

1976 No. 374

## COUNTY COURTS

## County Court Rules (Northern Ireland) 1976

*Made* . . . . . 3rd December 1976*Coming into operation* . . . . . 1st April 1977*To be laid before Parliament*

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**O.1 R 1-3**

The Secretary of State(a) in pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(b) hereby, on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

**ORDER 1****Where proceedings may be commenced***Actions generally*

1.—(1) Except as otherwise provided by any enactment, an action may, irrespective of the place of residence of any defendant, be commenced—

- (a) in the court for the division in which the defendant or one of the defendants resides or carries on business; or
- (b) subject to the succeeding paragraphs of this Rule, in the court for the division in which the cause of action wholly or in part arose.

(2) Where the plaintiff sues as the assignee of a debt or other legal thing in action, the action may be commenced in any court in which, but for the assignment, the action might have been commenced, but in no other court.

(3) Where a plaintiff relies on paragraph (1)(b) he shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

*Actions for recovery of, and in relation to, land*

2.—(1) Proceedings (not being proceedings to which paragraph (2) applies)—

- (a) for the recovery of land (whether with or without a claim for rent or mesne profits); or
- (b) in which the title to any land comes in question; or
- (c) for the redemption of any mortgage upon any land; or
- (d) for enforcing any mortgage, charge or lien upon any land; or
- (e) for the recovery of money secured by any mortgage, charge or lien upon any land; or
- (f) otherwise relating to land (not being proceedings for the recovery only of rent or mesne profits);

shall be commenced in the court for the division in which the land or any part thereof is situate.

(2) Without prejudice to Rules 3, 4, 5, 7 and 8, proceedings specified in those Rules and relating wholly or partly to land may be commenced in the court for the division in which the land or any part thereof is situate.

*Proceedings in relation to trusts*

3. Proceedings in relation to any trust (including a charitable trust) or arising under the Trustee Act (Northern Ireland) 1958(c) may be commenced in the court for the division in which the persons instituting the proceedings, or the trustees or any one of such persons or of the trustees, reside or resides or in the court in which any fund to which the proceedings relate has been lodged.

(a) Formerly the Minister of Home Affairs for Northern Ireland: see S.I. 1973/2163 (1973 III p. 7541)

(b) 1959 c. 25 (N.I.)

(c) 1958 c. 23 (N.I.)

**O.1 R 4-11***Proceedings in relation to the estate of a deceased person*

4. Proceedings for the administration of or otherwise in relation to the estate of a deceased person may be commenced in the court for the division in which that person last resided or carried on business, or in which his executors or administrators or any one of them reside or resides.

*Partnership proceedings*

5. Proceedings for the taking of a partnership account or for the dissolution or winding-up of a partnership may be commenced in the court for the division in which the partnership business was or is carried on or where the defendant or any one of the defendants resides or carries on business.

*Proceedings under the Settled Land Acts 1882 to 1890*

6. Proceedings under the Settled Land Acts 1882 to 1890 may be commenced in the court for any division in which is situate any part of the land which is to be dealt with by the court or from which the capital money to be dealt with by the court arises under those Acts or in connection with which the personal chattels to be dealt with by the court are settled.

*Proceedings under the Married Women's Property Act 1882, s. 17*

7. Proceedings under section 17 of the Married Women's Property Act 1882(d) may be commenced in the court for the division in which either party to the proceedings resides.

*Proceedings in relation to minors*

8. Proceedings relating to the maintenance or advancement or for the protection of the property of minors or for the payment out of court of funds standing to the credit of minors may be commenced in the court for the division in which the minors or any one of them reside or resides or in the court in which any money to which the proceedings relate has been lodged as may be appropriate.

*Probate proceedings*

9. Proceedings relating to the grant or revocation of probate or letters of administration in respect of the estate of a deceased person shall be commenced in the court for the division in which that person was ordinarily resident at the time of his death.

*Proceedings under the Legitimacy Acts (Northern Ireland) 1928 to 1961*

10. Proceedings under the Legitimacy Acts (Northern Ireland) 1928 to 1961 may be commenced in the court for the division in which the petitioner resides or in which the marriage leading to the legitimation took place or, if neither the residence of the petitioner nor the place of marriage is situate in Northern Ireland, then in the Belfast Recorder's Court.

*Proceedings for the construction of deeds, wills, etc.*

11. Proceedings by way of equity civil bill for the construction of a deed, will or other written instrument and for a declaration of the rights of the persons interested therein may be commenced in the court for the division in which—

- (a) the defendant or one of the defendants resides or carries on business;  
or

O.1 R 12-14  
O.2 R 1-2

- (b) the subject-matter of the application or a substantial part thereof is situate.

*Proceedings commenced by petition*

12. Where proceedings are required to be by petition and no other provision is made by any enactment as to the court in which the proceedings are to be commenced, Rule 11 shall apply with the necessary modifications.

*Proceedings by or against a judge or clerk of the Crown and peace*

13.—(1) A judge or clerk of the Crown and peace may sue and be sued in accordance with these Rules, but if the court in which but for this Rule the action would be commenced is a court of which he is the judge or clerk of the Crown and peace, the action shall not be commenced in that court but in some other court of which he is not such judge or officer.

(2) Nothing in this Rule shall affect any alternative right to commence the action in some other court of which the judge or clerk of the Crown and peace suing or being sued is not the judge or clerk of the Crown and peace.

*Proceedings by and against the Crown*

14. For the purposes of this Order, the Crown shall be deemed to reside within each county court division.

ORDER 2

**Joinder of causes of action**

*Generally*

1. Save as otherwise provided in this Order the plaintiff may unite in the same action several causes of action and—

- (a) claims by or against husband and wife may be joined with claims by or against either of them separately;
- (b) claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator;
- (c) claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant.

*Assignee in bankruptcy and recovery of land*

2. Except by leave of the judge—

- (a) claims by an assignee in bankruptcy as such shall not be joined with any claim by him in any other capacity;
- (b) no cause of action shall be joined with an action for the recovery of land except claims for mesne profits or arrears of rent or double value of the land claimed or any part thereof or for damages for breach of any contract under which it is held or for any wrong or injury to it or for payment of any principal money or interest secured by a mortgage or charge on that land or any part thereof.

O.2 R 3-4

O.3 R 1-2

*Claim for possession in action for sale or redemption of mortgaged property*

3. Nothing in this Order shall prevent a plaintiff in an action for sale or redemption of mortgaged property from asking for or obtaining an order against a defendant for delivery of possession of the property on or after the final order for sale or redemption.

*Separate hearings may be ordered*

4. If, at any time, it appears to the judge that any causes of action joined in one action cannot be conveniently heard and disposed of together, he may order separate hearings, or may exclude any cause of action and order any consequential amendments to be made and may make such order as to costs as may be just.

## ORDER 3

## Parties to proceedings (Appendix B)

## PART I

## GENERALLY

*Who may be joined as plaintiffs*

1.—(1) All persons may be joined as plaintiffs in one action in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where, if they brought separate actions, any common question of law or fact would arise but if, on the application of any defendant, it appears that any joinder may embarrass or delay the hearing, the judge may order separate hearings, or make such other order as he thinks fit.

(2) A decree may be given for any plaintiff for the relief to which he is entitled, without any amendment, but any defendant, though unsuccessful, may be awarded any extra costs caused by joining any person who is not found entitled to relief.

*Who may be joined as defendants*

2.—(1) All persons may be joined as defendants in one action against whom the right to any relief in respect of or arising out of the same transaction or event or series of transactions or events is alleged to exist, whether jointly, severally or in the alternative, where if separate actions were brought any common question of law or fact would arise.

(2) A decree may be given against such one or more of the defendants as may be found to be liable according to their respective liabilities without any amendment.

(3) Where two or more persons are made defendants, whether as jointly or as severally liable, the plaintiff may have a decree against any one or more of the defendants without prejudice to his right to proceed with the action against any other defendant.

(4) Where a plaintiff proceeds against one or more of several persons jointly liable, the defendant or defendants sued may avail himself or themselves of any set-off or other defence to which he or they would be entitled if all the persons liable were made defendants.

**O.3 R 3-7***Defendant interested in part of claim*

3. It shall not be necessary that every defendant to an action shall be interested as to all the relief claimed, or as to every cause of action, but the judge may make any order that may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he has no interest.

*Persons liable under one contract*

4. The plaintiff may at his option join as parties to the same action all or any one of the persons severally or jointly and severally liable on any one contract.

*Where plaintiff in doubt whom to sue*

5. Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, so that the question which is liable, and to what extent, may be determined between the parties.

*Misjoinder or non-joinder*

6.—(1) No action or matter shall be affected by reason of the misjoinder or non-joinder of parties, and the judge may in every action or matter deal as justice may require with the real question at issue between the parties actually before him.

(2) Where one or more than one of several persons jointly liable is sued and the other or others so liable and not sued reside out of the jurisdiction or are dead, the fact of the residence of the party or parties not sued being outside the jurisdiction, or the death of such parties, shall appear on the face of the process.

*Representative proceedings*

7.—(1) Where there are numerous persons having the same interest in one action or matter, one or more of them may be authorised or appointed by the judge before or at the hearing, to sue or defend on behalf of all persons so interested.

(2) Where a defendant desires to defend on behalf of numerous persons having the same interest, he shall, within five days from the day on which the civil bill is served on him, file in the Office an affidavit stating the facts on which he relies and the names, addresses and occupations or, where appropriate, a collective description of the persons on behalf of whom he desires to defend, and serve on the plaintiff a copy of the affidavit together with a notice of the defendant's intention to apply to the judge at or before the hearing of the action or matter for leave so to defend.

(3) If an order is made for the defendant so to defend—

- (a) a collective description sufficient to designate the persons to whom the order relates shall be added to the name of the defendant in the books of the court;
- (b) notice shall be given to such persons affected by the order and in such manner, in Form 1 or Form 2 or otherwise, as the judge directs;
- (c) the hearing of the action or matter may be adjourned to enable any person who is included in the collective description to object to the defendant defending on behalf of all or any of the persons to whom the order relates;

**O.3 R 8-9**

- (d) where an objection is made under paragraph (c), the judge shall consider the objection and make such further order as he thinks fit.

*Trustees and beneficiaries*

8.—(1) Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any person beneficially interested therein, and shall be considered as representing such person, but the judge may, at any stage of the proceedings, order any person to be made a party either in addition to or in lieu of the previously existing parties.

(2) This Rule shall apply to trustees, executors and administrators sued in proceedings to enforce a security by sale or otherwise.

*Proceedings Against Estates Act (Northern Ireland) 1971*

9.—(1) Where any person against whom an action would have lain has died but the cause of action survives, the action may, if no grant of probate or administration has been made, be brought against the estate of the deceased.

(2) Without prejudice to the generality of paragraph (1), an action brought against “the personal representatives of AB deceased” shall be treated for the purposes of that paragraph as having been brought against his estate.

(3) An action purporting to have been commenced against a defendant who has died shall, if the cause of action survives and no grant of probate or administration has been made, be treated as having been brought against his estate in accordance with paragraph (1).

(4) In any such action as is referred to in paragraph (1) or (3)—

(a) the plaintiff shall apply to the judge for an order appointing a person to represent the deceased’s estate for the purpose of the proceedings or, if a grant of probate or administration has been made since the issue of the civil bill, for an order that the personal representative of the deceased be made a party to the proceedings, and in either case for an order that the proceedings be carried on against the person so appointed, or as the case may be against the personal representative, as if he had been substituted for the estate;

(b) the judge at any stage of the proceedings and on such terms as he thinks just and either on his own motion or on application may make any such order as is mentioned in sub-paragraph (a) and allow such amendments (if any) to be made and make such other order as he thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(5) Before making an order under paragraph (4) the judge may require notice to be given to any insurer of the deceased who has an interest in the proceedings and to such (if any) of the persons having an interest in the estate as he thinks fit.

(6) Where no grant of probate or administration has been made, any decree granted in the proceedings shall bind the estate to the same extent as it would have been bound if a grant had been made and a personal representative of the deceased had been a party to the proceedings.



## O.3 R 10-15

*Actions relating to land*

10. In actions brought under section 12 of the Act, any person not named as a defendant—

- (a) may appear and defend, on sending by post to the clerk of the Crown and peace and to each plaintiff and defendant before the entry day a notice claiming that he has an estate or interest in the land to which the action relates or a part thereof;
- (b) may, by leave of the judge, appear and defend at the hearing, and the judge may, if he thinks fit, add the name of such person as a defendant in the action;

and the judge may deal with such person, both as to costs and allowances, as if he had been originally named as a defendant and served with the civil bill.

## PART II

## PERSONS UNDER DISABILITY

*Minor*

11. Without prejudice to section 52(2)(c) of the Act, a minor may sue by his next friend and may defend by his guardian ad litem.

*Persons of unsound mind*

12. A person of unsound mind if so found may sue and defend by his committee and if not so found may sue by his next friend and may defend by his guardian ad litem.

*Proceedings by next friend*

13. Where—

- (a) a minor desires to commence proceedings (other than an action in his own name under section 52(2)(c) of the Act) or is a claimant in interpleader proceedings; or
- (b) proceedings are to be commenced, or a claim made in interpleader proceedings, on behalf of a person of unsound mind not so found;

the proceedings or claim shall be in the name of the minor or person by his next friend.

