Bookmakers' Certificates Rules

RULES MADE BY THE SUMMARY JURISDICTION RULES COMMITTEE UNDER SECTION 2 OF THE SUMMARY JURISDICTION ACT (NORTHERN IRELAND), 1953, WITH THE APPROVAL OF THE LORD CHIEF JUSTICE.

1958. No. 13 [C]

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under sub-section (2) of section 1 of the Summary Jurisdiction Act (Northern Ireland), 1953, by virtue of the powers vested in us by section 2 of the said Act and of all other powers enabling us, do hereby make the Rules hereinafter set forth as summary jurisdiction rules in regard to applications under sections 2 and 6 of the Betting and Lotteries Act (Northern Ireland), 1957, to be in force in connection with proceedings in courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of sub-section (1) of section 3 of the said Summary Jurisdiction Act (Northern Ireland), 1953, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

T. A. Blair
G. Courtney
E. Malachy Doris
J. C. Hogg
J. V. S. Mills
James J. Napier
J. Ritchie Wilson

I approve of these Rules which shall come into force on the 1st day of February, 1958.

Dated the 27th day of January, 1958.

MacDermott,
Lord Chief Justice of Northern Ireland.

The scale of fees provided for in the Second Schedule has been fixed with the consent of the Ministry of Finance.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 22nd day of January, 1958, in the presence of

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

Citation.

1. These rules may be cited as the Summary Jurisdiction (Bookmakers' Certificates) Rules (Northern Ireland), 1958.

Application for a certificate of character.

2.—(1) A person who intends to apply under section 2 of the Betting and Lotteries Act (Northern Ireland), 1957, for a certificate of character may apply to a court of summary

jurisdiction for the petty sessions district wherein he ordinarily resides, or to a court of summary jurisdiction for the petty sessions district wherein are situate any premises in which he intends to carry on business as a bookmaker. He shall serve a notice of his intention, which may be in the Form No. 1 in the First Schedule, upon the district inspector of the Royal Ulster Constabulary for the police district wherein he ordinarily resides or wherein the premises to which the notice refers are situate, as the case may be. He shall also lodge a copy of such notice with the clerk of petty sessions for the petty sessions district wherein he ordinarily resides or wherein such premises are situate, as the case may be.

(2) A person to whom a bookmaker's licence has been issued under the Betting Act, 1931, passed by the legislature of the Republic of Ireland, and who does not ordinarily reside in Northern Ireland may apply under section 2 of the Betting and Lotteries Act (Northern Ireland), 1957, for a certificate of character to a court of summary jurisdiction for any petty sessions district in Northern Ireland. He shall serve a notice of his intention to apply, which may be in the Form No. 2 in the First Schedule, upon the district inspector of the Royal Ulster Constabulary for the police district wherein is situate the petty sessions courthouse at which the application will be heard. He shall also lodge a copy of such notice with the clerk of petty sessions for the petty sessions district wherein the application will be heard.

Application for a certificate of suitability.

3. A person who intends to apply under section 6 of the Betting and Lotteries Act (Northern Ireland), 1957, for a certificate of suitability in respect of the premises in which he intends to carry on business as a bookmaker, shall apply to a court of summary jurisdiction for the petty sessions district in which the premises are situate. He shall serve a notice of his intention, which may be in the Form No. 3 in the First Schedule,

(*a*) upon the district inspector of the Royal Ulster Constabulary for the police district wherein the premises are situate; and

(*b*) upon the council of the county borough, borough or urban district wherein the premises are situate, as the case may be, or if they are not situate within a county borough, borough or urban district, then upon the council for the county wherein the premises are situate.

He shall also lodge a copy of the notice with the clerk of petty sessions for the petty sessions district wherein the premises are situate.

Time of Hearing.

4. An application shall be heard at a sitting of the court which shall be held on a day not less than fourteen days after the service and lodgment of the notice. In a petty sessions district where sittings of the court are held on more than one day in

a week, the application shall be heard on such day, not less than fourteen days after the service and lodgment of the notice, as may be fixed by the clerk of petty sessions.

Notice of intention to oppose.

5.—(1) If a district inspector upon whom a notice of intention to apply for a certificate has been served, or a head constable acting for him, intends to oppose the grant of the certificate, he shall, at least seven days before the hearing, serve upon the applicant a notice of his intention to oppose, which may be in the Form No. 4 in the First Schedule, and lodge with the clerk of petty sessions a copy of such notice.

