Rules : Railways (Valuation for Rating).

RULES, DATED 13TH NOVEMBER, 1937, MADE BY THE LORD CHIEF JUSTICE OF NORTHERN IRELAND UNDER SECTION 11 (2) OF THE RAILWAYS (VALUATION FOR RATING) ACT (NORTHERN IRELAND), 1932.

1937. No. 105.

WHEREAS by Section 11 (2) of The Railways (Valuation for Rating) Act (Northern Ireland), 1932, it is provided that in the event of Appeals to the Court of Quarter Sessions against the valuation of any railway hereditament being made under this section in one or more rating areas, not being entirely within the jurisdiction of one and the same Court of Quarter Sessions, the Lord Chief Justice of Northern Ireland may, on application made by the Commissioner of Valuation in such manner, and after such notice to the Railway Company, as the said Lord Chief Justice may by rules prescribe, order that all such appeals shall be heard and determined by such Court of Quarter Sessions as may be specified in such Order, and in such case the Court so specified shall have jurisdiction to hear and determine all such appeals.

Now I, The Right Honourable Sir William Moore, Baronet, Lord Chief Justice of Northern Ireland, in pursuance and by virtue of the enactment hereinbefore mentioned and of all other powers in this behalf me enabling, do hereby make the Rules of Court set out in the Schedule hereto.

And I hereby order that the Rules made by this Order shall take effect on and from the 20th day of November, 1937.

Dated this thirteenth day of November, 1937.

(Signed), *William Moore*,
Lord Chief Justice.

SCHEDULE.

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1. The application mentioned in Section 11 (2) of the Railways (Valuation for Rating) Act (Northern Ireland), 1932, to be made by the Commissioner of Valuation for the purpose of obtaining an order that all appeals, brought in one or more rating areas, not being entirely within the jurisdiction of one and the same Court of Quarter Sessions, against the valuation of any railway hereditament, may be heard and determined by such Court of Quarter Sessions as the Lord Chief Justice may specify, shall be made to the Lord Chief Justice o :Northern Ireland by way of Motion on Notice.

2. Notice of the application in the last preceding rule referred to shall be served upon the Appellant six clear days before the hearing of such application and motion and shall be in the form set out in the Appendix hereto.

3. Where an order under Section 11 (2) of this Act has been made by the Lord Chief Justice of Northern Ireland in respect of one or more appeals such as are specified in sub-section 2 of Section 11 of the said Act, nothing herein contained shall prevent the Commissioner of Valuation from applying for an order that any appeal which may have been lodged since the date of the order already made by the Lord Chief Justice of Northern Ireland and before the date fixed for the hearing of such appeals may be heard and determined by the same Court of Quarter Sessions as may have been specified in the first order.

4. The costs of and incidental to such application and motion as hereinbefore in these rules referred to shall be in the discretion of the Lord Chief Justice of Northern Ireland.

APPENDIX.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND.
KING'S BENCH DIVISION.

In the matter of several Appeals of the Railway Company against the Valuation of Railway hereditaments
and
In the matter of The Railways (Valuation for Rating) Act (Northern Ireland), 1932, Section 11 (2).

TAKE NOTICE that upon the expiration of six clear days from the service of this notice upon you or as soon thereafter as Counsel may be heard, Counsel on behalf of the Commissioner of Valuation will apply to the Right Honourable The Lord Chief Justice of Northern Ireland, sitting in the King's Bench Division of the High Court of Justice in Northern Ireland, for an order that the several appeals lodged by the
Railway Company against the valuation of the rateable hereditaments of the said
Railway Company may be heard and determined at such Court of General or Quarter Sessions as the Right Honourable The Lord Chief Justice for Northern Ireland may specify notwithstanding that the said hereditaments or some or any of them are situate in rating areas not within the jurisdiction of such Court of General or Quarter Sessions.

And that the documents relating to the said several appeals in the custody of the respective Clerks of the Crown and Peace for the respective Counties be transferred to the Clerk of the Crown and Peace of the County wherein the said Appeals are directed to be heard and determined.

And for a further order that the costs of and incidental to this application may be provided for, which application will be grounded upon the several notices of appeal lodged by the said
Railway Company against the valuation placed on the said rateable hereditaments of the said Railway Company, the Affidavit of , a copy whereof is served upon you together with this notice, the nature of the case and the reasons to be offered.

Dated the day of , 19

Signed:

To