*Where judge may appoint next friend*

14.—(1) Where proceedings in which a next friend is required are commenced without such next friend the judge may—

- (a) on the application of any party or of his own motion appoint as next friend any person who consents to act and gives an undertaking in Form 3; or
- (b) order the proceedings to be struck out.

(2) Where a next friend is appointed under paragraph (1), Order 4 Rule 2(2) shall apply.

*Appointment of guardian ad litem*

15.—(1) Where any defendant is a person for whom a guardian ad litem may properly be appointed, the following provisions shall apply—

**O.3 R 16-19**

- (a) at any time after the service of the civil bill and before the entry day, a guardian ad litem may be appointed by the clerk of the Crown and peace on application made to him on behalf of that defendant, on affidavit in Form 4 together with a written consent of the proposed guardian to act;
  - (b) where the appointment is so made, the order shall be in Form 5 and the clerk of the Crown and peace shall send notice to the plaintiff in Form 6;
  - (c) where a guardian ad litem has not been appointed under subparagraph (a) or where the person appointed dies or otherwise becomes unable or unwilling to act, the judge may appoint a person to be guardian ad litem.
- (2) A guardian ad litem shall not be personally liable for any costs not occasioned by his own personal negligence or misconduct.

**PART III****ADMINISTRATION AND EXECUTION OF TRUSTS***Representation of person or class*

16. Where any person or class of persons is beneficially interested in any proceedings for the administration of the estate of a deceased person or for the execution of the trusts or the construction of any instrument, the judge may, whether such person or class has been ascertained or not, appoint any person to represent such person or class, and any order made in the presence of the person so appointed shall be binding on the person or class so represented.

*When service unnecessary*

17. Any person beneficially interested in the residuary estate of a deceased person or any one of several cestuis que trustent under any instrument, being entitled to an order for the administration of the estate or for the execution of the trust, may have the same without serving notice of the proceedings on all the other persons so interested.

*Judge may order parties to be added*

18. The judge may require any person to be made a party to any proceedings, may give the conduct of the proceedings to such person as he thinks fit, and may make such order in any particular case as he thinks just for placing the defendant on the record on the same footing in regard to costs, as other parties having a common interest with him in the matter in question.

*When notice of order to be served*

19.—(1) Where in any proceedings for—

- (a) the administration of the estate of a deceased person; or
- (b) the execution of the trusts of any instrument; or
- (c) the sale of any property;

an order has been made, the judge may direct that any persons interested in the estate or under the trust or in the property shall be served with notice of the order.

## O.3 R 20-23

(2) Any person so served shall be bound by the proceedings as if he had originally been made a party and shall be at liberty to attend the proceedings and may at the next sitting of the court after service, or by leave of the judge at any subsequent sitting, apply to the judge to discharge, vary or add to the order.

*Service of notice of an order*

20.—(1) Subject to paragraph (2) the notice of an order mentioned in Rule 19 shall be served and endorsed in like manner as a civil bill.

(2) Where it appears to the judge that service of the notice cannot be effected or ought to be dispensed with, he may wholly dispense with service or may order substituted service.

(3) Where the order is for accounts and inquiries and service of the notice on any person is dispensed with, such person shall, unless the judge otherwise orders, be bound by the order.

*Where no legal representative*

21. If, in any proceedings, it appears to the judge that any deceased person who was interested in the matter in question has no legal personal representative, the judge may—

- (a) proceed in the absence of any person representing the estate of the deceased person; or
- (b) may appoint some proper person to represent the estate for the purpose of the proceedings;

on such notice to such persons, if any, as the judge may think fit, either specifically or generally by public advertisement, and the order made, and any order consequent thereon, shall bind the estate of the deceased person in the same manner in every respect as if a duly constituted legal personal representative of the deceased had been a party to the proceedings.

*Only representative to appear on claim of any person not a party*

22.—(1) In any proceedings for the administration of the estate of a deceased person, no party other than the representative shall, except by leave of the judge, be entitled to appear either in court or in chambers on the claim of any person not a party to the proceedings against the estate of the deceased person in respect of any debt or liability.

(2) The judge may direct or give liberty to any other party to the proceedings to appear either in addition to or in place of the representative.

## PART IV

## CHANGE OF PARTIES

*Proceedings on change of plaintiff's or defendant's title before decree*

23.—(1) Where, after the commencement of any action and before final decree, there is any assignment, creation, change, transmission or devolution of the interest, estate or title of any plaintiff, the judge may, upon the *ex parte* application of the person to or upon whom such interest, estate or title has come or devolved or of any party to the action, grounded upon an affidavit setting out the facts of such assignment, creation, change, trans-

**O.3 R 24-26****O.4 R 1**

mission or devolution, make an order that such person be substituted for or made a joint plaintiff with the plaintiff named in the original civil bill and the judge may, before making such order, require such notice of the application to be served as he thinks fit.

(2) Where, after the commencement of any action, there is any assignment, creation, change, transmission or devolution of the interest, estate or title of any defendant, the judge may, on an *ex parte* application grounded upon an affidavit setting forth the facts of such assignment, creation, change, transmission or devolution, make an order that the person to or upon whom such interest, estate or title has come or devolved, be substituted for or made a joint defendant with the defendant named in the original civil bill, and the judge may, before making such order, require such notice of the application to be served as he thinks fit.

*Where person entitled to proceed on death of party fails to do so*

24. Where a plaintiff or defendant in an action or matter dies and the cause of action survives but the person entitled to proceed fails to proceed, the defendant (or the person against whom proceedings may be continued) may apply to the judge for an order directing the plaintiff (or person entitled to proceed) to proceed within such time as may be ordered and in default the action or matter may be struck out, and in a case where it is the plaintiff who has died, execution may be had for any costs awarded to the defendant as if Order 37 Rule 2 applied.

*Alteration of records on change of parties*

25. Where a party is substituted or added the books of the court shall be altered and all subsequent proceedings shall be carried on accordingly.

*Claim to money in court where change in parties after decree*

26.—(1) Where any change has taken place after decree by death, assignment or otherwise in the parties to any action or matter and there is money standing in court to the credit of the action or matter, any person claiming to be entitled to the money may give to the clerk of the Crown and peace notice in writing accompanied by an affidavit verifying the facts stated in the notice.

(2) The clerk of the Crown and peace may, if satisfied as to the title of the person so claiming, pay the money to him or may refer the matter to the judge, and may require notice of the application to be given by the claimant to any other person or persons.

**ORDER 4****Security for costs**

*Plaintiff not resident in Northern Ireland*

1.—(1) Where it appears that the plaintiff does not reside in Northern Ireland, the clerk of the Crown and peace may, on the application of a defendant, order security for costs to be given to the satisfaction of the clerk of the Crown and peace and before making such an order the clerk of the Crown and peace shall consider all the circumstances of the case including any right of the defendant to proceed under the Inferior Courts Judgments Extension Act 1882(e) to recover any costs awarded to him.

O.4 R 2-3  
O.5 R 1

(2) A person ordinarily resident out of Northern Ireland may be ordered to give security though he may be temporarily resident in Northern Ireland.

(3) Any party to the action or other proceeding may, on giving at least two days' notice to the other party, appeal to the judge against any decision or order of the clerk of the Crown and peace under this Rule.

(4) Where an order is made under paragraph (1) the action or other proceeding shall not, without leave of the judge, proceed to hearing until the order has been complied with.

*Next friend*

2.—(1) A person acting as next friend in any proceedings shall—

(a) before the proceedings are commenced; or

(b) in the case of interpleader proceedings to which Order 10 applies before the issue of the summons;

deliver at the Office an undertaking in Form 3 of Appendix B, witnessed by a solicitor or person by whom affidavits may be taken.

(2) On giving the undertaking, the next friend shall be liable for costs in the same manner and to the same extent as if he were himself a plaintiff, and, if the proceedings fail or are discontinued, an order for payment of costs may be made against the next friend whether an order for costs is or is not made against the person under disability, and proceedings may be taken on the order for the recovery of the costs as for the recovery of any amount payable under a decree.

(3) This Rule does not apply to proceedings under Order 41.

*Where proceedings are remitted from High Court*

3. Where any proceedings in which a person is suing by a next friend are remitted to a county court, the plaintiff shall lodge with the clerk of the Crown and peace the written authority for the use of the name of the next friend filed in the High Court, or a duplicate or copy thereof, which shall be deemed to be an undertaking within Rule 2.

ORDER 5

Commencement of proceedings (Appendix C)

*Commencement by civil bill*

1.—(1) Except as otherwise provided by any enactment or these Rules, proceedings in a county court shall be commenced by a civil bill in such one of the Forms 1 to 24 as may be appropriate.

(2) Every civil bill shall be signed by the plaintiff or by his solicitor or a partner or duly authorised employee of his solicitor.

(3) A civil bill commencing proceedings in a title action or for ejectment on the title shall be headed with the words "Title Jurisdiction".

(4) A civil bill commencing proceedings within the equity jurisdiction of the court (in these Rules referred to as an "equity civil bill") shall be headed with the words "Equity Civil Bill".

**O.5 R 2-3**

(5) An ordinary or ejectment civil bill shall bear an endorsement in Form 2 or Form 5, as may be appropriate.

*Particulars of claim*

2.—(1) The plaintiff shall set out in his civil bill particulars of his claim.

(2) In an action for the recovery of or in relation to land, the plaintiff shall give a full description of the land and in such an action or in an action for the recovery of rent or mesne profits the plaintiff shall set out in his civil bill the facts on which he relies as giving the court jurisdiction.

(3) A plaintiff suing as the assignee of a debt or other legal thing in action shall set out in his civil bill the name and description of the assignor and the date of the assignment.

(4) A plaintiff suing for the recovery of a book or shop debt or other running account shall, unless such particulars are adequately set out in the civil bill, furnish full particulars of his demand within a reasonable time before, or at the time of, the service of the civil bill; but the judge may dispense with this requirement if in any case he is satisfied that it is unnecessary.

(5) A plaintiff alleging a breach of statutory duty shall set out in his civil bill particulars of the enactment on which he relies.

(6) Where an action is brought to recover money lent by a moneylender within the meaning of the Moneylenders Acts (Northern Ireland) 1900 to 1969 or for interest on money so lent, or to enforce any agreement made or security taken in respect of money so lent, the plaintiff shall include in his civil bill the following particulars—

- (a) the fact that the action is in respect of a moneylending transaction within the provisions of the Moneylenders Acts (Northern Ireland) 1900 to 1969;
- (b) the date on which the loan was made;
- (c) the amount actually lent to the borrower;
- (d) the rate per centum per annum of interest charged;
- (e) the date of the note or memorandum in writing of the contract;
- (f) the date when the contract was signed by the borrower; and
- (g) the date when a copy of the contract was furnished to the borrower.

(7) Where a plaintiff desires to abandon, under section 10(1) of the Act, the excess of his claim over £1,000, the abandonment of the excess shall be entered at the end of the particulars.

(8) An equity civil bill shall set out as concisely as may be the facts constituting the plaintiff's claim and the facts upon which the plaintiff relies as giving the court jurisdiction.

(9) Where reference to a sum of money is made in a civil bill or in the particulars the sum must be stated in decimal currency.

*Notice for further particulars*

3.—(1) In any case to which Rule 2(4) does not apply, any party may, subject to paragraph (3), require any other party, by notice in writing served before the beginning of a period of fourteen days ending on the entry day, to furnish further particulars before the beginning of a period of seven days ending on the entry day.

## O.5 R 4-5

- (2) Where under paragraph (1) particulars have been duly required and—
- (a) have not been furnished within the time specified in the notice; or
  - (b) if furnished, are in the opinion of the judge insufficient;

the judge may adjourn the case and order sufficient particulars to be furnished; and any costs occasioned by any such default or insufficiency shall be in the discretion of the judge.

(3) Unless the consent of the clerk of the Crown and peace is obtained for the service of a notice under paragraph (1), any additional costs incurred thereby shall be in the discretion of the judge.

*Proceedings against the Crown*

4.—(1) Where civil proceedings are brought against the Crown in accordance with the provisions of the Crown Proceedings Act the Crown may, within three days from the service of the civil bill, serve a notice upon the plaintiff or his solicitor, requiring such information as may be reasonably necessary to show the circumstances in which the alleged liability of the Crown has arisen, and as to any department and officer of the Crown concerned.

(2) The plaintiff or his solicitor shall, within three days from the service of such notice, serve upon the Crown an answer to the notice containing the required particulars, and the plaintiff shall be bound by the statements contained therein unless at the hearing the judge otherwise directs.

(3) If the plaintiff fails to comply with the requirements of such notice as aforesaid, the judge shall, subject to paragraph (4), adjourn the hearing and direct the plaintiff to furnish the required particulars within such time as shall be specified by the judge. The costs of such adjournment shall be in the discretion of the judge.

(4) If it appears to the judge, on the application of the plaintiff, that the furnishing by the plaintiff of the particulars required by the Crown is not reasonably practicable or is likely to prejudice the plaintiff's case, the judge shall not direct such particulars to be furnished; and in any such case an answer by the plaintiff which omits such particulars shall be deemed to be a sufficient compliance with the notice; and if such an answer has already been served the judge may proceed to hear and determine the civil bill without an adjournment.

*Commencement by petition*

5.—(1) Subject to Order 27, proceedings under paragraphs (j), (l) and (m) of section 16 of the Act shall be commenced by a petition in such one of the Forms 25 to 28 as may be appropriate.

(2) The petition and two copies thereof shall be delivered to the clerk of the Crown and peace at his office and he shall issue same by endorsing on the petition and on a copy a notice in Form 29 and shall file the petition and return such endorsed copy for service.