(2) If the council of a county borough, borough, urban district or county, upon which a notice of intention to apply for a certificate of suitability has been served, intends to oppose the grant of the certificate, the council shall, at least seven days before the hearing, serve upon the applicant a notice of its intention to oppose, which may be in the Form No. 4 in the First Schedule, and lodge with the clerk of petty sessions a copy of such notice.

(3) If a local government elector intends to appear and oppose under section 6(3) of the Betting and Lotteries Act (Northern Ireland), 1957, the grant of a certificate of suitability, he shall, within fourteen days from the date of the insertion of the notice of intention to apply for a certificate in either of the newspapers referred to in the said section 6(3), serve upon the applicant a notice of his intention to oppose, which may be in the Form No. 5 in the First Schedule, and lodge a copy of such notice with the clerk of petty sessions for the petty sessions district wherein the premises are situate.

Appearance of objector.

6.—(1) A district inspector opposing an application, or another district inspector or a head constable acting for him, may appear upon the hearing and make representations and produce evidence in support of his opposition to the application.

(2) The council of a county borough, borough, urban district or county opposing an application may appear by its clerk or secretary, as the case may be, or by solicitor or counsel upon the hearing, and make representations and produce evidence in support of its opposition to the application.

Form of certificates.

7. The certificates to be granted by the court shall be in Forms No. 6 or No. 7, as the case may be, in the First Schedule.

Fees.

8. The fees specified in the Second Schedule shall be payable by an applicant in respect of each application for a certificate, and shall be payable by adhesive stamps.

Enlargement or abridgement of times.

9. The court may, upon such terms as it thinks fit, enlarge or abridge any of the times fixed by these rules for taking any step

or doing any act in the proceeding, or declare any step taken or act done to be sufficient even though not taken or done within the time or in the manner prescribed by these rules.

Application of Summary Jurisdiction Acts (Northern Ireland).

10. Subject to the foregoing rules, the provisions of the Summary Jurisdiction Acts (Northern Ireland) and of any rules made or to be made thereunder shall apply to an application for a certificate as if the application were a complaint and the certificate were an order, and as if the applicant were a complainant and any objector to the application were a defendant.

FIRST SCHEDULE

FORM No. 1.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Notice of Intention to Apply for a Certificate of Character.

Petty Sessions District of

County of

Take notice that I intend to apply to the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of a.m. for a certificate that I am a fit and proper person to hold a bookmaker's licence.

*(a) I ordinarily reside at
within the above-named petty sessions district.

*(b) I intend to carry on business as a bookmaker at premises situate at
within the above-named petty sessions district.

Dated the day of 19 .

Applicant .....

Address .....

.....

To the District Inspector of the Royal Ulster Constabulary at

and to the Clerk of Petty Sessions for the above-named District.

* Delete (a) or (b) whichever is inappropriate.

FORM No. 2.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Notice of Intention to Apply for a Certificate of Character.

(By a person, not ordinarily resident in Northern Ireland, to whom a bookmaker's licence has been issued in the Republic of Ireland.)

Petty Sessions District of
County of

Take notice that I intend to apply to the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of a.m. for a certificate that I am a fit and proper person to hold a bookmaker's licence.

I do not ordinarily reside in Northern Ireland.

A bookmaker's licence has been issued to me under the Betting Act, 1931 passed by the legislature of the Republic of Ireland.

Dated the day of 19 .

Applicant .....

Address .....

.....

To the District Inspector of
Royal Ulster Constabulary at
and to the Clerk of Petty Sessions
for the above-named District.

FORM No. 3.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Notice of Intention to Apply for a Certificate of Suitability.

Petty Sessions District of
County of

Take notice that I intend to apply to the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of a.m. for a certificate that the premises situate at in the above-named petty sessions district, in which I intend to carry on business as a bookmaker, are suitable for the purpose.

Dated the day of 19 .

Applicant .....

Address .....

.....

To the District Inspector of the
Royal Ulster Constabulary at
to the Council of the
and to the Clerk of Petty Sessions
for the above-named District.

FORM No. 4.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Notice of Objection to the Grant of a Certificate.

