County Court Rules.

AGRICULTURAL PRODUCE (MEAT REGULATIONS) ACT (NORTHERN IRELAND), 1930, COUNTY COURT RULES, 1932, DATED THE 9TH DAY OF MARCH, 1932.

1932. No. 19.

WHEREAS by an Act 40 and 41 Victoria, Chapter 56, intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bill Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule, order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen shall take effect from and after such day as shall be therein named :

And whereas by Section 83 of the said Act it is provided that the Lord Chancellor with the concurrence of the Judges and Chairmen, or any five of them to be selected or nominated as in the said Act is provided, and with the consent of the Treasury, may by Order fix the fees to be taken in the Civil Bill Courts in respect of any business under that or any other Acts in force for the time being in such Courts, and may with the like concurrence and consent, alter, reduce or increase the same from time to time, and may also, with the like concurrence and consent, alter the fees and Stamp Duties taken in those Courts and substitute other fees and Stamp Duties for the same :

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said Sections to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland, and the references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of Rules or Orders under Section 79 of Section 83 of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them to be nominated by the said Lord Chief Justice :

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour Herbert Marshall Thompson, Recorder of Belfast, and County Court Judge and Chairman of Antrim, and His Honour Arthur Henry Bates, County Court Judge and Chairman of the County of Down, as the Chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And whereas by an Act 20 and 21 George V., Chapter 23, intituled the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930, Section 18, it is enacted that any person aggrieved by a decision of the Ministry of Agriculture refusing to register any premises under the said Act or cancelling the registration of any premises under the said Act may appeal to the County Court having jurisdiction where the premises concerned are situate, and that rules of court regulating the practice, procedure and costs of such appeal may be made by the authority having power to make rules and orders for regulating the practice of the Civil Bill Courts :

Now I, the Right Honourable William Moore, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts and of all other powers thereunto us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in proceedings in the County Court under the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930, and with the consent of the Ministry of Finance do hereby fix the fees set out in Schedule II. hereto as the fees to be taken in the Civil Bill Courts in Northern Ireland under the said Act.

Dated this 9th day of March, 1932.

William Moore,
Lord Chief Justice.

Herbert M. Thompson.
A. H. Bates

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 9th day of March, 1932, in the presence of

(L.S.)

G. C. Duggan,
Assistant Secretary, Ministry of Finance.

THE AGRICULTURAL PRODUCE (MEAT REGULATION) ACT (NORTHERN IRELAND), 1930, COUNTY COURT RULES, 1932, DATED THIS 9TH DAY OF MARCH, 1932.

1.—(i) These Rules shall have effect under the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930, with reference to appeals thereunder coming before the County Court.

(ii) These Rules may be cited as the Meat Regulation Act County Court Rules, 1932, and shall come into operation on the first day of April, 1932.

2. In the construction of these Rules—

(i) "The Act" means the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930.

(ii) "The Ministry" means the Ministry of Agriculture for Northern Ireland.

(iii) "The Court" means the County Court of competent jurisdiction under Section eighteen of the Act.

(iv) "The Clerk" means the Clerk of the Crown and Peace of the County or County Borough in which the premises concerned are situate.

3.—(i) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

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

(iii) These Rules shall also be read and construed with the County Courts (Ireland), Orders, 1890, and the County Court Rules of subsequent date amending the same; and save as 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.

4. Any person who is aggrieved by a decision of the Ministry and who desires to appeal to the Court as in Section eighteen, sub-section one, of the Act mentioned, shall forthwith serve upon the Ministry a notice of appeal which shall be signed by the appellant or by a solicitor acting on his behalf and shall be in accordance with Form I. in Schedule I. to these Rules or as near thereto as circumstances permit.

5.—(i) Such notice of appeal shall be served upon the Ministry by leaving a copy thereof during office hours at the Principal Office of the Ministry, Belfast, or by sending the same by prepaid registered post to the Ministry at the address aforesaid.

(ii) The judge may in his discretion order service of the notice of appeal to be made on any other person or body in addition to the Ministry.