(3) The person delivering the petition shall cause such endorsed copy to be served in accordance with Order 6 on the person necessary to be served therewith.

## O.6 R 1-2

## ORDER 6

## Service (Appendices D and E)

*Issue of civil bill*

1. A civil bill shall be deemed to have been issued—

- (a) so soon as it has been received by a process server (or other person authorised by this Order) for service on any defendant; or
- (b) so soon as service of it has been accepted by a solicitor under Rule 3(4); or
- (c) without prejudice to paragraphs (a) and (b), so soon as an order for service of a civil bill has been made under Rule 6(2) or so soon as service declared sufficient under Rule 7 has been effected or so soon as service of a civil bill to which Rule 11 applies has been effected in accordance with that Rule; or
- (d) where service is by post, as soon as it has been posted; or
- (e) in an action such as is referred to in Rule 9(2) of Order 3 (where a civil bill is issued against "the personal representatives of AB deceased") when a copy thereof is filed in the Office.

*Process servers and their duties*

2.—(1) The name and address of every person appointed as a process server or removed from or otherwise ceasing to hold the office of process server shall be published in such manner and at such times as the judge thinks expedient.

(2) Every process server who holds office at the date of coming into operation of these Rules shall at the first sittings after such date of the court for the division in which he acts as process server, and every process server appointed after the coming into operation of these Rules shall on appointment, take the oath set out in Form 1.

(3) There shall be payable to a process server, in addition to any salary payable to him, the fees set out in Appendix E and such fees shall be paid by the person on whose behalf service is to be effected at the time that the document to be served is sent or delivered to the process server.

(4) Subject to the provisions of this Order, a process server shall serve all civil bills and other documents received by him for service.

(5) Every process server shall keep, in such form as may be approved by the judge, a book in which he shall enter the following particulars in relation to every civil bill or document received by him for service, that is to say—

- (a) the names of the plaintiff and defendant;
  - (b) the cause of action;
  - (c) the date on which he received the civil bill or document for service;
  - (d) the date on which he served the civil bill or document;
  - (e) the place where and the name or description of the person on or with whom the civil bill or document was served or left; or if the civil bill or document has not been served on or left with any person, the reason why service has not been effected.
- (6) A process server shall not accept for service—
- (a) any copy of a civil bill unless it is accompanied by the original civil bill;
  - (b) any civil bill not duly stamped.



## O.6 R 3

(7) Every process server shall compare with the original every copy of each civil bill received by him for service, and before serving such copy shall endorse his name thereon; and after effecting service shall endorse on the original civil bill a statement of the day of the week and date upon which, the manner in which, and the place where such service was effected, and as to the person (whether the defendant, the husband or wife of the defendant or a relative or employee of his) on whom the civil bill was served, and shall sign such statement.

(8) On or before the day following the last day for service, each process server shall return every original civil bill to the solicitor or other person from whom he received it.

(9) As soon as possible after service of a summary civil bill, the process server shall return the original, duly endorsed as to service, to the plaintiff's solicitor.

(10) It shall be the duty of every process server to attend the sittings of the court for the division or part thereof for which he has been appointed and produce his book or books, or in his unavoidable absence to cause such book or books to be so produced.

(11) In the event of the unavoidable absence or of the illness or death of a process server, his book or books shall be so produced and verified by some person who can swear to the handwriting of the process server, and on being so verified shall be *prima facie* evidence of the matters entered therein.

(12) Where personal service has been effected but the process server does not know of his own knowledge that the person served is the defendant, satisfactory proof of the identity of the person served must be given.

(13) Process servers shall lodge their books in the Office when and so often as the judge may direct; and books so lodged shall be kept as part of the records of the court.

(14) The oath to be taken by a process server at each sitting of the court shall be in Form 2.

### *Service of civil bills*

3.—(1) A civil bill shall not be served otherwise than in accordance with this Order.

(2) Except where otherwise directed under this Rule or Rules 6, 7, 9 and 11, a civil bill may be served either—

- (a) by a process server appointed for the division of the court in which proceedings are brought or that specified by paragraph (3), or
- (b) where service is not required by paragraph (6) or Rule 5 of Order 36 or Rule 6(1) of Order 37 to be made on the defendant in person, by a solicitor or member of his staff over the age of 16 years, sending, by registered post or by first class post using the recorded delivery service, a copy of the civil bill and any other document required to be attached thereto in an envelope addressed to the person to be served as stated in the civil bill.

(3) Subject to paragraph (4) and to Rules 6, 7 and 11, where a person to be served with a civil bill resides outside the division of the court in which the proceedings are to be brought, the civil bill shall, unless served under paragraph (2)(b), be served by a process server for the division within which the person to be served resides and proof of such service shall be by affidavit to be filed not later than entry day in the office of the clerk of the Crown and peace for the division in which the proceedings are to be brought.

**O.6 R 4**

(4) Where a solicitor represents that he is authorised to accept service of a civil bill on behalf of any defendant (not being a default or summary civil bill issued under Order 12 or a civil bill under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969(f)), the delivery by any person of a copy of the civil bill to that solicitor shall be good service if that solicitor endorses and signs on the original a memorandum stating that he is so authorised as aforesaid and that he accepts service accordingly.

(5) Except where otherwise directed or permitted under this Order, service of a civil bill shall be effected—

- (a) by delivering a copy of the civil bill to the defendant personally; or
- (b) by leaving a copy of the civil bill at the defendant's residence or place of business with the wife or husband of the defendant, or with some relative of the defendant or of the husband or wife of the defendant, or with an employee of the defendant, the relative or employee being apparently over the age of sixteen years.

References in this paragraph to a defendant include references to a person who under the provisions of this Order is to be served with a civil bill.

(6) A civil bill issued under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall be served personally on the defendant named therein.

(7) Nothing in paragraphs (5) and (6) shall affect the method of serving documents on a company provided by section 385 of the Companies Act (Northern Ireland) 1960(g).

(8) In the absence of any statutory provision regulating service of process, service of a civil bill on a corporation aggregate may be made on the mayor or other head officer, or on the clerk, treasurer or secretary.

(9) Where a defendant keeps his residence or place of business closed, or temporarily abandons either, so as to prevent the ordinary service of a civil bill, it shall be sufficient service to post a copy of the civil bill on the door or other conspicuous part of such residence or place of business.

(10) Where a civil bill is issued in an action such as is referred to in Rule 9(2) or (3) of Order 3 and cannot be served because no grant of probate or administration has been made, a copy of the civil bill shall be filed by delivery to the Office as soon as it appears that the defendant is dead and that it cannot be served otherwise for the purpose of commencing the action.

*Actions for recovery of land*

4.—(1) In any action for the recovery of land—

- (a) for overholding, the civil bill shall be served—
  - (i) on the tenant; and
  - (ii) on any person in actual possession of the land;
- (b) for non-payment of rent, the civil bill shall be served on any person in actual possession of the land as tenant or under-tenant;
- (c) on the title, the civil bill shall be served—
  - (i) on any person in actual possession of the land; and
  - (ii) on any person who is in receipt of the rents or profits of the land or any part thereof; and

## O.6 R 5-6

(iii) on such other persons as the judge may direct;

so, however, that in relation to an application for possession made in accordance with Rule 10 of Order 37 the civil bill shall be served on the judgment debtor instead of on such persons as are referred to in sub-paragraph (ii) above;

(d) where at least six months' rent of the land remains unpaid and the tenant has deserted or otherwise abandoned the land leaving the premises thereon unoccupied or the land not farmed in accordance with the rules of good husbandry, the civil bill shall be served—

(i) on the tenant; and

(ii) on any person in actual possession of the land;

(e) where any person has been put into possession or occupation of the land by permission, or as a servant or caretaker, or as a tenant strictly at will or on sufferance, the civil bill shall be served on—

(i) the person who has been so put into possession or occupation; or

(ii) any persons being or claiming to be in possession or occupation through or under such person.

(2) Where in any action to which any of the sub-paragraphs (b) to (e) of paragraph (1) applies there is no person in actual possession of the land to which the action relates, a copy of the civil bill shall be affixed on some conspicuous part of the land.

#### *Persons under disability*

5.—(1) Where a defendant or party to any proceeding is a minor, the civil bill shall be served on his father or guardian or, if he has no father or guardian, then on the person with whom he resides; but the judge may order that service effected or to be effected on the minor shall be deemed good service.

(2) Where a defendant or party to any proceeding is a person of unsound mind (whether or not so found) the civil bill shall be served on his committee or, if he has no committee, on the person with whom he resides or under whose care he is.

#### *Resistance to service; substituted service*

6.—(1) Where the judge is satisfied, on an application made by the plaintiff either in court or chambers, that the process server has been prevented by forcible resistance, or by reasonable apprehension of personal injury, from serving the civil bill upon anyone in person, the judge may order that a copy of the civil bill be sent by registered post to the person to be served and that a copy be posted on such courthouse as the judge may direct, together with a notice stating that such copy is respectively sent and posted by order of the judge, and that such sending and posting is good service.

(2) Where the judge is satisfied, on an application made by the plaintiff either in court or chambers, that for any reason due service of the civil bill cannot be effected promptly, the judge may make such order for substituted service, or for notice by advertisement in substitution for service, or otherwise as he thinks just.

(3) An order under paragraph (1) or paragraph (2) shall state the day on which the action will be heard, and a copy of the order shall (except where the service is to be by advertisement) be posted or served along with the civil bill.

**O.6 R 7-11**

(4) An application for an order under this Rule may be grounded on an affidavit stating the facts on which the applicant relies.

*Service deemed good*

7. The judge may in any case declare the service actually effected sufficient.

*Time for service*

8. Every civil bill other than a summary civil bill shall be served before the beginning of a period of twenty-eight days ending on the entry day.

A process server shall, as soon as possible after he has received a summary civil bill, serve it upon the defendant.

*Service in special circumstances*

9.—(1) Where the judge or clerk of the Crown and peace on the application of a solicitor is satisfied of the existence or imminence of such special circumstances as would render impracticable the service of any civil bill in accordance with the foregoing Rules of this Order, he may direct or authorise such service—

(a) to be effected by means of the recorded delivery service; or

(b) to be effected in such other manner and by such person and to be proved in such manner as he may direct.

(2) Where it would be impracticable to make such an application as is provided for in paragraph (1) the solicitor for the plaintiff or a partner or apprentice of his may himself serve the civil bill as if he were a duly appointed process server. A solicitor who serves a civil bill or causes a civil bill to be served as aforesaid shall forthwith make and shall file in the Office not later than entry day an affidavit setting forth all relevant facts; and it shall be in the discretion of the judge to direct that such service be deemed good service.

*Application of this Order*

10.—(1) Except where otherwise provided by any enactment and subject to paragraph (2), the foregoing Rules of this Order shall apply *mutatis mutandis* to the service of petitions, summonses, notices or any other documents required or authorised to be served for the purposes of initiating any proceedings in a county court.

(2) Rule 2(6)(a), (7) and (8) shall not apply to the service of a petition and such service shall be proved by affidavit of the process server or, where service was by post, by production of the solicitor's certificate of posting.

*Proceedings under the Crown Proceedings Act*

11.—(1) The provisions of this Order relating to personal service shall not apply to any civil bill or other document required to be served on the Crown. Service of any such civil bill or document shall be in accordance with section 18 of the Crown Proceedings Act and may be effected either—

(a) by leaving the civil bill or document at the office of the person to be served; or

(b) by sending it by registered post addressed to the person to be served.

(2) A civil bill at the suit of the Crown may by leave of the judge be served out of Northern Ireland in any case in which leave might be granted by the High Court for the service of a writ of summons out of the jurisdiction. Where such leave has been given in any proceedings in a county court, the like leave may be given in respect of documents to be subsequently served in those proceedings.

## O.6 R 12

(3) Where leave is sought to serve a civil bill anywhere in Great Britain, if it appears to the judge that there may be a concurrent remedy in England or Scotland (as the case may be), the judge shall have regard to the comparative cost and convenience of proceedings within the jurisdiction of the court, or in the place of residence of the intended defendant, and particularly to the powers and jurisdiction of the county courts in England, and of the sheriff courts or small debt courts in Scotland, respectively.

(4) An application for leave to serve a civil bill on a person out of Northern Ireland shall be supported by affidavit or other evidence—

- (a) stating that, in the belief of the deponent, the applicant has a good cause of action; and
- (b) showing—
  - (i) in what country and place the person to be served is, or may probably be found;
  - (ii) whether such person is a British subject or not; and
  - (iii) the grounds on which the application is made;

and where the judge gives leave for the service of a civil bill or other document out of Northern Ireland, he shall fix the return day, and in so doing shall have regard to the distance of the country wherein service is to be effected.

(5) Where leave is given under the preceding paragraphs of this Rule for service out of the jurisdiction, such service shall, subject to this paragraph, be effected either—

- (a) by posting the document to be served together with a copy of the relevant order in a prepaid registered envelope addressed to the person to be served; or
- (b) by transmitting such document to an agent of the plaintiff for personal service by such agent;

but where the person to be served is outside Her Majesty's dominions there shall be served on him a copy of the relevant order and a notice of commencement of proceedings to which there shall be annexed a copy of the document for the service of which leave has been given.

*Proof of service by post*

12.—(1) Where service of a civil bill or other document has been made by post under these Rules, the person posting the copy civil bill or document shall endorse on the original his name, the date on which it was posted and the serial number on the envelope and on the post office certificate of posting.

