13. On receipt of an appeal the Ministry shall submit the " Ministry's Sample " to the official Seed Testing Station for Northern Ireland for testing as to purity and if as the result of such test the appellant grower's seed shall be found to be of a purity appropriate to a higher grade than that originally applied to it the Ministry shall, as soon as may be, return the appeal fee to the grower together with such additional sum for purchase price, as he shall be found to be entitled to as a result of the said test.

14. If the said test does not show that the seed is of a purity appropriate to a superior grade than that originally applied to it then a test shall also be made of the " Grower's Sample " at the said Seed Testing Station and the appeal shall be determined on the average results obtained from the testing of both said samples and this determination shall be binding on the Ministry and the grower and proper adjustment (if any) to price and appeal fee shall be made as provided in paragraph 13.

15. Notwithstanding the provisions of paragraphs 13 and 14, the Ministry reserves the right to take germination into account in determining appeals in those cases in which the seed has been graded as Sub-Standard by the Grading Panel because of low germination ascertained as the result of a test

16. Seed delivered as Italian may, if necessary, be submitted to a fluorescence test and if it be found that not more than 10 per cent. of the seedlings tested react negatively to that test it shall be classified as Italian.

17. If the appeal be not successful the appeal fee shall be retained by the Ministry.

Prices

18. (delivered to nearest market)

Kind of Seed	Grade			
	A Plus	A	B	Sub-Standard
	per cwt.	per cwt.	per cwt.	per cwt.
Perennial	40/-	35/-	27/6	10/-
Italian	40/-	35/-	27/6	10/-

Seed to which the description " Unclassified " has been applied will be purchased at 20/- per cwt. provided that the purity of the seed is not less than 85 per cent. or at 10/- per cwt. if its purity is less than 85 per cent.

Agents

19. The Ministry may appoint to act as its agents in purchasing ryegrass seed from the growers thereof during such period as the Ministry may think fit the persons or firms in the following categories :—

(*a*) those persons or firms who on the 31st day of July, 1949, were carrying on in Northern Ireland the business of machine cleaning ryegrass seed, and

(*b*) any other persons or firms who may make application to the Ministry for appointment as agents provided that no such appointment shall be made by the Ministry without prior consultation with the accredited representatives of the growers and of the persons or firms already engaged in the business of machine cleaning ryegrass seed.

SUMMARY JURISDICTION

Debt Proceedings Rules, p. 344 | *Petty Sessions Districts and Times*, p. 384

Debt Proceedings 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.

1953. No. 170

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under subsection (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, do hereby make the Rules hereinafter set forth as summary jurisdiction rules to be in force in the courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of subsection (1) of section 3 of the said Act, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

(Signed) *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, 1954.

Dated this 6th day of January, 1954.

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

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

In witness whereof the Official Seal of the Ministry has been affixed hereto this 21st day of December, 1953, in the presence of

(L.S.) *D. C. B. Holden.*
Assistant Secretary.

Citation

1. These rules may be cited as the Summary Jurisdiction (Debt Proceedings) Rules (Northern Ireland), 1953.

Application of Interpretation Act

2. The Interpretation Act, 1889, shall apply to the interpretation of these rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Definitions

3. In these rules the following expressions have the meanings hereby assigned to them :—

" Act " means the Summary Jurisdiction Act (Northern Ireland), 1953 ;

" Act of 1872 " means the Debtors Act (Ireland), 1872 ;

" Schedule " means the Schedule to these rules ;

" proceeding " means any proceeding under Part II of the Act in relation to the recovery of a sum of money and, where the context so requires or admits, includes a set-off or counterclaim ;

" court " means the court of summary jurisdiction in which a proceeding is brought ;

" district " means the petty sessions district for which the court of summary jurisdiction, in which a proceeding is brought, acts ;

" clerk " means the clerk of petty sessions for the district in which a proceeding is brought, or any person for the time being acting for him ;

" summons server " means a person duly appointed to serve summonses under the Petty Sessions (Ireland) Act, 1851 ;

" order ", where it refers to a document issued by a court, includes a decree, dismiss, renewal, and an order under the Act of 1872 ;

" process " includes a renewal process, an instalment process, and an application for a duplicate of an order, and (save as expressly excepted by Rules 8 and 11) a process to commit under the Act of 1872.

Issue and contents of process

4.—(1) Every proceeding to recover a sum due shall be commenced by the issue of a process, in which shall be set forth the amount claimed and the nature of the claim. When an excess amount is abandoned, there shall, in addition to the writing served on the defendant as required by section 9 of the Act, be inserted in the process a statement of the fact of such abandonment after the particulars of the claim. Two or more causes of action may be joined in the same process, provided that the amount claimed in respect of each such cause be stated in the particulars of claim and, except in cases to which sub-section (2) of section 8 of the Act applies, the total amount does not exceed £20.

(2) In a proceeding on a bill of exchange, promissory note, or other security for money, the process shall state the date of such security, the sum for which it was given, the parties thereto, the sums claimed to be due thereon for principal and interest respectively, and the periods when such sums respectively became due and payable.

(3) In a proceeding for rent, or for use and occupation, the process shall state the amount claimed, the period up to which the amount is alleged to be due, and the situation of the lands or premises in respect of which the claim is made, and when brought upon a lease or other instrument, the date thereof and the parties thereto respectively.

(4) In a proceeding brought by an assignee of a debt, the process shall state the name and description of the assignor, and the nature and the date of the assignment.

(5) In a proceeding brought upon any written document not hereinbefore mentioned in this rule, the process shall state the date and nature of the document, and the parties thereto.

(6) A process shall be deemed to have been issued when it has been stamped, signed, and handed or sent by post to a summons server or to such other person as may be authorised to serve it, or to the clerk for delivery to a summons server.

Signature on process

5. Every process and every copy thereof for service shall be signed by the complainant or by his solicitor or firm of solicitors, or in the name of such solicitor or firm of solicitors by some person duly authorised so to sign.

Times of hearing

6. Processes shall be issued for hearing at such sittings of the court as may from time to time be directed by the resident magistrate appointed for the district.

Costs of process to be stated

7. The amount of the costs of a process payable by the defendant if the claim is paid before the entry day as provided by Rule 18 shall be stated on the face of the process. If the amount of the claim and such costs are so paid the proceeding shall be stayed.