Petty Sessions District of
County of

In the matter of the application of
of
for a certificate of
*(*a*) character
*(*b*) suitability in respect of the premises situate at

Take notice that upon the hearing of this application
*(*a*) I intend
*(*b*) the Council of the intends to oppose the grant of the certificate under the above-named Act, upon the following grounds:—

Dated the day of 19 .

.....
District Inspector of the Royal Ulster Constabulary at
or Clerk/Secretary of the Council of the

To the Applicant
of
and to the Clerk of Petty Sessions
for the above-named District.

* Delete (*a*) or (*b*) whichever is inappropriate.

FORM No. 5.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Notice of Objection by a Local Government Elector to the Grant of a Certificate of Suitability.

Petty Sessions District of
County of

In the matter of the application of
of for a certificate of
suitability in respect of the premises situate at

Take notice that upon the hearing of this application, I, being a local government elector residing in the electoral division in whch the said premises are situate, intend to appose the grant of the certificate under the above-named Act, upon the following grounds:—

Dated the day of 19 .
(Signed) .....
Address .....
.....

To the Applicant
of
and to the Clerk of Petty Sessions
for the above-named District.

FORM No. 6.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Certificate of Character.

Petty Sessions District of
County of

At the Court of Summary Jurisdiction for the above-named petty sessions district and county:

I do hereby certify that
of in the County of
is a fit and proper person to hold a bookmaker's licence.

Dated the day of 19 .

.....
Resident Magistrate.

FORM No. 7.

THE BETTING AND LOTTERIES ACT (NORTHERN IRELAND), 1957.

Certificate of Suitability.

Petty Sessions District of
County of

At the Court of Summary Jurisdiction for the above-named petty sessions district and county:

I do hereby certify that the premises situate at
in the County of
in which of
intends to carry on business as a bookmaker are suitable for the purpose.

Dated the day of 19 .

.....
Resident Magistrate.

SECOND SCHEDULE

Fees payable upon an application.

	£	s.	d.
On the entry of every application	0	5	0
On every form of certificate	1	0	0

(Debt Proceedings) Amendment Rules

RULES MADE BY THE SUMMARY JURISDICTION RULES COMMITTEE UNDER SECTION 2 OF THE SUMMARY JURISDICTION ACT (NORTHERN IRELAND), 1953, WITH THE APPROVAL OF THE LORD CHIEF JUSTICE.

1958. No. 40 [C]

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under sub-section (2) of section 1 of the Summary Jurisdiction Act (Northern Ireland), 1953, by virtue of the powers vested in us by section 2 of the said Act and of all other powers enabling us, do hereby make the Rules hereinafter set forth as summary jurisdiction rules in regard to proceedings for the recovery of debts, to be in force in courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of sub-section (1) of section 3 of the said Summary Jurisdiction Act (Northern Ireland), 1953, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

T. A. Blair
G. Courtney
E. Malachy Doris
J. C. Hogg
J. V. S. Mills
James J. Napier
J. Ritchie Wilson

I approve of these Rules which shall come into force on the 1st day of May, 1958.

Dated the 25th day of March, 1958.

MacDermott,
Lord Chief Justice of Northern Ireland.

1. These rules may be cited as the Summary Jurisdiction (Debt Proceedings) Amendment Rules (Northern Ireland), 1958.

2. At the end of Rule 54 of the Summary Jurisdiction (Debt Proceedings) Rules (Northern Ireland), 1953, (which relates to costs to be awarded) there shall be added the following paragraph:—

"(4) The court may award to a successful party (whether represented by a solicitor or not) such sum for witnesses' expenses, properly incurred, as the court considers reasonable, and any sums so awarded shall be deemed to be costs awarded under this rule, and shall be recoverable as such."

3. For the Second Schedule to the Summary Jurisdiction (Debt Proceedings) Rules (Northern Ireland), 1953, there shall be substituted the following Schedule:—

"SECOND SCHEDULE

The costs between party and party shall be according to the following scales, and shall be payable by the defendant to the complainant in the case of a decree, according to the amount awarded, or by the complainant to the defendant in the case of a dismiss, according to the amount claimed.

