allow such sum in addition to the fees above-mentioned in respect of the Inspection of land or Report thereon as he may consider reasonable and proper.

COURT FEES

(County Court Stamps).

Fee on application	...	...	...	...	£0 5 0
On each copy for service	...	...	...	...	0 1 0
Entry Fee	...	...	...	...	0 2 6
On Final Order	...	...	...	...	0 5 0
On any interim Order	...	...	...	...	0 1 0