Modes of service

8. Service of a process shall be effected —

(*a*) by delivering to the defendant personally a true copy thereof ; or

(*b*) by leaving a true copy thereof for the defendant

(i) at his residence within the district with any person not being under 16 years who is resident therein ; or

(ii) at any business premises used or occupied by him within the district with any person not being under 16 years who is in his employment.

Provided that nothing in this rule shall affect the provisions of sections 304 and 325 of the Companies Act (Northern Ireland), 1932, (which relate to the service of documents upon companies) or the provisions of section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland), 1953. Provided also that where the solicitor for a defendant in any proposed proceeding so requests or consents, a process may be served by delivering a true copy thereof at the office of such solicitor, who shall endorse upon the original process his acceptance of service. This rule shall not apply to the service of a process to commit under the Act of 1872.

Time for service

9. In all cases service shall be effected at least ten clear days before the date of hearing.

Persons entitled to serve processes

10. No person other than a summons server for the district shall have authority to serve a process.

Provided that when in any district a summons server is absent or unable to carry out his duties through illness or other cause, or when the office of summons server is vacant, a process may be served by a person other than a summons server, but who is not the complainant, or a member of his family, or a person in his employment or resident in his house, if permission for such other person to serve the process has been given by a resident magistrate or by the clerk and has been endorsed and signed by him on the original process.

Provided also that nothing in this rule shall affect the provisions of section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland), 1953.

Special mode of service

11. Notwithstanding anything in Rules 8 or 10, in any case where it is made to appear to a resident magistrate that a process cannot be served because the defendant is evading service or admission cannot be gained to his residence or business premises, he may give permission by an endorsement signed by him on the original process for service to be effected by registered post or in such other manner as may seem to him appropriate and sufficient.

This rule shall not apply to the service of a process to commit under the Act of 1872.

Service fees

12. The following fees shall be payable in respect of the service of processes :—

	s.	*d.*
For the service of a process where amount claimed does not exceed £10	2	0
For the service of a process where amount claimed exceeds £10	3	0
For the service of a copy on each additional defendant residing in the same house	1	0
For the service of a copy on each additional defendant not residing in the same house, where amount claimed does not exceed £10	1	6
For the service of a copy on each additional defendant not residing in the same house, where amount claimed exceeds £10	2	0
For the service of a notice of application for duplicate order	2	0

Where the service is required to be personal, the above fees shall be increased by one half.

The fee shall be paid at the time when the process is delivered for service to a summons server or to such other person as may be authorised to serve it, or is handed to the clerk for delivery to a summons server.

Summons Server's book

13. A book shall be kept by each summons server, in which he shall enter the names of the parties to any process handed to him

for service, with the date on which he receives it and the date and place of service and the manner in which he has served it. In any case in which a process has not been duly served, he shall enter the cause of non-service. He shall, in addition, endorse upon the original of each process he has served the date, place, and manner of service, and affix his signature thereto. He shall attend at each sitting of a court for the hearing of processes served by him, and produce his book, or give evidence as to service, as he may be required or directed by the court. In case of the death, illness, or unavoidable absence of a summons server from a sitting of a court at which he would otherwise be required to attend, his book, if produced to the court and verified on oath as to his handwriting by some credible person, shall be *prima facie* evidence of any matter entered therein.

Person other than summons server to prove service

14. In any case where a process is served by a person other than a summons server, as provided by Rule 10, that person shall endorse upon the original the date, place, and manner of service and affix his signature thereto, and shall also attend the sitting of the court at which the process is to be heard, and give such evidence as to the date, place, and manner of service as the court may require or direct.

Set-off, or counterclaim

15. Where a defendant desires to set-off any sum, or to make any counterclaim, he shall give to the complainant notice in writing at least six clear days before the hearing, and shall also at least two clear days before the hearing lodge a copy of such notice with the clerk.

Details of claim, set-off, or counterclaim may be demanded

16. A defendant who desires to be supplied with further or detailed particulars of a claim made against him in a process shall demand the same to be supplied to him by the complainant by giving written notice of such demand at least four clear days before the date of hearing; and a complainant who desires similar particulars of a set-off or counterclaim shall similarly demand the same from the defendant.

When particulars have not been furnished in compliance with this rule the court may adjourn the case, upon such terms as it thinks fit, and order such particulars to be delivered.

Register and extract therefrom

17. The clerk shall keep a register in which he shall make the entries relating to each proceeding as specified by the headings to the columns in the register.

The register shall be signed at the foot of each page by the resident magistrate who has adjudicated upon the proceedings entered thereon, but in case any page contains records of proceedings heard on more than one date or by more than one resident magistrate, it shall be signed by the appropriate resident magistrate at the last entry on each date, or at the last entry of any proceedings heard by him.

Any person who satisfies the clerk that he has a bona-fide interest in the matter may obtain from the clerk, upon payment of the prescribed fee, an extract from the register relating to a proceeding.

Entry

18. When it is desired to enter a process for hearing, the complainant or his solicitor shall lodge the original with the clerk on the entry day. For the purposes of Rule 7 and of this rule the entry day shall be the fourth day before the hearing ; but when such day is a Sunday, Christmas Day, Good Friday, or a public holiday, the entry shall be made on the previous week-day.

The appropriate fee shall be paid at the time of such lodgment.

Issue and service of witness summons

19. Upon the request of any party to a proceeding, a summons may be issued requiring any person, whether residing within the district in which the proceeding is brought or not, to attend the hearing and give evidence, and to produce such documents in his possession or power as may be specified in the summons ; and such summons shall be issued and served in accordance with the provisions of the Summary Jurisdiction Acts (Northern Ireland), and shall have the same effect as a summons to a witness issued under those Acts.

Service of any such summons may be proved in accordance with the provisions of the said Acts.

Adjournment

20. The court may, if it thinks it necessary to do so, or upon the application of either party, adjourn, upon such terms as it thinks fit, the hearing of any proceeding to a future sitting of the court, and may further adjourn it from time to time but no such adjournment shall be for a longer period than three months.

The court may award to either party costs of an adjournment to an amount not exceeding one pound, and may issue an order for the recovery of any such amount.