(2) Evidence of such service shall be given by the production of a certificate of the solicitor personally in charge of the proceedings on behalf of his client and such certificate shall be in Form 3 in Appendix D; and—

- (i) refer to the original civil bill or document and any other document attached thereto and the serial number on the post office receipt for posting and on the envelope containing the copy thereof;
- (ii) state the contents of the envelope and by whom it was posted;
- (iii) exhibit the post office receipt for posting;
- (iv) state that, to the best of the knowledge and belief of the solicitor, the address on the envelope was that of the last known place of abode of the person to be served;
- (v) state affirmatively that the envelope has not been returned by the post office as undelivered;
- (vi) exhibit the relevant post office advice of delivery.

**O.7 R 1-5**

(3) Every document proved to have been posted and delivered as aforesaid shall, unless the contrary is shown, be deemed to have been served on the person to whom the envelope containing it was addressed at the time stated in the advice of delivery.

**ORDER 7****Special defences (Appendix F)***Statement of defence*

1. A defendant in an equity suit may, before the beginning of a period of four days ending on the entry day, serve on the plaintiff a statement in Form 1 disclaiming any interest in the subject matter of the proceedings or admitting or denying any of the statements in the plaintiff's civil bill, or raising any question of law on such statements, without admitting the truth thereof, or he may specify any new fact or document on which he intends to rely as a defence or which he intends to bring to the notice of the court.

*Admission in action for recovery of land*

2. In an action for the recovery of land a defendant who admits the title of the plaintiff to the land or any part thereof and his right to the immediate possession thereof may, before the beginning of a period of four days ending on the entry day, deliver to the plaintiff an admission thereof.

*Defence in action of trespass, etc.*

3. Where a defendant in any action of trespass or in any action in which the title to any land comes in question (not being an action for the recovery of the land) intends to rely on a justification of the acts complained of, as having been done in exercise of any alleged right, he may serve a notice to that effect, setting out such alleged right, on the plaintiff before the beginning of a period of four days ending on the entry day.

*Tender and payment into court*

4.—(1) Where the defence is tender, such defence shall not be available unless before or at the hearing the defendant lodges with the clerk of the Crown and peace the amount alleged to have been tendered, together with the costs of the action up to the time of tender if it was made after action brought.

(2) Where in an equity suit a defendant intends to rely upon payment made by him into court, he shall give notice thereof to the plaintiff before the beginning of a period of four days ending on the entry day.

*Set-off and counterclaim*

5.—(1) Where a defendant in any proceedings not being an action for rent intends to rely upon any set-off or counterclaim, he shall give notice thereof in writing to the plaintiff and to the clerk of the Crown and peace on or before entry day.

(2) Where in any action for rent a defendant intends to rely on a deduction or set-off in respect of debts due by the landlord to the tenant under section 48 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(h) the

**O.7 R 6-8**

defendant shall give notice in writing of such intention stating particulars of such deduction or set-off to the plaintiff before the beginning of a period of four days ending on the entry day and, where the defendant intends to rely on the provisions of section 40 of that Act, he shall lodge with the clerk of the Crown and peace the money tendered by him as thereby directed and give notice of such lodgment to the plaintiff before the beginning of a period of four days ending on the entry day.

*Counterclaim against person other than plaintiff*

6. Where a defendant desires to set up a counterclaim against a plaintiff and some other person, he may apply to the judge for an order that the other person be added as a defendant to the counterclaim and the judge may make an order accordingly and may give such directions as may be necessary to enable the questions at issue between the parties to be determined at the hearing of the action.

*Set-off and counterclaim in proceedings by and against the Crown*

7.—(1) In proceedings by the Crown for the recovery of any taxes, duties or penalties, a defendant shall not be entitled to avail himself of any set-off or counterclaim.

(2) In any proceedings by the Crown other than those referred to in paragraph (1), a defendant shall not be entitled to avail himself of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

(3) A defendant shall not be entitled, without the leave of the judge (to be obtained on application of which notice has been given to the Crown before the beginning of a period of four days ending on the date of the application) to avail himself of any set-off or counterclaim if—

- (a) the subject matter of the set-off or counterclaim does not relate to the government department in whose name the proceedings are brought; or
- (b) the proceedings are brought in the name of the Attorney-General.

(4) In proceedings against the Crown, the Crown shall not be entitled, without the leave of the judge (to be obtained on application of which notice has been given to the plaintiff before the beginning of a period of four days ending on the date of the application), to avail itself of any set-off or counterclaim if—

- (a) the Crown is sued in the name of a government department and the subject matter of the set-off or counterclaim does not relate to that department; or
- (b) the Crown is sued in the name of the Attorney-General.

*Costs*

8. The judge, in the exercise of his discretion as to costs, may take into consideration the extent to which a defendant has or has not availed himself of such of the powers given by the preceding Rules of this Order as were available to him.

**O.8 R 1-6****ORDER 8****Entry and Lodgment of civil bills and applications for dismissal****(Appendix G)***Entry day*

1. The judge for each division shall, for each ordinary sitting of the court in that division, appoint a day on or before which civil bills are to be entered or lodged in accordance with the following Rules and in these Orders such day is, in relation to all proceedings to be heard at those sittings, referred to as the "entry day".

*Entry of ordinary civil bills*

2. All civil bills, other than equity or summary civil bills, intended for entry or to be proceeded on at the sitting to which the same are returnable and such summary civil bills as under Rule 13 of Order 12 require to be entered shall, on or before the entry day, be delivered by the party or his solicitor entering them to the clerk of the Crown and peace together with a list in Form 1 arranged in alphabetical order according to the surname of the plaintiff, or of the first plaintiff in any proceeding if there is more than one.

*Lodgment of equity civil bills*

3. The plaintiff in every equity suit shall, on or before the entry day, lodge with the clerk of the Crown and peace for entry the equity civil bill and a copy thereof and a copy of any notice or other document served on him by the defendant or by him on the defendant.

*Lists of defended cases; copies of civil bills for judge*

4.—(1) The several solicitors shall, on or before the entry day, deliver to the clerk of the Crown and peace a list in Form 1 arranged in like alphabetical order as aforesaid of all cases in which they have been employed by defendants to take defence or to counterclaim or to appear for third parties and such solicitors shall be deemed to be the solicitors on record for such parties.

(2) In every defended case a copy of the civil bill and, where there is a counterclaim, a copy of the counterclaim, shall be made available at the hearing for the use of the judge.

*Entry or lodgment after entry day*

5. No civil bill or defence shall be entered for hearing or received after entry day without the special order of the judge on such terms, including the payment of a special entry fee, as the judge thinks fit.

*Applications for dismisses*

6.—(1) If the plaintiff in any action ordered by the High Court to be heard or remitted by the High Court for hearing in any county court under the provisions of any enactment, omits or refuses to lodge the requisite documents, the defendant may, at any time during the sittings named in the order or the next succeeding sittings, lodge with the clerk of the Crown and peace a certified copy of the notice of remittal served on him by the proper officer of the Supreme Court in accordance with Rule 11(1)(a) of Order 54F of the Rules of the Supreme Court (Northern Ireland) 1936(i) and the copy of the writ of summons or other originating process served on the defendant verified by affidavit, for the purpose of having the action dismissed by the judge.

(i) S.R. & O. 1936 No. 70 (II, p. 2559) (see S.R. & O. (N.I.) 1971 No. 153 (p. 734))



O.8 R 7-9  
O.9 R 1

(2) If a plaintiff in any action causes a civil bill to be served on a defendant and does not enter the civil bill for hearing at the sittings named in the civil bill, the defendant may at any time during those or the next succeeding sittings make application for liberty to enter the civil bill for the purpose of having it dismissed.

(3) Where a defendant lodges the documents mentioned in paragraph (1) in accordance with that paragraph or an application under paragraph (2) is granted, the judge shall have the like power, jurisdiction and authority to dismiss the case and to award costs to the defendant as if the plaintiff had lodged the order for hearing and other requisite documents or, as the case may be, entered the civil bill for hearing and had failed to proceed thereon at the sittings named therein.

(4) In relation to an action to which Order 22 Rule 9(6) applies, paragraphs (1) and (3) shall have effect as if the reference—

- (a) to the plaintiff or defendant were, as the case may be, to the defendant or plaintiff; and
- (b) to a copy of the writ of summons or other originating process were to the original thereof together with particulars of the counterclaim.

*Entry on record of solicitor for plaintiff and defendant*

7. The clerk of the Crown and peace shall enter on record in his book the name of only one person or firm as solicitor for the plaintiff or for any defendant and in the case of a firm of solicitors not more than one member of such firm shall appear or take part in the conduct of any one case without the leave of the judge.

*Prepayment of certain court fees*

8. Where any court fees are payable on entry of any proceedings, a duly stamped requisition in Form 2 shall be lodged at the same time.

*Return of civil bills lodged on entry*

9. After entry, the original civil bills in equity and probate suits shall be retained on the court file and in all other cases shall, as soon as practicable, be returned to the persons lodging them.

**ORDER 9**

**Amendments**

*Generally*

1.—(1) Subject to paragraph (2), the judge may at any time—

- (a) amend any defects or errors in any proceedings whether the defect or error is that of the party applying to amend or not; and
- (b) add, strike out or substitute any person either as plaintiff or defendant;

and all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties shall be made, if duly applied for, and the proceedings shall continue in all respects as if they had been commenced in the form in which they appear after the amendment has been made.

**O.9 R 2-7**

(2) A person shall not be added as a plaintiff without his consent in writing, or in the case of a person under disability, without the consent in writing of the next friend or committee or other person acting on behalf of the person under disability.

*Service on added defendant*

2. Where any person is ordered to be added or substituted as defendant, except under Rule 8, the amended civil bill or other originating process shall be served on the added or substituted defendant according to the rules applicable to the service of a civil bill, and the proceedings as against him shall be deemed to have begun only on the issue of the amended civil bill.

*When amendment may be made*

3. Any amendment may be made at any stage of the proceedings by the judge of his own motion or at the hearing or on notice before the hearing on the application of any party.

*Abandonment of part of claim*

4. A plaintiff may, at any time before an action is called on for hearing or in opening his case, abandon any part of his claim.

*Enlargement of claim*

5.—(1) Where, upon the taking of an account or on the evidence given at the hearing, it appears that a plaintiff is entitled to recover an amount larger than that claimed in his civil bill but not beyond the limit of the court's jurisdiction, the judge may, on payment by the plaintiff of the difference between the court fees paid and those payable on the larger amount, give a decree for the larger amount.

(2) A decree given under this Rule shall show the amount by which the claim has been enlarged.

*Amount beyond limit of court's jurisdiction found due on account*

6. Where, upon the taking of an account, it appears that a plaintiff is entitled to an amount beyond the limit of the jurisdiction of the court and he has not abandoned the excess, he may abandon it and a decree may be given for so much of that amount as lies within the jurisdiction of the court.

*Joinder of defendant under Civil Aviation Act 1949*

7.—(1) Notice of an application by a defendant to join any other person as a defendant pursuant to sections 40 and 49(2) of the Civil Aviation Act 1949(j) shall be served within five days of the service of the civil bill on the defendant.

(2) The judge may, as a condition of making the order, require the applicant to give an undertaking signed by him to indemnify the plaintiff against—

- (a) the costs of and occasioned by the joinder of the other person; and
- (b) any costs which the plaintiff may be ordered to pay to that person.

O.9 R 8-9  
O.10 R 1-2

*Change of defendant*

8. Where a person other than the defendant appears at the hearing and admits that he is the person whom the plaintiff intended to sue, or ought to have sued, he may, if the plaintiff consents, be substituted for the defendant and the proceedings shall continue as if he had originally been made defendant.

*Clerical mistakes and slips*

9. Clerical mistakes in decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the judge or, with the consent of the parties, by the clerk of the Crown and peace.

ORDER 10

Interpleader proceedings (Appendix H)

*Application for relief*

1.—(1) Where a person (in this Order called “the applicant”) is under a liability for any debt or other thing in action, money or goods for or in respect of which he is or expects to be sued by two or more persons (in this Part called “the claimants”) making adverse claim thereto, he may apply to the court for relief by way of interpleader.

(2) The application shall be made to the court in which the applicant is sued or, if he has not been sued, to the court in which he might be sued.

(3) The applicant shall serve on each of the claimants a summons in Form 1 or Form 2 as appropriate together with an affidavit showing that—

- (a) he claims no interest in the subject-matter in dispute other than for charges or costs; and
- (b) he does not collude with any of the claimants; and
- (c) he is willing to transfer the subject-matter into court or dispose of it as the court may direct; and
- (d) except where the applicant is a defendant, the subject-matter does not exceed in value the amount for which the court has jurisdiction;

but, where a claimant has commenced proceedings against the applicant in respect of his claim, a notice in Form 3 in lieu of a summons as aforesaid shall be served on that claimant.

(4) Subject to paragraph (5) the summons shall be served, entered, heard and determined as if it were an ordinary civil bill.

(5) Where the applicant is a defendant the affidavit and summons or notice shall be served within seven days from the date of the service of the civil bill on him.

(6) A claimant may within six days from the day on which the summons and affidavit are served on him, send a notice to the applicant that he has no claim to the subject-matter in dispute.

*Claimants having adverse titles*

2. The applicant shall not be disentitled to relief by reason only that the titles of the claimants have not a common origin but are adverse to and independent of each other.