6. At least ten clear days before the sessions at which the appeal is to be heard the appellant or his solicitor shall lodge two copies of such notice, with endorsement of service thereon, with the Clerk in his Office; and at least four clear days before such sessions, the Ministry shall serve on the appellant or his solicitor and shall file with the Clerk an answer setting forth the grounds of the decision appealed from.

7. Every appeal under the Act shall be heard at the Equity Sittings of the Court of that Division of the County in which the premises concerned are situate.

8. Save where otherwise provided, notices may be served by registered letter or by any of the modes in which an ordinary or equity civil bill may be served, provided, however, that service need not be effected by a Civil Bill officer.

9. Save where otherwise provided, the practice for the time being of the County Courts in equity suits shall apply to all appeals to the Court under the Act.

10. The Judges' Order shall be in the Form II. in Schedule I. hereto; and in any case where forms are not provided in the Schedule, the forms in use for the time being in the County Court may be used with such adaptations and variations as may be necessary.

11. The Judge may make such order as to costs, court fees and witnesses' expenses as he shall think fit, and may measure such costs, fees and expenses or direct them to be taxed according to Schedule II. hereto; provided that in all cases in which, having regard to the work actually performed or to the peculiar difficulty or importance of the case, the allowances for costs, fees and expenses shall appear inadequate, the Judge may make a special order allowing such costs, fees and expenses as he may think just.

12. There shall be payable in respect of every proceeding under the Act the court fees specified in Schedule II. hereto.

SCHEDULE I.

FORMS FOR USE IN APPEALS UNDER THE ACT.

FORM I.

Form of Notice of Appeal.

In the Matter of the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930, Section 18, sub-section 1.

Notice of Appeal by (state appellant's name, address and description) under the said sub-section.

County of Division of
(or County Borough of).

TAKE NOTICE that I feel aggrieved by the decision of the Ministry of Agriculture for Northern Ireland dated the day of , 19 , whereby the said Ministry refused to register / cancelled the registration of certain premises situate at for the slaughter of animals / crating of meat such premises being within the jurisdiction of the above-named County / Recorder's Court. I hereby appeal from the said decision to the County Court Judge / Recorder of at the Equity Sessions to be held at for the Division and County / County Borough above named on the day of , 19 .

(Signed) on behalf of / by the Appellant.

.....
(*Solicitor for*) *the Appellant.*

To:
The Ministry of Agriculture for Northern Ireland,
and The Clerk of the Crown and Peace.

FORM II.

Form of Order of the Court on the Hearing of an Appeal.

In the Matter of the Agricultural Produce (Meat Regulation) Act (Northern Ireland), 1930, Section 18, sub-section 1.

Notice of Appeal by (state appellant's name, address and description) under the said sub-section.

County of Division of
(or County Borough of).

WHEREAS by a decision of the Ministry of Agriculture for Northern Ireland dated the day of , 19 , it was decided that certain premises situate at should not be registered for the slaughter of animals / the crating of meat ; or to cancel the registration for the slaughter of animals / the crating of meat of certain premises situate at .

And whereas the Appellant, being a person aggrieved by such decision, duly appealed against the said decision to this Court;

THE COURT having examined into the Appeal doth and doth order that do recover against the sums of £ costs and £ witnesses' expenses (or as may be).

Dated the day of , 19 .

.....
County Court Judge of
Recorder of

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

.....
Solicitor for

SCHEDULE II.

Costs.

Solicitor:	For taking instructions for appeal; for opposing appeal, advising thereon, taking instructions thereon, advising proofs and attending and instructing Counsel when employed	£1 10 0
Do.	Drawing notice of appeal and copies for service and filing	0 15 0
Do.	Service of notice of appeal	0 2 0
Do.	Entering appeal, attending the hearing with or without Counsel, and for all other charges save brief for Counsel up to the final Order and taking out same	3 0 0
Do.	Brief for Counsel	0 15 0
Counsel:	Fee on hearing	3 3 0

COURT FEES PAYABLE (COUNTY COURT STAMPS).

Filing Notice of Appeal	£0 5 0
„ Answer	0 0 6
On any Final Order	0 10 0