Striking out of case

21. In a proceeding in which neither the complainant nor defendant appears, or in a proceeding in which the complainant does not appear and the defendant, though appearing, does not apply for a dismiss, the court may strike out the proceeding, and the entry of the word " Nil " in the register shall be a sufficient record of such striking out.

Withdrawal of case

22. In a proceeding in which the complainant intimates to the court that he does not wish to apply for an order, and the defendant does not appear, or if appearing, does not object, the court may allow the proceeding to be withdrawn, and shall thereupon cause it to be marked " Withdrawn " in the register.

Order on consent where defendant appears

23. In a proceeding in which a defendant appears and admits that the amount for which he has been sued is due by him, and consents to an order being made, the court may make an order against him for the amount with costs, although neither the complainant nor any witness on his behalf is in attendance. An order shall be made in such circumstances only in a proceeding where the complainant's solicitor is present and applies for it to be made.

Order on written consent

24. If a defendant, in the presence of a solicitor or his apprentice or clerk, has signed a document consenting to an order, other than a committal order, being made against him, the court may make such order with costs, upon proof of the defendant's signature to the consent given by such solicitor or apprentice or clerk.

Order where debt paid before hearing

25. Where a defendant has paid the amount claimed in a process before the date of hearing, but has not paid the appropriate costs up till date of payment, the court may make an order for payment of the amount in the process with the costs, and direct that credit be given to the defendant for the amount paid.

Order where payments made on account before hearing

26. Where a defendant, subsequent to the issue of a process but before the hearing, makes any payment on account of the amount claimed which would have the effect of reducing it to an amount which would carry a smaller sum for costs than the amount claimed, the court may, upon proof of the date of such payment, make an order for payment of the amount proved to be due at the issue of the process, with the appropriate costs, and direct that credit be given to the defendant for any sum paid.

Order where more than one defendant

27. In a proceeding in which two or more persons are named as defendants in a process, the court may make an order for payment against one or more of those persons, and strike out, dismiss, or allow to be withdrawn the proceeding against the remainder.

Where a proceeding is dismissed under this rule, the court may order that any costs awarded on the dismiss, and which the complainant is liable to pay, shall be recovered by way of recoupment by the complainant from the defendant or defendants against whom an order is made, in addition to the complainant's costs of the order.

An order made under this rule shall, when lodged for signature, be retained by the clerk until the costs awarded on the dismiss have been paid by the complainant.

Issue of decree

28. Where an order is made for payment of a sum due, whether by claim or counterclaim, the court shall order that a decree shall issue for the recovery of the amount with costs.

Issue of instalment decree

29. Where an amount is ordered to be paid by instalments, the particulars of the instalments and the days on which they are to be paid shall be set out on the face of the decree. A decree of this nature, when lodged for signature, shall be retained by the clerk until default has been made in payment of an instalment, and an affidavit or statutory declaration setting out particulars of the default has been lodged with the clerk.

Dismiss

30. Where the complainant's claim is dismissed, the court shall state by its order whether the dismiss is without prejudice to it being made again, or on the merits. The court shall order that a dismiss shall issue for the recovery of any costs awarded to the defendant.

Procedure when previous dismiss produced

31. Where in a proceeding a defendant produces a dismiss without prejudice obtained by him against the complainant for the same cause of action, the complainant shall not be at liberty to proceed until he has paid or satisfied the defendant the amount of such dismiss.

Entry by defendant for dismiss

32. Where a process which has been duly served has not been entered for hearing by the complainant or his solicitor, the defendant's solicitor may, on the day of the hearing, lodge in court the copy served on the defendant, and apply to have it entered. The court may thereupon order that the process be entered, and dismiss the proceeding without prejudice, with costs.

Dismiss on set-off or counterclaim

33. Where a dismiss is given by reason of the defendant establishing a set-off or counterclaim, the fact thereof shall be stated on the dismiss.

Cross decrees

34. If cross decrees shall be made by the court between the same parties or shall be at the same time unexecuted or only partially executed the court may, upon the application of either party, order that such decrees be set off against each other, and if of unequal amounts that a decree only upon which the larger sum shall be due be issued or executed as the case may be, and the same shall be issued or executed only for such sum as shall remain due after deducting the sum due upon the other decree.

Time of issue of order

35. No order shall issue until after the expiration of seven days from the date on which it was pronounced, unless by special order

of the court ; provided that the court may stay the issue of an order for such further period as it thinks fit.

Tender

36. Where the defence is a tender before action brought, such defence shall not be available unless the defendant lodges with the clerk, at least two clear days before the hearing, the amount alleged to have been tendered.

At the time of the making of an order in a proceeding where the amount of a tender has been lodged with the clerk, the court shall in addition order that the amount lodged be paid out upon such conditions and in such manner as it may think fit.

Renewal process

37. An application to renew a decree or dismiss shall be made by the issue of a renewal process, in which shall be recited the date of the original decree or dismiss and the amount ordered to be paid, and the amount claimed to be outstanding at the time of the issue of the renewal process. Where there has been a previous renewal, particulars of such renewal shall be recited in the renewal process.

Proof of amount outstanding

38. Proof of the amount due upon a decree or dismiss shall be given by lodgment with the clerk, on the day appointed for entry, of an affidavit, or of a solemn declaration, made by the complainant or by some person in his employment or acting under his direction and having personal knowledge of the matters stated therein. The court may in addition, in any case in which it appears to be necessary or desirable, require oral evidence to be given on the hearing.

Granting of renewal

39. Where it appears to the Court, upon proof by affidavit or declaration as aforesaid, and by oral evidence, when required, that the amount stated in the renewal process was due at the time of the issue thereof, it may grant a renewal in respect of that amount or such lesser amount as appears to be due at the time of the hearing, with costs.

Production of original decree or dismiss

40. The original decree or dismiss shall, upon the hearing of an application for renewal, be handed in to the court, and the fact of renewal and the date on which it was granted shall be noted thereon and signed by the clerk.

Issue of renewal where amount due payable by instalments

41. If the amount for which a renewal is granted is ordered to be paid by instalments, the same conditions shall apply as to the setting out of particulars thereof and of issue from the court as in the case of an original decree.

Period of validity of renewal

42. A renewal may, subject to the provisions of paragraph (*b*) of subsection (1) of section 13 of the Act, be granted from time to time, and

shall remain in force for a period of two years from the date on which it was granted.