**O.10 R 3**  
**O.11 R 1-2**

*Hearing*

3.—(1) On the hearing of the proceedings—

(a) where the applicant is a defendant—

- (i) if the plaintiff does not appear, the action including the interpleader proceedings shall be struck out; or
- (ii) if the claimant does not appear, the judge shall hear and determine the action as between the plaintiff and the defendant and may make an order barring the claim of the claimant; or
- (iii) if both the plaintiff and the claimant appear, the judge shall, whether the defendant appears or not, hear the proceedings and give judgment finally determining the rights and claims of all parties; or

(b) where the applicant is not a defendant—

- (i) if any claimant does not appear, the judge shall make an order finally determining the claim as between the applicant and any claimant who appears and may make an order barring the claim of the absent claimant; or
- (ii) if all the claimants appear, the judge shall, whether the applicant appears or not, hear the proceedings and make an order finally determining the rights and claims of all parties.

(2) An order in Form 4 or Form 5 barring the claim of a claimant shall declare the claimant and all persons claiming under him to be for ever barred as against the defendant or applicant and all persons claiming under him, and also (where the claimant has sent a notice to the applicant that he makes no claim) as against the plaintiff or the other claimant and all persons claiming under him.

(3) Where the claimant has not sent a notice to the applicant that he has no claim, an order barring the claim shall not affect the rights of that claimant and the plaintiff or another claimant as between themselves.

**ORDER 11**

**Third party procedure (Appendix J)**

*Generally*

1.—(1) Where a defendant claims to be entitled to any contribution, indemnity or other relief over against any person not a party to the action (in this Order referred to as a “third party”) he may, before the beginning of a period of seven days ending on the entry day, serve on the third party in like manner as a civil bill a third party notice in Form 1, together with a copy of the civil bill in the action.

(2) A third party notice may be served at any place in Northern Ireland and shall be entered in the same manner as a civil bill.

(3) When the third party notice has been served, a copy thereof shall forthwith be delivered to the plaintiff by post or otherwise and a copy thereof lodged with the clerk of the Crown and peace.

*Effect of service of notice*

2. Subject to any order of the judge, the notice shall have effect as if it were a civil bill served by the defendant on the third party.

O.11 R 3-5  
O.12 R 1

### Hearing

3. The judge at the hearing—

- (a) may give such directions or make such orders as he thinks appropriate for determining the issue between the parties; and
- (b) may pronounce such decree as the nature of the case may require and may make such order as to the costs of the third party proceedings as he considers just.

### Application

4. The foregoing Rules shall apply *mutatis mutandis* where—

- (a) a defendant claims to be entitled to any contribution, indemnity or other relief over against any other defendant; but a third party notice served on a defendant need not be accompanied by a copy of the civil bill;
- (b) a third party claims to be entitled to any contribution, indemnity or other relief over against another person not a party to the action (who may be known as a “fourth party”); and
- (c) a fourth party or any subsequent party in like case makes a like claim against a person not a party to the action.

5. In this Order the words “plaintiff” and “defendant” respectively shall include a plaintiff and a defendant to a counterclaim.

## ORDER 12

### Default and summary actions (Appendix K)

#### PART I

#### GENERAL

### *Proceedings which may be commenced and dealt with as default or summary actions*

1.—(1) Proceedings for a debt or liquidated amount, not being proceedings—

- (a) against the Crown;
- (b) against an infant or person of unsound mind; or
- (c) to recover a debt to which the Moneylenders Acts (Northern Ireland) 1900 to 1969 apply;

may, subject to paragraph (2), be commenced and dealt with as a default action in accordance with Part II or as a summary action in accordance with Part III.

(2) Proceedings shall not be commenced or dealt with as a summary action—

- (a) where the plaintiff is suing in person; or
- (b) where the claim is on foot of a hire purchase or credit sale agreement.

(3) Paragraph (2)(a) shall not, subject to any direction of the court in relation to any particular proceedings, apply to a solicitor or firm of solicitors suing for costs.

**O.12 R 2-6****PART II****DEFAULT ACTIONS***Default civil bill*

2. A default action shall be commenced by a default civil bill in Form 1.

*Notices to be annexed to default civil bills*

3. There shall be annexed to the copy of a default civil bill served on the defendant a notice in Form 2 addressed to the plaintiff's solicitor or, where the plaintiff is suing in person, the plaintiff and a notice in Form 3 addressed to the appropriate clerk of the Crown and peace.

*Entry of default civil bill as a default action*

4. If, on the expiration of fourteen days from the service of the copy of the default civil bill and notices, neither the plaintiff's solicitor nor the plaintiff nor the clerk of the Crown and peace has received notice from the defendant that he disputes his liability for the claim in whole or in part or alleges a counterclaim, the plaintiff's solicitor or, where the plaintiff is suing in person, the plaintiff, may enter the proceedings for hearing by the judge as a default action.

*Proofs requisite for entry of default civil bill*

5. Upon entry of the proceedings under Rule 4, the plaintiff shall lodge in the Office—

- (a) the original default civil bill and original notices with endorsements of service or, where Order 6 Rule 3(3) applies, an affidavit of service, or, where Order 6 Rule 3(2)(b) or Rule 3(7) applies, the solicitor's certificate referred to in Rule 12 of Order 6;
- (b) an affidavit in verification of the plaintiff's claim in Form 4 made by the plaintiff or on his behalf by some other person who can swear positively to the facts and sworn within a period of twenty-one days ending on the entry day;
- (c) a certificate, which may be endorsed on the affidavit given under paragraph (b) and which shall be given within a period of three days ending on the entry day, by the plaintiff's solicitor or, where the plaintiff is suing in person, the plaintiff, that a notice disputing his liability for the claim in whole or in part or alleging a counterclaim has not been received from the defendant and either that—
  - (i) no other communication has been received from the defendant; or
  - (ii) a copy of any such communication so received is attached;and stating whether any part of the amount claimed in the affidavit made under paragraph (b) has to his knowledge been paid by the defendant.

*Default decree*

6.—(1) Upon consideration of the documents lodged under Rule 5 and on proof of service of the default civil bill and notices under Rule 3, the judge may without further evidence make a default decree in Form 5 against the defendant for the sum shown by the documents lodged under Rule 5 to have been due at the date of service of the default civil bill together with costs but crediting any amount actually paid after such service.

**O.12 R 7-11**

(2) Where the defendant fails within the time provided in Rule 4 to give notice that he disputes his liability for the claim in whole or in part or alleges a counterclaim but appears and proves to the satisfaction of the judge that he has just grounds for disputing his liability for the claim in whole or in part upon the merits or has a counterclaim, the judge may upon such terms as to costs and otherwise as to him seems just either hear and determine the case or adjourn the hearing and direct notice thereof to be given to the parties.

*Where defendant disputes claim or alleges a counterclaim*

7. Where the defendant gives notice within the time specified in Rule 4 that he disputes his liability for the claim in whole or in part or alleges a counterclaim, the plaintiff shall enter the action for hearing as an ordinary civil bill action and subsequent proceedings shall be had as if the action had been commenced in accordance with Order 5.

**PART III****SUMMARY ACTIONS***Summary civil bill*

8. A summary action shall be commenced by a summary civil bill in Form 6.

*Notices to be annexed to summary civil bills*

9. There shall be annexed to the copy of a summary civil bill served on the defendant a notice in Form 2 addressed to the plaintiff's solicitor and a notice in Form 3 addressed to the appropriate clerk of the Crown and peace.

*Application for summary decree*

10. If, on the expiration of fourteen days from the service of the copy of the summary civil bill and notices, the plaintiff's solicitor has not received notice from the defendant that he disputes his liability for the claim in whole or in part or alleges a counterclaim, the plaintiff's solicitor may make application in the Office on behalf of the plaintiff for a summary decree to be made against the defendant.

*Proofs necessary for summary decree*

11. Upon such application the plaintiff's solicitor shall lodge in the Office—

- (a) the original summary civil bill and original notices with endorsements of service or, where Order 6 Rule 3(3) applies, an affidavit of service or, where Order 6 Rule 3(2)(b) or Rule 3(7) applies the solicitor's certificate referred to in Rule 12 of Order 6;
- (b) an affidavit in verification of the plaintiff's claim in Form 7 made by the plaintiff or on his behalf by some person who can swear positively to the facts and sworn within a period of twenty-one days ending on the date of the application;
- (c) a certificate, which may be endorsed on the affidavit lodged under paragraph (b) and which shall be given within a period of three days ending on the date of the application, by the plaintiff's solicitor that a notice disputing his liability for the claim in whole or in part or alleging a counterclaim has not been received from the defendant and either that—

**O.12 R 12-15**

(i) no other communication has been received from the defendant; or  
 (ii) a copy of any such communication so received is attached;  
 and stating whether any part of the amount claimed in the affidavit made under paragraph (b) has to his knowledge been paid by the defendant; and

(d) a summary decree in Form 8.

*Summary decree*

**12.** On the lodgment in the Office of the documents required by Rule 11 together with an application for a summary decree in Form 9—

- (a) where the clerk of the Crown and peace has not received a notice from the defendant disputing his liability for the claim in whole or in part or alleging a counterclaim he may issue a summary decree in Form 8 for the sum shown by the documents lodged under Rule 11 to have been due at the date of service of the summary civil bill together with costs but crediting any amount actually paid after such service;
- (b) where such a notice has been so received, the clerk of the Crown and peace shall inform the applicant accordingly and the proceedings shall continue in accordance with Rule 13 as if such a notice had also been received by the applicant.

*Where defendant disputes liability or alleges a counterclaim or clerk of the Crown and peace refuses to issue a summary decree*

**13.** Where the defendant gives notice within the time specified in Rule 10 that he disputes his liability for the claim in whole or in part or alleges a counterclaim or where the clerk of the Crown and peace refuses to issue a summary decree, either party may, upon seven days' notice to the other party, enter the action for hearing at the next or next but one sitting of the court and it shall thereupon proceed as if it had been commenced in accordance with Order 5. A copy of such notice shall be lodged in the Office on entry.

**PART IV****MISCELLANEOUS PROVISIONS***Costs payable in settlement*

**14.** Where a defendant pays the amount due within fourteen days from service of the default or summary civil bill and also within that period pays fifty per centum of the solicitor's costs in column 2 of Table 3 in Part I of Appendix ZK together with the plaintiff's outlay properly incurred to date of settlement he shall not be liable for any further costs.

*Costs in certain cases*

**15.** Any additional costs incurred by a plaintiff by reason of the fact that the defendant sent notice disputing his liability for the claim in whole or in part or alleging a counterclaim to the clerk of the Crown and peace only and not to the plaintiff's solicitor or the plaintiff, shall, unless the judge otherwise directs, be payable by the defendant.



O.12 R 16  
O.13 R 1-4

*Decree against one of two or more defendants*

16. Where there are two or more defendants and one has failed to give notice that he disputes his liability for the claim in whole or in part or alleges a counterclaim and has not paid the sum due and costs, the plaintiff may proceed in accordance with the foregoing Rules of this Order to have a decree issued against that defendant, without prejudice to the plaintiff's right to proceed with the action against any other defendant.

ORDER 13

**Hearing of proceedings together and selected actions (Appendix L)**

*Generally*

1. Actions or matters pending in the same court may be heard together by order of the judge of his own motion or on the application of any party on notice.

*Selected action where several plaintiffs*

2.—(1) Where several actions by different plaintiffs against the same defendant are proceeding in the same court in respect of causes of action arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound, so far as his liability in the several actions is concerned, by the decision in such one of the actions as may be selected by the judge, apply to the judge for an order to stay the actions, other than the one selected, until a decree is given in the selected action.

(2) An application under this Rule shall be made on notice to the plaintiffs who would be affected by any order made thereon.

*Where a decree given in favour of defendant in selected action*

3.—(1) If a decree in a selected action under Rule 2 is given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every plaintiff whose action is stayed, unless any such plaintiff gives notice to the clerk of the Crown and peace to enter his action for hearing.

(2) On a decree in the selected action being given in favour of the defendant, the defendant shall send to every plaintiff a notice in Form 1 and, if any such plaintiff gives notice to the clerk of the Crown and peace to enter his action for hearing, the clerk of the Crown and peace shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

*Where decree given against defendant in selected action*

4.—(1) If a decree in a selected action is given against the defendant, the plaintiff in any action stayed shall be at liberty to proceed for the purpose of ascertaining and recovering his debt or damages and costs.

(2) On a decree in the selected action being given against the defendant, the clerk of the Crown and peace shall send to each plaintiff a notice in Form 2, and a plaintiff desiring to proceed shall, within one month from the date of the notice, give to the clerk of the Crown and peace notice to enter his

**O.13 R 5-6****O.14 R 1**

action for hearing, and on receipt thereof the clerk of the Crown and peace shall appoint a day for the hearing and send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

*Selected action where several defendants*

5.—(1) Where several actions by the same plaintiff against several defendants are proceeding in the same court and the event of the action depends on the finding of the judge on some question common to all of them, the judge may at any time select one of them for hearing and stay proceedings in all the others until a decree is given in the selected action.

(2) After a decree is given in the selected action, unless the plaintiff and the defendant in the other actions or any of them submit to a decree in accordance therewith, the other actions shall proceed.

(3) On receipt of notice from the plaintiff or defendant in any such action to enter it for hearing, the clerk of the Crown and peace shall appoint a day for the hearing and shall send notice thereof to both plaintiff and defendant before the beginning of a period of fourteen days ending on the day so appointed.