SOLICITORS' COSTS

ORDINARY, INSTALMENT, AND COMMITTAL PROCESSES

	In proceedings when the amount recovered does not exceed £2.	In proceedings when the amount recovered exceeds £2 but does not exceed £10.	In proceedings when the amount recovered exceeds £10.
To the Complainant's Solicitor	s. d.	s. d.	£ s. d.
For drawing and signing process and copy	1 6	2 6	5 0
For each additional copy served	1 6	2 0	2 6
Instructions for hearing and preparing proofs	5 0	10 0	12 6
Entering process, preparing proofs and any summons or notice for any purpose, attending hearing and all charges incident to the hearing	7 6	10 0	1 0 0
When counsel allowed, preparing instructions and brief for counsel	—	10 0	15 0
Drawing decree ...	2 6	3 6	5 0

	In proceedings when the amount claimed does not exceed £2.	In proceedings when the amount claimed exceeds £2 but does not exceed £10.	In proceedings when the amount claimed exceeds £10.
To the Defendant's Solicitor	s. d.	s. d.	£ s. d.
For instructions and preparing proofs ...	5 0	10 0	12 6
Attending hearing, and for all charges incident thereto ...	7 6	10 0	1 0 0
When counsel allowed, preparing instructions and brief for counsel	—	10 0	15 0
Drawing dismiss ...	2 6	3 6	5 0

RENEWALS

	In proceedings when the amount due does not exceed £2.	In proceedings when the amount due exceeds £2 but does not exceed £10.	In proceedings when the amount due exceeds £10.
For drawing and signing renewal process and copy	s. d. 1 6	s. d. 2 6	s. d. 4 0
For each additional copy served	1 6	2 6	2 6
Instructions for hearing	2 6	4 0	7 0
Entering the process and attending hearing	5 0	7 0	14 0
For preparing affidavit or declaration and having same completed	2 0	2 6	2 6
For drawing renewal	2 0	4 0	5 0

If the amount of the decree, renewal, or dismiss does not exceed £1, the sum of 1s. 2d. shall be added to the foregoing costs to cover the Sheriff's fee under the Sheriff's (Ireland) Act, 1920; if the amount exceeds £1, the sum of 2s. 0d. shall be added for the same purpose.

DUPLICATE ORDERS

To the Applicant's Solicitor	s. d.
Drawing and signing notice and copy	2 6
For each additional copy served	1 6
Instructions for hearing	5 0
Entering application and attending hearing	12 6
Drawing duplicate order	4 0

COUNSEL'S FEES

In a case in which the court thinks it reasonable that counsel should be instructed, fees not exceeding the following amounts shall be allowed:—

	£	s.	d.
To Complainant's Counsel			
When the amount awarded exceeds £2 but does not exceed £5	1	1	0
When the amount awarded exceeds £5 but does not exceed £10	2	2	0
When the amount awarded exceeds £10	3	3	0
To Defendant's Counsel			
Similar fees on the amount claimed."			

Petty Sessions Districts and Times

ORDER, DATED 1ST SEPTEMBER, 1958, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (1) OF SECTION TEN OF THE SUMMARY JURISDICTION AND CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1935, AND SUB-SECTION (1) OF SECTION ONE OF THE SUMMARY JURISDICTION AND CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1958.

1958. No. 147 [NC]

The Ministry of Home Affairs in exercise of the powers conferred on it by sub-section (1) of Section Ten of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, and sub-section (1) of Section One of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1958, and of all other powers enabling it in that behalf, after consultation with the County Court Judge and Resident Magistrates concerned, hereby orders and directs as follows:—

1. As and from the 1st day of October, 1958, the Petty Sessions District of Whiteabbey shall be known as the Petty Sessions District of Newtownabbey and, accordingly, any reference to the Petty Sessions District of Whiteabbey in any Order or in any court proceeding pending at the date of this Order shall be construed as a reference to the Petty Sessions District of Newtownabbey.

2. The townlands of Altigarron, Ballyahagan, Ballygomartin (part of), Ballysillan Upper and Ligoniel, at present forming part of the Petty Sessions District of Dunmurry, shall be added to and form part of the Petty Sessions District of Newtownabbey.

3. The townland of Ballyutoag, at present forming part of the Petty Sessions District of Templepatrick, shall be added to and form part of the Petty Sessions District of Newtownabbey.

4. This Order may be cited as the Petty Sessions Districts and Times (Newtownabbey) Order (Northern Ireland), 1958.