Duplicate orders

43. Where an order has been lost or destroyed, or has improperly got into the hands of the person by whom any sum is due on foot thereof or his agent, an application may be made to the court for the issue of a duplicate of such order, and the court may order that a duplicate be issued. No costs of the application shall be awarded to any applicant for a duplicate order, except in a case where it is proved to the court that the loss or destruction was caused by the other party or his agent, or where it is proved that the order is improperly in the possession of the other party or his agent. Any duplicate issued under this rule shall bear the word " Duplicate " in large letters on its face.

Where costs are awarded, the court may issue a decree for the recovery thereof.

Process under Act of 1872, *to pay by instalments*

44. Where a complainant desires, before applying for a committal order under the Act of 1872, to obtain an order for payment of an amount due by a debtor by instalments, he shall issue a process requiring the debtor to appear personally before the court to show cause why an order should not be made requiring him to pay the amount owing by him, and set out in the process, by such instalments as may to the court seem fit. Such process shall specify the date of the original order made against the debtor and of any renewal thereof, and the amount he was ordered to pay thereunder.

Order for payment by instalments

45. Upon proof of the making of such original order, and such renewal, if any, (which shall be given by production of the order or orders) and of the amount due thereunder, the court may, if the debtor fails to show cause why an order should not be made, make an order against him under section 6 of the Act of 1872 for payment of the amount by instalments, with costs.

Notice of making instalment order

46. Where an order has been made for payment of an amount by instalments, and the defendant has not been present nor represented at the hearing, the complainant or his solicitor shall give notice in writing of the making of the order to the defendant within seven days thereafter.

Process under Act of 1872, *for committal to prison*

47. A proceeding under the Act of 1872 to commit a debtor to prison shall be commenced by the issue of a process requiring him to appear personally before the court to show cause why an order should

not be made committing him to prison for default in payment of the sum or of any instalment thereof payable by him in pursuance of an order of the court.

Order of committal

48. Upon proof of the making of the order for payment (which shall be given by production of the order) and of the means of the defendant to pay and the fact of non-payment as required by the Act of 1872, the court may, if the debtor fails to show cause why an order should not be made, make with costs such order committing him to prison as it is authorised to make by the Act of 1872.

Service of process to commit under the Act of 1872

49. Service of a process to commit a debtor to prison under the Act of 1872 shall be effected by delivering to the defendant personally a true copy thereof:

Provided that in any case where it is made to appear on oath to a resident magistrate that a defendant is evading personal service, and that reasonable efforts have been made to effect such service, he may order by an endorsement signed by him on the original process that service be effected by leaving a true copy for the defendant at his residence within the district with any person not being under 16 years who is resident therein, or at any business premises used or occupied by him within the district with any person not being under 16 years who is in his employment.

Under-sheriff's warrant

50. A warrant shall be added to each order issued by the court (except an instalment order under the Act of 1872) in the following form or in a form to the like effect :—

County of
to wit } I authorise and empower
of
and
of

or either of them, and their or either of their assistants, to execute the above order.

The sum to be levied hereunder is £ :

Given under my hand this day of 19 .

Under-sheriff of the said County.

Execution by Under-sheriff

51. An order made by a court, in exercise of its jurisdiction under Part II of the Act and in accordance with these rules, shall be executed by the under-sheriff of the county in which the defendant resides or carries on business, or by his bailiffs, and by no other person, in the like manner as a decree or order of the county court is executed by him or by them, and with the same powers, rights and authorities, and subject to the same duties, restrictions and limitations as are by virtue of any enactment for the time being in force applicable to the execution of such a decree or order.

Fees payable to under-sheriff

52. There shall be payable to the under-sheriff in respect of all orders issued and directed to him by a court, in exercise of its jurisdiction under Part II of the Act and in accordance with these rules, the fees specified in Part II of the Schedule (B) to the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, as amended by or in pursuance of any subsequent enactment, and the under-sheriff shall have the same rights and powers of recovering such fees as are contained in the said Act as so amended, and for the purposes of this rule, the reference in the Schedule to the Sheriffs (Ireland) Act, 1920, to the clerk of the crown and peace shall be construed as a reference to the clerk.

Forms

53.—(1) The forms in the First Schedule, or forms to the like effect, may be used for the purposes of a proceeding under Part II of the Act in relation to the recovery of a sum of money.

(2) The party who brings a proceeding, or his solicitor, shall be responsible for the preparation of the process and all copies required for service.

(3) The party in whose favour an order is made, or his solicitor, shall be responsible for the preparation of the order to be issued by the court.

(4) The party appealing to a court of quarter sessions, or his solicitor, shall be responsible for the preparation of the notices of appeal to be served on the clerk and on the other party.

Costs to be awarded

54.—(1) The court shall award to a successful party who has been represented by a solicitor in a proceeding, costs not exceeding the amount set forth in the appropriate scale in the Second Schedule.

(2) The fees set forth in Parts I and II of the Third Schedule shall be paid by the appropriate party, and any such fees paid by a successful party, together with any fee paid by him to a summons server or other person in accordance with Rule 12, and the fee payable by him under the Sheriffs (Ireland) Act, 1920, shall be added to the costs awarded to him under paragraph (1) hereof, and shall form part of his costs in the proceeding.

(3) The court shall award by way of costs to a successful party, who has not been represented by a solicitor, any fees paid or to be paid by him, but no other costs.

Disposal of process

55. An original process which has been entered for hearing shall be retained by the clerk until the determination of the proceeding, but if an order for payment is made it may be returned to the complainant or his solicitor for the purpose of enabling him to prepare the order to be issued by the court. It shall again be lodged when the form of order is handed for signature to the clerk, and he shall then retain it.

A copy process entered in accordance with Rule 32, and in respect of which a dismiss with costs has been obtained, may be returned to the defendant's solicitor for a like purpose, and shall otherwise be dealt with in like manner as an original process.

Affidavits and declarations

56. For the purposes of these rules an affidavit may be sworn, or a declaration may be made, before a justice of the peace for the county in which the district is situate or before a commissioner to administer oaths in the Supreme Court of Judicature of Northern Ireland.