*Time for giving notice to enter action for hearing after decree in selected action*

6. A notice under Rule 3, Rule 4 or Rule 5 to enter an action for hearing shall be given to the clerk of the Crown and peace within one month from the date on which the plaintiff or defendant giving the notice receives notice of the decree in the selected action or, where an appeal is made against the decree, of the decision given on the appeal.

**ORDER 14****Interlocutory applications (Appendix M)***General procedure*

1.—(1) Where by any enactment or by direction of the court any application in the course of an action or matter is expressly or by implication authorised to be made to the court or to the judge or to the clerk of the Crown and peace or other officer, the following provisions shall apply—

(a) the application shall be made either in or out of court and either *ex parte* or on notice in accordance with the terms of the relevant enactment or direction and in the absence of any express provision to the contrary the application shall be made on notice;

(b) where made on notice—

(i) the notice shall be in writing and shall be served on the opposite party and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application unless the judge or clerk of the Crown and peace or, as the case may be, the other officer dispenses with notice or gives leave for shorter notice; and

(ii) the party serving the notice shall be responsible for ascertaining that the judge or clerk of the Crown and peace or, as the case may be, the other officer will be available to hear the application on the day, at the time and in the place for which notice is served;

**O.14 2-4**

- (c) an affidavit shall not be necessary unless the judge or clerk of the Crown and peace or, as the case may be, the other officer otherwise directs;
- (d) upon the hearing of the application the judge or clerk of the Crown and peace or, as the case may be, the other officer may make such order as he considers just;
- (e) where the application is made to the clerk of the Crown and peace or other officer, he may, if in doubt as to the proper order to be made, refer the application to the judge forthwith or at the next convenient opportunity and the judge may hear the application and make such order as he considers just;
- (f) where the clerk of the Crown and peace or other officer has made an order to which this Order applies, any party who is dissatisfied therewith may apply to the judge on notice to vary or rescind the order and on the hearing of the application the judge may confirm, vary or rescind the order and may make such order as he considers just. This sub-paragraph shall not apply to an order or direction under Rule 2(3) of Order 21.

(2) The jurisdiction of the court to hear and determine any application in the course of an action or matter may, by direction or with the consent of the judge, be exercised by the clerk of the Crown and peace unless there is a provision to the contrary in any enactment.

*Power to impose terms*

2. The judge or, where the application is authorised to be made to the clerk of the Crown and peace, the clerk of the Crown and peace may, as a condition of granting any application, impose such terms and conditions as he thinks fit and, without prejudice to the generality of the foregoing provisions, may make orders requiring any party to—

- (a) give security; or
- (b) give an undertaking; or
- (c) pay money into court; or
- (d) give a power of re-entry;

and may make such order as to costs as he considers just.

*Directions*

3. In any action or matter the judge or, where the application is authorised to be made to the clerk of the Crown and peace, the clerk of the Crown and peace may at any time on the application on notice of any party or of his own motion give such directions as he thinks proper.

*Adjournment*

4.—(1) The judge or, where the clerk of the Crown and peace hears the original application, the clerk of the Crown and peace may at any time and from time to time upon application or of his own motion, adjourn the hearing of any proceedings or step in the proceedings either generally with liberty to re-enter or for such period not exceeding twelve months as will in his opinion best meet the ends of justice.

(2) Notice of any such adjournment shall be given by the clerk of the Crown and peace to all parties and persons interested who are not present when the order is made.

**O.14 R 5-7**

(3) If the hearing of the action or matter is adjourned generally, any party may apply to have a day fixed for the hearing and the clerk of the Crown and peace shall fix a day for the hearing and give notice to all the parties in Form 1.

*When defendant entitled to ask for security for costs*

5.—(1) Where a defendant neither resides nor carries on business within the division of the court in which an action or matter is commenced, he may apply in Form 2 to the clerk of the Crown and peace, in accordance with Rule 1, for an order directing the plaintiff to deposit in court a sum of money as security for his costs.

(2) The application shall be sent to the clerk of the Crown and peace by post or otherwise—

(a) where the defendant returns the notice sent with a default or summary civil bill, with that notice;

(b) in any other case within eight days of the service of the civil bill on him;

together with an affidavit showing a defence on the merits and stating the grounds of defence.

(3) If the clerk of the Crown and peace refuses the application, he shall send notice to the defendant in Form 3.

(4) If the clerk of the Crown and peace grants the application, he shall fix the amount of the security and shall send to the plaintiff a notice in Form 4.

(5) Where a deposit is ordered—

(a) if the deposit is duly made, the clerk of the Crown and peace shall send notice to the defendant in Form 5;

(b) if the deposit is not duly made, the clerk of the Crown and peace shall send notice to the parties in Form 6, and the action or matter shall be struck out, and the defendant shall be entitled to recover the costs incurred by him before the receipt of Form 6, and if such costs are not paid within fourteen days after demand made therefor, the judge may on the application of the defendant give a decree for the amount of such costs together with the costs of the application to him:

Provided that if the deposit is not made in due time, but is made later the judge may order the action or matter to be reinstated, and the clerk of the Crown and peace shall send notice thereof to the defendant and inform him on what day the action or matter will be heard.

*Application for interim injunction, etc.*

6. Where any party or intending party desires, before the hearing, an immediate order—

(a) in the nature of an injunction; or

(b) for the appointment of a receiver; or

(c) for taking any accounts; or

(d) for making any inquiries;

he may apply to the judge on affidavit setting forth the facts rendering the order immediately necessary and the judge may make such order as he thinks fit.

*Recovery of goods where lien claimed*

7.—(1) Where in any action the plaintiff claims the recovery of specific property other than land and the defendant admits the title of the plaintiff but claims to retain the property by virtue of a lien or otherwise as security

## O.14 R 8-11

for the payment of a sum of money, the judge may order that the plaintiff be at liberty to pay into court, to abide the event of the action, the sum of money in respect of which the defendant claims to retain the property and such further sum (if any) for interest and costs as the judge may think fit, and may order that upon such payment into court the defendant shall return the property to the plaintiff.

(2) This Rule shall with the necessary modifications apply to a counter-claim as it applies to a claim.

*Preservation, etc., of subject-matter*

8. Where a *prima facie* case of liability under any contract is established, and there is alleged, as a matter of defence, a right to be relieved wholly or partially from that liability, the judge may make an order for the preservation or interim custody of the subject-matter of the action or may order that the amount in dispute be brought into court or otherwise secured.

*Order for detention, etc.*

9.—(1) The judge may, upon the application of any party to an action or matter, make any order for the detention, preservation, inspection, surveying, measuring, weighing or analysing of any property, document or thing, being the subject of the action or matter or as to which any question may arise therein, and may authorise any person to enter upon or into any land or building in the possession of any party to the action or matter, and authorise any samples to be taken, or any observation, plan, photograph or model to be made, or copy of a document or experiment to be made, which may be necessary or expedient for the purpose of obtaining full information or evidence.

(2) Where an order is made for inspecting, surveying, measuring, weighing or analysing any property or making any copy or experiment, or taking any sample, or making any plan, photograph or model, by any person named in the order, the order may authorise the clerk of the Crown and peace to examine upon oath and take the deposition of the person so named as to the result, accuracy or fairness of what he has done in pursuance of the order, and may also empower any party to give in evidence the deposition so taken.

*Order for sale of perishables, etc.*

10. The judge may, upon the application of any party to an action or matter, order the sale by a person to be named in the order, of any subject-matter of the proceedings which—

- (a) is of a perishable nature; or
- (b) incurs charges for food or keep; or
- (c) ought for any other sufficient reason to be sold at once.

*Preparation of order, etc.*

11.—(1) A draft of an order under Rule 6, 7, 8, 9 or 10 shall be prepared by the party making the application and shall be settled, signed and sealed by the clerk of the Crown and peace or, where the order is made by the judge of his own motion, the clerk of the Crown and peace shall prepare, sign and seal the order.

(2) The order when signed and sealed shall be filed by the clerk of the Crown and peace who shall issue a certified copy to the applicant or his solicitor for service.

**O.15 R 1-2****ORDER 15****Discovery, inspection and production of documents (Appendix N)***Discovery of documents*

1.—(1) Any party to any proceedings may give notice in writing to any other party requiring him to make discovery on oath of the documents relating to any question in the proceedings which are or have been in his possession or power.

(2) If the party to whom the notice has been given does not comply with it within three days from its receipt, the party who has given the notice may apply to the judge on notice for an order directing the other party to make such discovery.

(3) The judge may at any time make an order for discovery on the application of a party notwithstanding that notice has not been given, where the judge is satisfied that there were reasonable grounds for not giving it.

(4) On the hearing of the application the judge may order such discovery to be made, either on oath or otherwise and either generally or limited to certain classes of documents as the judge thinks fit, but discovery shall not be ordered if and so far as the judge is of opinion that it is not necessary either for disposing fairly of the proceedings or for saving costs.

(5) If an order is made it shall be drawn up by the applicant in Form 1, settled by the clerk of the Crown and peace and served by the applicant on the party against whom it is made.

(6) The affidavit to be made by a party against whom an order for discovery has been made shall be in Form 2 and shall be filed in the Office and a copy thereof delivered to the party who obtains the order within the time named in the order.

*Inspection of documents*

2.—(1) Any party to any proceedings may at any time give to the other party notice to produce any document in his possession or power which is relevant to the issues, for the inspection of the party giving the notice and to permit him to take copies thereof.

(2) Any party not complying with such a notice shall not afterwards be at liberty to put any such document in evidence unless he satisfies the judge that he had some cause or excuse which the judge deems sufficient for not complying with the notice, in which case the judge may allow the document to be put in evidence on such terms as to costs and otherwise as he thinks fit.

(3) The party to whom such notice is given shall within two days from the receipt thereof, if all the documents therein referred to have been set forth by him in an affidavit of documents, or, if any of the documents referred to in the notice have not been set forth by him in any such affidavit, then within four days from the receipt of the notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof and the place at which the documents or such of them as he does not object to produce may be inspected and stating which, if any, of the documents he objects to produce and on what grounds.

(4) The inspection shall be given—

(a) where a party is not acting by his solicitor, at his residence or place of business; or

(b) where a party is acting by a solicitor, at the solicitor's address for service;

**O.15 R 3-7**

but inspection of bankers' books or other books of account or books in constant use for the purposes of any trade or business shall be given at their usual place of custody.

(5) If any party served with a notice under paragraph (1) omits to give notice of a time and place for inspection in accordance with paragraphs (3) and (4), the judge may on application make an order for inspection at such time and place as he thinks fit.

(6) An application to inspect documents, except such as are referred to in the affidavits of the party against whom the application is made, shall be supported by an affidavit showing—

(a) of what documents inspection is sought;

(b) the grounds on which inspection of them is sought; and

(c) that they are in the possession or power of the other party;

but the judge shall not make an order for inspection of such documents if and so far as he is of opinion that it is not necessary either for disposing fairly of the proceedings or for saving costs.

*Business books*

3.—(1) Where inspection of any business books is applied for, the judge may, if he thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and the affidavit shall state whether or not there are in the original book any and if so what erasures, interlineations or alterations.

(2) Notwithstanding that a copy has been supplied under paragraph (1), the judge may order inspection or production of the book from which the copy was made.

*Privilege*

4. Where privilege is claimed for any document, the judge may inspect the document for the purpose of deciding whether the claim of privilege is valid.

*Possession of specified documents*

5.—(1) The judge may, on the application of any party to proceedings at any time and whether an affidavit of documents has or has not already been ordered or made, make an order requiring any other party to state by affidavit whether any particular document or class of documents, specified or indicated in the application, is or has at any time been in his possession, custody or power, and if not then in his possession, custody or power, when he parted with the document or documents and what has become of it or them.

(2) The application shall be supported by affidavit stating that in the belief of the deponent, the party against whom the application is made has, or at some time has had, possession, custody or power of the particular document or class of documents specified or indicated in the application, and that it relates to a matter in question in the proceedings.

*Postponement of discovery*

6. The judge may postpone any application for discovery or inspection of documents until after the determination of any issue or question in dispute.

*Security*

7.—(1) A party making application for discovery of documents may be ordered to pay into court as security such sum as the judge thinks fit.

**O.15 R 8-11****O.16 R 1-2**

(2) An order for discovery shall state the amount ordered to be paid into court, or that payment into court is dispensed with and, where payment into court is ordered, the party seeking discovery shall with the order for discovery serve a copy of the receipt for the payment into court, and the party from whom discovery is sought shall not be bound to make discovery unless and until the said copy has been served.

*Order for production of documents*

8. The judge may at any stage of the proceedings order the production upon oath by any party thereto of any documents in his possession, custody or power, relating to any question in the proceedings, and the judge may deal with the documents when produced in such manner as he considers just.

*Non-compliance with the order*

9. Where an order for discovery, inspection or production of documents is not complied with—

(a) if the party failing to comply is a plaintiff, the judge may order the action to be dismissed for want of prosecution or stayed until the order is complied with;

(b) if the party failing to comply is a defendant, the judge may order that he be debarred from defending the action altogether or allowed to defend only on such terms as the judge thinks fit;

and the judge may make such order as to costs, including the costs of the proceedings, as he considers just.

*Outlay and fees on proceedings under this Order*

10. No outlay or fees incurred or paid by any party on or in connection with any proceedings under this Order shall be repaid to that party by any other party to the proceedings unless the judge—

(a) is satisfied that in the circumstances of the case it was necessary or expedient to invoke the provisions of this Order; and

(b) makes an order requiring such repayment.