A fee paid to a commissioner for oaths on the swearing of an affidavit or the making of a declaration shall not be recoverable by the person paying the fee, from the other party.

Fees payable by stamps

57.—(1) A process and a copy for service shall be subject to the fees set out in Part I of the Third Schedule, which shall be paid by impressed stamps.

(2) The fees set out in Parts II and III of the Third Schedule shall be payable on the entries and documents therein set out, and shall be paid by means of adhesive stamps affixed to the entries and documents enumerated therein.

Signing of orders

58. An order issued by the court shall be signed by the resident magistrate who made the order or by some other resident magistrate.

Enlargement or abridgement of times

59. 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, or reinstate a proceeding which has been struck out.

Effect of non-compliance with rules

60. Non-compliance with any of these rules shall not render any proceeding void, but, in case of such non-compliance, the court may

direct that the proceeding be treated as void, or that it may be set aside in part as irregular, or that it be amended or otherwise dealt with in such manner or upon such terms as the court thinks fit. The clerk shall make a note of any such ruling in the process register.

When the court directs that the proceeding be treated as void, it shall have power to award, if it thinks fit, such costs as it could have awarded if it had dismissed the proceeding.

Amending of process

61. The court may amend a defect or error in a process in such manner as may be necessary for the purpose of determining the real question at issue between the parties. Any such amendment may be made in such manner, and upon such terms, as the court thinks fit, and if the court considers that an amendment made is one which might prejudice a party in the merits of his case, it may adjourn the hearing.

Transfer of action to county court

62. Where the court orders an action to be transferred to the county court under section 16 of the Act, it shall cause the clerk to transmit forthwith the original process, and any notice of set-off or counterclaim, or other document lodged in court in relation to the matter, together with a statement of the reason for the transfer, to the county court, and at the same time to send to all parties to the proceeding notice in writing of the transfer.

Appeal to Quarter Sessions

63.—(1) A person appealing to a court of quarter sessions against an order made in a proceeding by a court shall not be required to enter into a recognizance or to give any form of security to prosecute his appeal.

(2) Service of a notice of appeal against an order shall operate as a stay of execution thereon, but if an appeal is abandoned, the order may then be put into execution as if no appeal had been brought.

(3) After an appeal has been determined by the court of quarter sessions, and the particulars of the determination have been furnished to the clerk by the clerk of the crown and peace, any order which may be necessary for enforcing such determination shall be issued by the court in the same manner as an original order made by the court, and the forms in the First Schedule, with such adaptations as may be required, may be used for the purpose.

(4) Except as otherwise provided in this rule, the provisions of the Summary Jurisdiction Acts (Northern Ireland) relative to an appeal to quarter sessions shall, so far as they apply to a case of a civil nature, apply to an appeal from an order made in a proceeding under Part II of the Act for the recovery of a sum of money.

Commencement of Part II of the Act

64. Part II of the Act shall come into operation on the 1st day of February, 1954.

FIRST SCHEDULE

Forms applicable to proceedings under Part II of the Act for the recovery of a debt.

1. Process.
2. Notice of set-off or counterclaim.
3. Decree.
4. Decree by instalments.
5. Dismiss.
6. Decree where costs by way of recoupment are ordered to be paid.
7. Affidavit of default in payment of decree by instalments.
8. Statutory declaration of default in payment of decree by instalments.
9. Renewal process.
10. Renewal of a decree (or dismiss).
11. Renewal decree by instalments.
12. Affidavit to obtain a renewal of a decree or dismiss.
13. Statutory declaration to obtain a renewal of a decree or dismiss.
14. Instalment process under the Debtors Act (Ireland), 1872.
15. Instalment order under the Debtors Act (Ireland), 1872.
16. Committal process under the Debtors Act (Ireland), 1872.
17. Committal order under the Debtors Act (Ireland), 1872.
18. Application for the issue of a duplicate decree or dismiss.
19. Order for payment of costs of adjournment.
20. Process register.
21. Memorandum of a proceeding entered in the process register.

FORM No. 1.

PROCESS

Petty Sessions District of

County of

of
in the County of
Complainant.

of
in the County of
Defendant.

The defendant is hereby required personally to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock, a.m., to answer the complainant's claim for the sum of £ : : for

Dated this day of 19 .

Complainant
or Solicitor for the Complainant.

Address

NOTE :—If the amount of the above claim, together with the sum of £ : : for the costs of this process, be paid to the complainant or his solicitor before the * day of 19 , proceedings will be stayed.

* Insert entry date.

FORM No. 2

NOTICE OF SET-OFF OR COUNTERCLAIM

Petty Sessions District of

County of

of
in the County of
Complainant.
of
in the County of
Defendant.

Take notice that the defendant intends, at the hearing of the process issued in this case, to claim a set-off or make a counterclaim against the complainant's claim, the particulars of which are as follows :—

Date	Nature of set-off or counterclaim	Amount
		£ s. d.

Dated this day of 19

Defendant
or Solicitor for the Defendant.

Address

To the Complainant
and to the Clerk of Petty Sessions
for the above District.

FORM No. 3

DECREE

of
in the County of
Complainant.

of
in the County of
Defendant.

} Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the Court that a process to appear before the above Court was duly served on the defendant, claiming that he was indebted to the complainant in the sum of £ : : for

And it appearing to the Court upon the hearing that the defendant is justly indebted to the complainant in the said sum *or the sum of* £ : :

It is therefore ordered by the Court that the complainant do recover from the defendant the said sum of £ : : together with the sum of £ : : for costs, and in default of payment thereof, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said debt and costs.

Dated this day of 19 .

Debt £ : :
Costs : :
Total £ : :

Resident Magistrate.

(*Under-Sheriff's warrant to be added*)

FORM No. 4

DECREE BY INSTALMENTS

of
in the County of
Complainant.

of
in the County of
Defendant.

} Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the Court that a process to appear before the above Court was duly served on the defendant, claiming that he was indebted to the complainant in the sum of £ : : for

And it appearing to the Court upon the hearing that the defendant is justly indebted to the complainant in the said sum *or the sum of* £ : :

It is therefore ordered by the Court that the complainant do recover from the defendant the said sum of £ : : , together with the sum of £ : : for costs, payable by instalments of on the day of each , the first of such instalments to be paid on the day of 19 , and in default of payment of the said instalments or any of them, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said debt and costs or so much thereof as shall remain unpaid.