*Order to apply to minors*

11. This Order shall apply to minor plaintiffs and defendants and their next friends and guardians ad litem.

**ORDER 16****Sitting in chambers (Appendix O)**

1. The judge may sit in chambers at any time and place and before, at or after the ordinary sittings of his court for the despatch of such part of the jurisdiction of his court as can without detriment to the public interest be heard in chambers, or for such matters as the judge shall from time to time think may be more conveniently disposed of in chambers than in open court.

*Adjournment from court to chambers and vice versa*

2.—(1) The judge may when sitting in open court adjourn for consideration in chambers any matter which in his opinion would be more conveniently disposed of in chambers.

(2) The judge may when sitting in chambers direct any matter to be heard in open court which he thinks ought to be so heard.



O.16 R 3  
O.17 R 1-2*Mode of proceeding*

3. Unless otherwise provided, every application at chambers not made *ex parte* shall be made by summons in the Form specified in Appendix O.

## ORDER 17

## References, accounts and inquiries (Appendix P)

## PART I

## REFERENCES UNDER SECTION 61 OF THE ACT

*Order for reference*

1.—(1) An order under section 61 of the Act for the reference of any proceeding or question or matter of account to the clerk of the Crown and peace or other officer (in this Order referred to as “the officer”) for inquiry or report may be made at any stage of the proceedings by the judge of his own motion or on the application of any of the parties.

(2) In making an order for such a reference, the judge may give all such directions as he thinks fit as to the time and place of the sittings thereof, notices to the parties affected thereby, the summoning of witnesses and the time and place for the consideration of the report thereon.

*Conduct of reference*

2.—(1) Subject to any order of the judge as to the conduct of the reference—

- (a) the officer shall hear any parties entitled to attend, and their counsel or solicitors;
- (b) the officer may inspect any property or thing concerning which any question arises;
- (c) the attendance of witnesses may be enforced by summons and the inquiry shall be conducted in the same manner, as nearly as circumstances permit, as if the inquiry were the hearing of an action;
- (d) subject to the provisions of paragraph (3), the officer shall have the powers of a judge with respect to the administration of oaths, taking of affidavits, discovery and production of documents and in the conduct of the inquiry;
- (e) the officer may submit or may direct any of the parties to submit for the decision of the judge any question arising in the inquiry.

(2) Where a matter of account is referred to the officer, the officer, in addition to any powers conferred by paragraph (1), may—

- (a) direct any accounting party to make out and furnish his account within a time to be stated;
- (b) give directions as to the manner in which the account is to be taken or the inquiry made and as to the bringing of all necessary parties before the court;
- (c) direct and settle advertisements to be published for creditors or persons having or claiming an interest in the subject-matter of the proceedings;
- (d) direct that any books of account, in which any account required to be taken has been kept, shall be taken as *prima facie* evidence of the truth of the matter therein contained;

**O.17 R 3-7**

- (e) fix a time for adjudicating on claims;
- (f) give such other directions as he may think proper.

(3) Nothing in this Rule shall authorise the officer to commit any person to prison, or to enforce any order by attachment.

*Application of provisions of Part II*

3. The judge may direct that any of the provisions of Part II which he considers appropriate shall apply to any particular reference under this Part.

**PART II****ACCOUNTS AND INQUIRIES IN EQUITY PROCEEDINGS***Form of primary decree*

4. A primary decree in equity proceedings directing accounts to be taken or inquiries to be made shall be in such one of the Forms 1 to 9 as is applicable to the case.

*General account*

5. Unless the judge otherwise orders, every order for a general account of the estate of a deceased person shall direct an inquiry as to what parts (if any) of such estate are outstanding or undisposed of.

*Taking of accounts and making inquiries*

6.—(1) Where a primary decree in equity proceedings directs that an account be taken or inquiries made—

- (a) the account shall be taken and the inquiries shall be made by the clerk of the Crown and peace or registrar (in this Part referred to as “the officer”);
- (b) the provisions of Rule 2 shall apply; and
- (c) the officer shall issue a summons to proceed in the Form specified in Appendix O addressed to all parties required or entitled to attend directing their attendance at his office or at such courthouse or other place which he considers to be convenient to the parties; and such summons shall be prepared and served by the party or solicitor having carriage of the proceedings and shall be returnable not less than fourteen days from the date of issue.

(2) Where an account is directed to be taken—

- (a) the accounting party shall, unless the judge otherwise directs, make out his account in writing and verify it by affidavit;
- (b) the items on each side of the account shall be numbered consecutively; and
- (c) the account shall be exhibited to the affidavit which shall be lodged in the Office.

*Advertisements*

7.—(1) Where an advertisement is published for creditors, incumbrancers, next-of-kin or persons having or claiming interests in the subject-matter of the proceedings, the advertisement shall direct the claimants to send to the officer or to the solicitor having carriage within a stated time their names and addresses and full particulars of their claims, and the nature of the security (if any) held by them, and shall fix a date for adjudicating on the claims.

**O.17 R 8-11**

(2) The officer may direct and settle any such advertisement at the time of the issue of any summons to proceed or at any hearing of the reference and such advertisement shall before the beginning of a period of fourteen days ending on the date for adjudication on claims be inserted by the party or solicitor having carriage of the proceedings in such newspapers as the officer shall direct.

(3) On the expiration of the time fixed by the advertisement the officer may—

- (a) require an affidavit from the party or solicitor having carriage as to any claims received by him pursuant to the advertisement and as to the result of the investigation by that party or solicitor of any such claims;
- (b) adjudicate on the claims having regard only to those claims of which he then has notice.

*Pedigree and proofs*

8. On a request by notice in writing from the officer, every person claiming as heir-at-law, devisee, next-of-kin or legatee shall, within such time as is specified in the notice, produce or transmit to the officer any pedigree or proof mentioned in such notice.

*Surcharge*

9. A party seeking to charge an accounting party beyond what he has by his account admitted to have received, shall give notice to the accounting party stating the amount sought to be charged and particulars thereof and shall file a copy of such notice in the Office.

*Claims of creditors*

10.—(1) The officer may in Form 10 require any creditor—

- (a) to file an affidavit in support of his claim; or
- (b) to attend at the time appointed for adjudicating on claims; or
- (c) to produce at any time appointed for adjudicating on claims any deeds or documents required to prove his claim.

(2) Every secured creditor shall deliver his security at the Office before, or attend and produce his security at, the time appointed for adjudicating on claims.

(3) At the time appointed for adjudicating on the claims, the officer shall take the evidence of the executor, administrator or other accounting party upon the claims, and may—

- (a) allow any of the claims without further proof;
- (b) direct an investigation of all or any of the claims not allowed, and require such further particulars, information or evidence relating thereto as he may think fit; and
- (c) require any claimant to attend and prove his claim.

(4) The officer shall give notice in Form 11 to every claimant whose claim has not been allowed.

(5) The officer may allow to a claimant the costs of proving his claim and any costs so allowed may be added to the claim.

*Right of application to the judge*

11. Any party may, before the proceedings before the officer are concluded, apply by way of motion on notice to the judge for his ruling upon any matter arising in the course of the proceedings.

**O.17 R 12-14****O.18 R 1***Report to judge*

12.—(1) The report of the reference shall be made by the officer by certificate in writing to the judge in such one of the Forms 12 to 16 as is applicable, and the certificate shall lie in the Office and may be inspected by any party, and a copy shall be supplied to any party on payment of the prescribed fee.

(2) The party or solicitor having carriage of the proceedings shall, in such manner as the officer directs, give notice in Form 17 to all parties to the proceedings that the certificate may be inspected in the Office by any parties interested therein or affected thereby.

(3) Any party to the proceedings—

(a) may apply on not less than eight days' notice for the consideration by the judge of the officer's certificate;

(b) may, on giving at least four days' notice to the clerk of the Crown and peace and the other parties, apply in Form 18 to the judge on the day fixed for the consideration of the certificate for a variation of the certificate or for the remittal of the certificate or any part of it for further inquiry or report.

(4) On the hearing of an application for the variation or remittal of a certificate or any part of it, the judge may confirm or vary the certificate and may make such order thereon in such one of the Forms 19 to 26 or otherwise as he thinks fit or may remit it or any part of it to the officer for further inquiry or report.

(5) Where no application is made to vary the certificate, the judge shall, unless he otherwise orders, confirm the certificate and may make such order thereon as he thinks fit.

*Order on applications for administration or execution of trusts, etc.*

13. On an application for the administration of the estate of a deceased person or the execution of a trust or otherwise involving the taking of an account, where no accounts or insufficient accounts have been rendered, without prejudice to any other power, the judge—

(a) may order that the application shall stand over for a certain time, and that in the meantime the accounting parties shall render to the applicant a proper statement of their accounts, and any such order shall contain an intimation that in default of compliance, the accounting parties may be ordered to pay the costs of the proceedings or such part thereof as the judge may think fit;

(b) where necessary to prevent proceedings by other persons, may make an order with a proviso that no proceedings are to be taken thereunder without leave of the judge.

*Interpretation*

14. In this Part "claimant" includes creditor and person having or claiming an interest in the subject-matter of the proceedings.

**ORDER 18****Receivers***Appointment*

1. Where before, at or after the hearing of any proceedings it appears to the judge expedient that a receiver be appointed, such appointment may be made by the judge of his own motion or on the application of a party.

**O.18 R 2-8***Security*

2. Every receiver other than an officer of the court shall, unless otherwise ordered, give such security to the clerk of the Crown and peace for the faithful discharge of his duties, and the payment over of money, as the judge shall direct.

*Remuneration*

3. Every receiver shall receive such reasonable remuneration as the judge may authorise.

*Accounts*

4.—(1) Every receiver shall deliver at the Office for examination by the clerk of the Crown and peace such accounts at such time or times as the judge or clerk of the Crown and peace may direct.

(2) Where the duties of a receiver are continuous, no longer period than one year shall in any case be allowed between each examination of accounts.

(3) Every such account shall, unless otherwise ordered, be verified by affidavit.

(4) When any such account has been delivered, the clerk of the Crown and peace shall fix a time for the passing of the account and shall give notice thereof to the receiver and to the parties.

*Passing account*

5. At the time appointed for the passing of the account, the receiver and any party may, and if required by the clerk of the Crown and peace shall, attend at the Office and the clerk of the Crown and peace may require the receiver to produce any vouchers necessary for verifying the account and may disallow any item not proved to his satisfaction.

*Certificate of clerk of the Crown and peace*

6. The clerk of the Crown and peace shall after examining the account make and sign a certificate stating the result of the examination.

*Review by judge*

7. The receiver or any person dissatisfied with the allowance or disallowance by the clerk of the Crown and peace of any item in the account may within eight days from receiving notice of the signing of the certificate under Rule 6 apply to the judge on notice for a review of the decision of the clerk of the Crown and peace, and the judge may make such order on the application as he thinks fit.

*Direct payments by receiver*

8. The judge may order the receiver—

(a) to pay from time to time out of any sums that may be in or come into his hands the head rents or other outgoings payable in respect of, and the interest upon, any mortgages or other charges upon any lands over which he is acting as receiver;

(b) to pay over at any time to the party entitled to the beneficial interest or to the guardian of any minor any accruing rents or interest instead of paying them into court;

and may authorise the receiver to take credit for such payments in his accounts.

**O.18 R 9-10****O.19 R 1-5***Payment of balance into court*

9. Any balance certified to be due from the receiver shall, subject to any direction given by the judge on review under Rule 7, be paid into court within fourteen days from the date of the certificate of the clerk of the Crown and peace.

*Default by receiver*

10. Where any receiver has failed to deliver or pass any account or to make any payment certified to be due from him, the judge may require the receiver to attend before him to show cause why such default has been made and may make such order as he thinks fit, including an order for enforcing any bond or security given by the receiver, and a direction to charge the receiver with interest at five per centum per annum on any balance which has remained in his hands for more than fourteen days from the date on which it was certified to be due, or the judge may discharge the receiver and appoint another, and may make such order as to costs as he thinks just.

**ORDER 19****Assessors***Application for an assessor*

1. A party who desires a person of skill and experience in the matter to which the proceedings relate to be appointed as an assessor to assist the judge shall, before the beginning of a period of eleven days ending on the day fixed for the hearing, on notice to the other party lodge in the Office an application together with the amount of the assessor's fee, and thereupon the clerk of the Crown and peace shall send a copy of the application to the judge.

*Appointment of assessor*

2.—(1) Before giving his decision on the application, the judge may hear both parties.

(2) If the judge grants the application, the clerk of the Crown and peace shall give notice to the parties and shall appoint such person who is willing to act as may be agreed upon by the parties or in default of agreement as may be specified by the judge.

*Refusal of application*

3. If the application is refused, the clerk of the Crown and peace shall so inform the parties.

*Absence of assessor*

4. If at the time and place appointed for the hearing the assessor appointed does not attend, the judge may hear the action or matter without his assistance.