Dated this day of 19

Debt £ : :
Costs : :
Total £ : :

Resident Magistrate.

(*Under-Sheriff's warrant to be added*).

FORM No. 5

DISMISS

of
in the County of
Complainant.

of
in the County of
Defendant.

Petty Sessions District
of
County of

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the Court that a process to appear before the above Court was duly served on the defendant claiming the sum of £ : : alleged to be due to the complainant for

and that the complainant has failed to prove the said claim.

It is therefore ordered by the Court that the said claim be dismissed on the merits *without prejudice*, and that the defendant do recover from the complainant the sum of £ : : for costs, and in default of payment thereof, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the complainant to satisfy the said costs.

Dated this day of 19 .

Costs £ : : Resident Magistrate.

(*Under-Sheriff's warrant to be added*)

FORM No. 6

DECREE WHERE COSTS BY WAY OF RECOUPMENT ARE ORDERED TO BE PAID

of

in the County of

Complainant.

Petty Sessions District of County of

of

in the County of

Defendants.

By the Court of Summary Jurisdiction sitting at on the day of 19 .

It appearing to the Court that a process to appear before the above Court was duly served on the defendants, claiming that they were indebted to the complainant in the sum of £ : : for

And it appearing to the Court upon the hearing that the defendant is justly indebted to the complainant in the said sum *or the sum of* £ : : .

And it further appearing to the Court that the complainant has failed to prove his claim against the defendant .

It is therefore ordered by the Court that the complainant do recover from the defendant the said sum of £ : : together with the sum of £ : : for costs. And whereas the proceeding against the defendant was dismissed on the merits *without prejudice* and it was ordered that the defendant do recover from the complainant the sum of £ : : for costs of the dismiss. And whereas the complainant has paid the said sum of £ : : to the defendant on foot of the said dismiss.

It is therefore further ordered by the Court that the defendant do pay to the complainant by way of recoupment the said sum of £ : : for costs which the complainant was ordered to pay and has paid to the defendant making the sum to be paid to the complainant by the defendant the total amount of £ : : . And in default of payment of the said last-mentioned sum, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said sum.

Dated this day of 19 .

Debt £ : :

Costs £ : :

Costs dismiss £ : :

Total £ : :

Resident Magistrate.

(*Under-Sheriff's warrant to be added*)

FORM No. 7

AFFIDAVIT OF DEFAULT IN PAYMENT OF DECREE BY INSTALMENTS

Petty Sessions District of

County of

of
in the County of
Complainant.

of
in the County of
Defendant.

I,
of
in the County of

make oath and say as follows :—

1. At the Court of Summary Jurisdiction sitting at
on the day of 19 ,
the defendant was ordered to pay to the complainant the sum of £ : :
and the sum of £ : : for costs, by instalments of
payable on the day of each , the first of such
instalments to be paid on the day of 19 .

2. The defendant has made default in payment, and has failed to pay
of the said instalments, and the sum of £ : : , balance of the sum
so ordered to be paid as aforesaid, is now due by him upon foot of the said order.

3. I am *
and the above facts are within my own personal knowledge.

Sworn before me this day of 19 ,
at
in the County of

Deponent

Justice of the Peace for the said County,
or Commissioner for oaths

* The complainant. A person in the employment of the complainant. A person acting under the direction of the complainant.

FORM No. 8

STATUTORY DECLARATION OF DEFAULT IN PAYMENT OF DECREE BY INSTALMENTS

Petty Sessions District of

County of

of

in the County of

Complainant.

of

in the County of

Defendant.

I,

of

in the County of

do solemnly and sincerely declare as follows :—

1. At the Court of Summary Jurisdiction sitting at on the day of 19 , the defendant was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs, by instalments of payable on the day of each , the first of such instalments to be paid on the day of 19 .

2. The defendant has made default in payment, and has failed to pay of the said instalments, and the sum of £ : : , balance of the sum so ordered to be paid as aforesaid, is now due by him upon foot thereof.

3. I am *
and the above facts are within my own personal knowledge.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared before me this day of 19 , at in the County of

.....
Declarant

.....
Justice of the Peace for the said County, or Commissioner for oaths.

* The complainant. A person in the employment of the complainant. A person acting under the direction of the complainant.

FORM No. 9

RENEWAL PROCESS

Petty Sessions District of

County of

of
in the County of
Complainant.

of
in the County of
Defendant.

Whereas at the Court of Summary Jurisdiction sitting at on the day of 19 , the defendant was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs, making a total sum of £ : :

And Whereas at the said Court on the day of 19 , a renewal of said order was granted to the complainant for the sum of £ : : and the sum of £ : : for costs of the renewal, making a total sum of £ : :

And Whereas there is still due and owing to the complainant on foot of the said order *and renewal thereof* the sum of £ : :

The defendant is therefore required personally to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock, a.m., when the complainant intends to make application to renew the said order for the balance now due.

Dated this day of 19 .

Complainant
or Solicitor for the Complainant.

Address

NOTE :—If the balance due, as stated above, together with the sum of £ : : for the costs of this renewal process, be paid to the complainant or his solicitor before the * day of 19 , proceedings will be stayed.

* Insert entry date.

FORM No. 10

RENEWAL OF A DECREE *OR DISMISS*

of
in the County of
Complainant.
of
in the County of
Defendant.

} Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the Court that a renewal process to appear before the above Court was duly served on the defendant, giving him notice that an application would be made to renew an order of the said Court made on the day of 19 , whereby he was ordered to pay to the complainant a sum of £ : : and the sum of £ : : for costs, making a total sum of £ : :

And that a previous renewal was granted on the day of 19 , for the sum of £ : : and the sum of £ : : for costs of the renewal, making a total sum of £ : :

And that an affidavit *or statutory declaration* has been lodged in the Court giving proof that the sum of £ : : is still due and owing on foot of the said order *and renewal.*

It is therefore ordered by the Court that the said order be and the same is hereby *further* renewed for the sum of £ : : together with the sum of £ : : for costs of this renewal, and in default of payment thereof the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said debt and costs.

Dated this day of 19 .

Amount due £ : :
Costs renewal £ : :

Resident Magistrate.

Total £ : :

(*Under-Sheriff's warrant to be added*)

FORM No. 11

RENEWAL DECREE BY INSTALMENTS

of
in the County of
Complainant,
of
in the County of
Defendant.
} Petty Sessions District
} of
} County of

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the Court that a renewal process to appear before the above Court was duly served on the defendant, giving him notice that an application would be made to renew an order of the said Court made on the day of 19 , whereby he was ordered to pay to the complainant a sum of £ : : and the sum of £ : : for costs, making a total sum of £ : :

And that a previous renewal was granted on the day of 19 , for the sum of £ : : and the sum of £ : : for costs of the renewal, making a total sum of £ : :

And that an affidavit *or statutory declaration* has been lodged in the Court giving proof that the sum of £ : : is still due and owing on foot of the said order *and renewal.*

It is therefore ordered by the Court that the said order be and the same is hereby *further* renewed for the sum of £ : : together with the sum of £ : : for costs of this renewal, payable by instalments of on the day of each the first of such instalments to be paid on the day of , 19 , and in default of payment of the said instalments or any of them, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said debt and costs or so much thereof as shall remain unpaid.

Dated this day of 19 .

Amount due £ : :

Costs renewal : :

Total £ : :

Resident Magistrate.

(Under-Sheriff's warrant to be added).

FORM No. 12

AFFIDAVIT TO OBTAIN A RENEWAL OF A DECREE *OR DISMISS*

Petty Sessions District of

County of

of
in the County of
Complainant.
of
in the County of
Defendant.

I,
of
in the County of

make oath and say as follows :—

1. At the Court of Summary Jurisdiction sitting at on the day of 19 , the defendant was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs *and said order was renewed on the day of 19 , for the sum of £ : : and the sum of £ : : for costs of the renewal.*

2. The sum of £ : : still remains due and unpaid of the sums so ordered to be paid.

3. I am *

and the above facts are within my own personal knowledge.

Deponent

Sworn before me this day of , 19 , at in the County of

Justice of the Peace for the said County, or Commissioner for oaths.

* The complainant. A person in the employment of the complainant. A person acting under the direction of the complainant.

FORM No. 13

STATUTORY DECLARATION TO OBTAIN A RENEWAL OF A DECREE *OR DISMISS*

Petty Sessions District of

County of

of
in the County of
Complainant.
of
in the County of
Defendant.

I,
of
in the County of

do solemnly and sincerely declare as follows :—

1. At the Court of Summary Jurisdiction sitting at on the day of 19 , the defendant was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs *and said order was renewed on the day of 19 , for the sum of £ : : and the sum of £ : : for costs of the renewal.*

2. The sum of £ : : still remains due and unpaid of the sums so ordered to be paid.

3. I am *

and the above facts are within my own personal knowledge.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declarant.

Declared before me this
day of 19 ,
at
in the County of

Justice of the Peace for said County, or Commissioner for oaths.

* The complainant. A person in the employment of the complainant. A person acting under the direction of the complainant.

FORM NO. 14

INSTALMENT PROCESS UNDER THE DEBTORS ACT (IRELAND), 1872

Petty Sessions District of

County of

of
in the County of
Complainant.
of
in the County of
Defendant.

The defendant is hereby required personally to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock a.m., to show cause why an order should not be made against him for payment by instalments, as the Court may direct, of the sum of £ : : now due from him in pursuance of an order of the said Court made on the day of 19 , whereby he was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs *and of a renewal thereof granted on the day of 19* .

Dated this day of 19 .

Complainant
or Solicitor for the Complainant.

Address

NOTE:—If the amount due, together with the sum of £ : : for the costs of this process, be paid to the complainant or his Solicitor before the * day of 19 , proceedings will be stayed.

* Insert entry date.

FORM No. 15

INSTALMENT ORDER UNDER THE DEBTORS ACT (IRELAND), 1872

of
in the County of
Complainant.

of
in the County of
Defendant.

} Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at
on the day of : 19 .

It appearing to the Court that a process was duly served on the defendant requiring him personally to appear before the above Court and to show cause why an order should not be made against him for payment by instalments, as the Court might direct, of the sum of £ : : due from him in pursuance of an order of the said Court made on the day of 19 , whereby he was ordered to pay to the complainant the sum of £ : : and the sum of £ : : for costs *and of a renewal thereof granted on the day of 19* .

And the defendant having failed to show cause why an order should not be made.

It is therefore ordered by the Court that the complainant do recover from the defendant the said sum of £ : : together with the sum of £ : : for the costs of this order, by instalments of £ : : on the day of each the first of such instalments to be paid on the day of 19 .

Dated this day of 19 .

Resident Magistrate.

FORM No. 16

COMMITTAL PROCESS UNDER THE DEBTORS ACT (IRELAND), 1872

Petty Sessions District of

County of

of
in the County of
Complainant.
of
in the County of
Defendant.

The defendant is hereby required personally to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock a.m., to show cause why he should not be committed to prison for default made by him in payment of £ : : *being one of the instalments by* which he was ordered to pay to the complainant *the sum of* £ : : by order of the said Court made on the day of 19 .

Dated this day of 19 .

Complainant
or Solicitor for the complainant.

Address

NOTE :—If the amount in respect of which defendant has made default in payment, together with the sum of £ : : for the costs of this process, be paid to the complainant or his Solicitor before the * day of 19 , further proceedings in respect thereof will be stayed.

* Insert entry date.

FORM No. 17

COMMITTAL ORDER UNDER THE DEBTORS ACT (IRELAND), 1872

of
in the County of — Complainant.
of
in the County of — Defendant.

Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at on the day of 19 .

It appearing to the Court that a process was duly served on the defendant requiring him to appear personally before the above Court to show cause why he should not be committed to prison for default made by him in payment of £ : : *being one of the instalments by* which he was ordered to pay to the complainant *the sum of* £ : : by order of the said Court made on the day of 19 .

And it appearing on the hearing of said process that default has been made by the defendant in payment of the said sum of £ : : and that he now has *or has had since the making of the order*, the means to pay the said sum, and has refused *neglected* to pay the same. And the defendant having failed to show cause why he should not be committed to prison.

It is therefore ordered by the Court that for such default the defendant shall be committed to Her Majesty's Prison at for the period of unless he shall sooner pay the said sum, together with the sum of £ : : for the costs of this order, and the Under-Sheriff for the County of is hereby commanded to execute this order against the defendant.

Dated this day of 19 .

Amount due £ : :
Costs of this order : :

Resident Magistrate.

Total £ : :

(Under-Sheriff's warrant to be added)

FORM No. 18

APPLICATION FOR THE ISSUE OF A DUPLICATE DECREE *OR DISMISS*

Petty Sessions District of

County of

of
in the County of
Complainant.

of
in the County of
Defendant.

The defendant is hereby required to take notice that an application will be made to the Court of Summary Jurisdiction, sitting at on the day of 19 , for the issue of a duplicate of a granted at the said Court on the day of 19 , which has been lost *destroyed or which has improperly got into the hands of the defendant or his agent.*

Dated this day of 19 .

Complainant
or Solicitor for the complainant.

Address

FORM No. 19

ORDER FOR PAYMENT OF COSTS OF ADJOURNMENT

of
in the County of
Complainant.

of
in the County of
Defendant.

} Petty Sessions District of County of

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the Court that a process to appear before the above Court was duly served on the defendant claiming the sum of £ : : for

And whereas the at the sitting of the Court applied for an adjournment of the said process, and the Court ordered that the hearing be adjourned until the day of 19 , and further ordered that the do pay to the the sum of £ : : by way of costs incurred in respect of the adjournment.

It is therefore ordered by the Court that the do recover from the the said sum of £ : : for costs, and in default of payment thereof, the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the to satisfy the said costs.

Dated this day of 19 .

Resident Magistrate.

Costs £ : :

(Under-Sheriff's warrant to be added)

FORM No. 20

COUNTY OF PETTY SESSIONS DISTRICT OF

PROCESS REGISTER as prescribed by Summary Jurisdiction Rules made under the Summary Jurisdiction Act (Northern Ireland), 1953

Number	Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and Counsel (if any) for complainant and defendant	Complainant — Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of adjudication	Stamp for entry fee	Date of issue of order

.....

Resident Magistrate

FORM No. 21

COUNTY OF PETTY SESSIONS DISTRICT OF

Memorandum of a proceeding entered in the process register of the Summary Jurisdiction Court sitting at , the day of 19 .

Date of Hearing	Name of Resident Magistrate adjudicating	Solicitors and Counsel (if any) for complainant and defendant	Complainant — Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of Adjudication

I certify the above extract to be a true copy.

Dated the day of 19 .

Clerk of the said Court of Summary Jurisdiction.

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 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 ...	0 10	1 9	2 6
For each additional copy served	0 10	0 10	0 10
Instructions for hearing and preparing proofs ...	—	4 0	7 6
Entering process, preparing proofs and any summons or notice for any purpose, attending hearing and all charges incident to the hearing ...	4 3	8 6	17 6
When counsel, allowed, preparing instructions and brief for counsel ...	—	3 6	7 6
Drawing decree	1 6	2 6	3 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	—	4 0	7 6
Attending hearing, and for all other charges incident thereto	4 3	8 6	17 6
When counsel allowed, preparing instructions and brief for counsel ...	—	3 6	7 6
Drawing dismiss ...	1 6	2 6	3 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.
	s. *d.*	*s.* *d.*	*s.* *d.*
For drawing and signing renewal process and copy	0 9	1 6	2 6
For each additional copy served	0 6	0 6	0 6
Instructions for hearing ...	—	2 6	4 0
Entering the process, and attending hearing ...	2 6	4 0	7 6
For preparing affidavit or declaration and having same completed ...	1 6	1 6	1 6
For drawing renewal ...	1 6	2 6	3 0

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

DUPLICATE ORDERS

To the Applicant's Solicitor :—	*s.*	*d.*
Drawing and signing notice and copy	1	9
For each additional copy served	0	10
Instructions for hearing	4	0
Entering application and attending hearing	8	6
Drawing duplicate order	2	6

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 :—

To complainant's counsel.	£	*s.*	*d.*
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.

THIRD SCHEDULE

PART I

FEES PAYABLE BY IMPRESSED STAMPS

	s.	d.
On every ordinary, instalment, or committal process for an amount not exceeding £2	0	6
On every ordinary, instalment, or committal process for an amount exceeding £2 but not exceeding £5	1	0
On every ordinary, instalment, or committal process for an amount exceeding £5 but not exceeding £10	1	6
On every ordinary, instalment, or committal process for an amount exceeding £10	2	0
On every copy of a similar process for service for an amount not exceeding £2	0	6
On every copy of a similar process for service for an amount exceeding £2	1	0
On every renewal process	1	6
On every copy thereof for service	1	0

PART II

FEES PAYABLE BY ADHESIVE STAMPS

For the entry of every ordinary, instalment, or committal process for an amount not exceeding £2	0	6
For the entry of every ordinary, instalment, or committal process for an amount exceeding £2 but not exceeding £10	1	0
For the entry of every ordinary, instalment, or committal process for an amount exceeding £10	1	6
For the entry of every application for a duplicate decree	1	0
On filing every set-off or counterclaim	1	6
On every decree, instalment order, or committal order for an amount awarded not exceeding £2	1	0
On every decree, instalment order, or committal order for an amount awarded exceeding £2 but not exceeding £5	1	6
On every decree, instalment order, or committal order for an amount awarded exceeding £5	2	6
On every dismiss if the amount sued for does not exceed £2 ...	1	0
On every dismiss if the amount sued for exceeds £2 but does not exceed £5	1	6
On every dismiss if the amount sued for exceeds £5	2	6
On every renewal order	1	0
On every affidavit or statutory declaration to obtain a renewal of an order	1	0
On every notice for a duplicate decree	1	6
On every copy thereof for service	1	0

PART III

MISCELLANEOUS FEES PAYABLE BY ADHESIVE STAMPS

	s.	d.
On every certified extract from the register	1	6
On every notice of appeal	2	6
On every form of appeal sent to the Clerk of the Crown and Peace ...	2	6
On every form of appeal sent by the Clerk to the appellant ...	1	0
On every notice of abandonment of an appeal	2	6
On every affidavit or statutory declaration of default in payment of instalments	1	0