*Remuneration*

5. Every assessor shall, unless the judge in the circumstances of any particular case otherwise orders, receive for each day's attendance a fee according to the following scale, together with such sum for his expenses as the judge or clerk of the Crown and peace shall order—

**O.19 R 6-8**  
**O.20 R 1-5**

Where the amount claimed—	<i>Amount of fee</i>
Does not exceed £20 . . . . .	£2·10
Exceeds £20 and does not exceed £50 . . . . .	£4·20
Exceeds £50 and does not exceed £100 . . . . .	£6·30
Exceeds £100 . . . . .	£8·40

*Fees for adjourned hearing*

6. Where a hearing at which an assessor is in attendance is adjourned, the party who applied for the appointment of an assessor shall forthwith upon the order of adjournment being made deposit in the Office the assessor's fee for the day to which the hearing is adjourned.

*Costs*

7. Any sum paid in respect of assessor's fees shall be costs in the proceedings, unless the judge otherwise orders.

*Pilotage Act 1913*

8. This Order shall not apply to an appeal under section 28 of the Pilotage Act 1913(k).

**ORDER 20**

**Arbitration**

*Fixing of date*

1. Where proceedings are, in accordance with section 60 of the Act, ordered to be referred to arbitration, the clerk of the Crown and peace shall cause the order to be forthwith lodged with the arbitrator thereby appointed who shall within fourteen days thereafter fix the date of the hearing after consultation with the parties or their solicitors.

*Conduct of arbitrations*

2. Every such reference shall be conducted as nearly as may be in the same manner and in accordance with the same rules and practice as a hearing by a judge.

*Restriction on provision of copies of deeds, etc.*

3. Where original deeds or documents are available, copies shall be brought in only by special direction of the arbitrator.

*Arbitrator's powers of adjournment, inspection, etc.*

4. The arbitrator may hold the hearing at or adjourn it to any place which he may deem most convenient and may have any inspection or view which he may deem expedient for the better disposal of the matter before him.

*Report to judge; judge's powers thereon*

5. The arbitrator to whom any cause or matter or any question or issue of fact arising therein has been referred may by his report submit any question arising out of the reference for the decision of the judge or state any facts specially with power to the judge to draw inferences therefrom, and in any such case such order shall be made on the submission or statement as the judge may direct; and the judge shall have power to require any

**O.20 R 6**  
**O.21 R 1-2**

explanations or reasons from the arbitrator, and to remit the cause or matter or any part thereof for further consideration to the same or to any other arbitrator; or the judge may decide the question referred to any arbitrator on the evidence taken at the hearing under such reference either with or without additional evidence as the judge may direct.

*Witnesses' expenses*

6. The expenses of witnesses shall be measured by the arbitrator as nearly as possible in accordance with the scales prevailing in the court from which the arbitration is referred and such expenses shall be set forth in the award and shall be subject to review by the judge.

**ORDER 21**

**Discontinuance and payment into and out of court (Appendix Q)**

*Discontinuance by plaintiff*

1.—(1) If a plaintiff desires to discontinue wholly or in part any proceedings against all or any of the parties thereto, he shall give notice thereof in writing to the party or parties as to whom he desires to discontinue, and pay or tender therewith the costs incurred by the party or parties up to the giving of the notice.

(2) Where the payment or tender of costs is not made at the time of discontinuance of the proceedings or is insufficient, the defendant may apply to the court at which the proceedings are or would have been heard for a decree against the plaintiff for such costs and for the costs of attending the court to obtain such decree, and the judge may make such order as to costs as, having regard to any tender made by the plaintiff or other circumstances, he thinks just.

(3) Where proceedings are not wholly discontinued against a party, costs awarded for the discontinued part of the proceedings shall not without leave of the judge be recovered before the proceedings are disposed of.

(4) Discontinuance under this Rule shall not be a defence to any subsequent proceedings, but if subsequent proceedings are brought for substantially the same cause of action before the payment of the costs of the discontinued proceedings, the judge may stay the proceedings until the costs have been paid.

*Payment into court*

2.—(1) A defendant in any action may, subject to this Rule, upon notice to the plaintiff in Form 1 lodge in court in accordance with paragraph (2) such sum of money as he thinks sufficient to satisfy the plaintiff's claim, together with an undertaking in writing to pay to the plaintiff such sum in respect of costs and expenses reasonably incurred by the plaintiff up to the date of lodgment as may be agreed upon between the parties, or in default of agreement as may on the application of either party in Form 3, and if necessary after both parties have been heard, be settled by the clerk of the Crown and peace.

(2) Lodgment in court under paragraph (1) may, subject to paragraphs (3) and (4), be made—

(a) in a remitted action within eight days of the date of the order of remittal or at any time before entry day, whichever is the longer;

(b) in any other action, at any time before the entry day.



## O.21 R 3

(3) Where the hearing of a remitted action is due to take place before or within seven days after the expiration of such a period as is referred to in paragraph (2)(a), the clerk of the Crown and peace on an application made to him by motion on notice under Order 14 may give a direction—

- (a) postponing the hearing to a date later in the sittings; or
- (b) adjourning the hearing to the next sittings; and
- (c) fixing the period after lodgment within which the plaintiff may serve notice of acceptance;

and such a direction shall not be subject to appeal.

(4) The judge in adjourning a case under Rule 3(2) of Order 5 and ordering sufficient particulars to be furnished may give leave for the making of any lodgment under this Rule, notwithstanding that the period specified in paragraph (2) has expired and where such leave is given the reference to the entry day in paragraph (2) shall be construed as a reference to the entry day for the sitting to which the hearing is adjourned or to such other day as the judge may specify.

(5) Where under paragraph (1) the clerk of the Crown and peace has settled a sum for costs and expenses, either party within two days from such settlement may on notice to the other party and the clerk of the Crown and peace appeal to the judge against such settlement; and on such appeal the judge may affirm or vary the sum so settled.

(6) Money shall be paid into court by lodging it at the county court bank to the credit of the civil bill account in accordance with Order 42 Part I and where any money is so lodged a copy of the notice sent to the plaintiff under paragraph (1) shall be lodged with the clerk of the Crown and peace and a copy shall also be lodged with the bank, such last-mentioned copy being headed with the additional words "Civil Bill Account".

(7) Money paid into court shall remain in court subject to further order unless the plaintiff elects to take it out as hereinafter provided.

#### *Payment out of court*

3.—(1) Where money is paid into court under Rule 2 the plaintiff may (subject to any order made by the judge in granting an adjournment such as is referred to in Rule 2(4)), at any time before the opening day of the sitting at which the action is to be heard or subsequently with the consent of the defendant, or in a remitted action within any period fixed under Rule 2(3)(c), sign and serve on the defendant and lodge with the clerk of the Crown and peace a notice in Form 2 accepting the amount in satisfaction of his claim.

(2) Subject to paragraphs (4) and (5), where money is accepted under paragraph (1) all proceedings in the action as between the plaintiff and the defendant who has paid the money into court shall be stayed, and the money paid into court shall be paid out to the plaintiff without the necessity of any decree or order of the court, and the said defendant shall not be liable to any further costs other than those payable under the undertaking given under Rule 2(1).

(3) Within seven days from the day on which the parties agree on, or the clerk of the Crown and peace settles, the amount due for costs and expenses under an undertaking given under Rule 2(1), or within seven days from the determination by the judge of any appeal under Rule 2(5), the defendant shall pay that amount to the plaintiff, and in default the clerk of the Crown and peace may, on the application of the plaintiff of which at least seven days'

**O.21 R 4-7**

notice has been given to the defendant, issue a decree in Form 4. The costs of the application and the decree shall be in the discretion of the clerk of the Crown and peace.

(4) Where notice of acceptance under paragraph (1) is served by or on behalf of a plaintiff under legal disability—

- (a) the money paid into court shall not be paid out without an order of the judge;
- (b) a notice of intention to apply to the judge for approval of such acceptance shall also be served on the defendant and lodged in the Office;
- (c) the application to the judge shall be made at the time when the action would, if no notice of acceptance had been served, have been heard by the judge; and
- (d) the plaintiff shall be entitled to his costs of the application unless the judge otherwise directs.

(5) A plaintiff in an action for libel or slander who takes money out of court may apply for leave to make in open court a statement in terms approved by the judge in chambers. The clerk of the Crown and peace shall after consultation with the judge fix a time for the hearing of the application by the judge in chambers and shall give at least three days' notice of the hearing to the plaintiff and the defendant and a copy of the proposed statement shall be sent with the notice to the defendant. The application shall be heard by the judge in private. The costs of and in connection with any such application and of the making of the statement in open court shall be in the discretion of the judge.

*Costs*

4.—(1) Where money has been paid into court by any defendant and the plaintiff does not serve notice of acceptance under Rule 3 and does not obtain a decree against that defendant for an amount, exclusive of costs and expenses, greater than that paid into court, then—

- (a) where the plaintiff is not under legal disability, he shall not be entitled to any costs against the defendant and shall be liable for the costs of that defendant based on the amount lodged; or
- (b) where the plaintiff is under legal disability, costs shall be in the discretion of the judge.

(2) Where a defendant becomes entitled to costs under this Rule such costs shall be paid to him out of the money paid into court before any payment out of the said money is made to the plaintiff.

*Payments into court not to be communicated to judge*

5. Where money has been paid into court under Rule 2 that fact shall not be communicated to the judge before the determination of all questions of liability and the amount of debt or damages.

*Decree*

6. Where money has been paid into court by any defendant and the plaintiff does not serve notice of acceptance, a decree in favour of the plaintiff shall be in such one of the Forms 5, 6, 7, 8 or 9 as may be appropriate.

*Payment into court by defendant to counterclaim*

7. Rules 2 to 6 shall apply *mutatis mutandis* in relation to payment into court by a defendant to a counterclaim.

O.21 R 8  
O.22 R 1-4

### *Application*

8. Rules 2 to 7 shall not apply—

- (a) to an action where the defence is that of tender before action brought; or
- (b) to actions in which the title to any corporeal or incorporeal hereditament comes in question.

## ORDER 22

### Transfer, remittal and removal of proceedings (Appendix R)

#### PART I

#### TRANSFER OF PROCEEDINGS FROM ONE COUNTY COURT TO ANOTHER

##### *Generally*

1.—(1) Where an action has, in accordance with the provisions of Order 1, been duly commenced in a county court against a defendant who does not reside or carry on business within the division of that court and the defendant desires the action to be transferred to the court for the division in which he resides or carries on business, he may apply *ex parte* in writing without fee to the court in which the action was commenced for an order transferring the action to the other court, and the judge of the court in which the action was commenced may, if after considering the application and the question whether the claim is disputed he thinks that it would be a hardship on the defendant for the action to proceed in the court in which it was commenced, order the action to be transferred to the other court.

(2) The judge may, if he thinks fit, before dealing with an application under paragraph (1), cause notice to be given to the plaintiff that the application has been made and of the day and hour when the plaintiff may attend and be heard, and may if necessary adjourn the hearing of the action.

##### *Where judge has interest in subject-matter*

2. If the judge of a court has an interest in the subject-matter of any proceedings in that court, he may, and if so requested by any party shall, order them to be transferred to some convenient court of which he is not the judge.

##### *Where officer of court is a party*

3. Where any party to proceedings is an officer of the court, the judge may, and on the application of the opposite party shall, direct the hearing to take place at some convenient court of which such party is not an officer.

##### *Where proceedings commenced in wrong court*

4. Where proceedings are commenced in the wrong court, the judge may either—

- (a) transfer the proceedings to the court in which they ought to have been commenced; or
- (b) with the consent of the parties order that the proceedings shall continue in the court in which they were commenced; or
- (c) order the proceedings to be struck out, and, if it appears to the judge that the plaintiff knew or ought to have known that the proceedings

**O.22 R 5-9**

should have been commenced in another court, may make such an order as to costs as he might have made if the proceedings had been heard and determined in favour of the defendant.

*Transfer with or without an application*

5.—(1) Any transfer of proceedings from one county court to another authorised by the Act or Rules 2 to 4 may be made by the judge of his own motion, or on the application of any party on not less than three days' notice to the clerk of the Crown and peace and all parties who may be affected.

(2) The order shall be in Form 1.

*Procedure on transfer*

6. Where a transfer is ordered, the clerk of the Crown and peace of the court in which the proceedings are pending shall send to the clerk of the Crown and peace of the other court a certified copy of all the entries in the books of the first mentioned court together with all the documents in his custody relating to the proceedings and the clerk of the Crown and peace of the court to which the proceedings are transferred shall appoint a day for the hearing and send notice of hearing in Form 2 to all parties interested; and all subsequent proceedings shall be taken in that court.

*Costs*

7. The costs of the certified copies of the entries in the books of the court and of transmission shall be paid in the first instance by the party on whose application the transfer has been made, or if made by the judge of his own motion, by the plaintiff, without prejudice to the question how they will ultimately be borne.

*Transfer of money to another court*

8.—(1) The judge may at any time, on application in that behalf or of his own motion, order any money which is being administered by his court to be transferred to another county court if he is of opinion that it may be more conveniently dealt with in that court.

(2) Where such an order is made, the clerk of the Crown and peace shall transfer the money to the other court in accordance with Order 42, Rule 10, and send a certified copy of the proceedings to the clerk of the Crown and peace of the other court.

**PART II****PROCEEDINGS REMITTED FROM THE HIGH COURT***Lodgment of documents in and entry of remitted actions*

9.—(1) Where under the provisions of any enactment an action is ordered by the High Court to be heard, or remitted by the High Court for hearing in a county court, the plaintiff shall lodge the original writ of summons or other originating process with the clerk of the Crown and peace of the court for the division named in the order for hearing.

(2) In proceedings within the equity jurisdiction of the court, the writ of summons or other originating process shall be lodged in the Office on or before the entry day for the sittings of the court named in the order for hearing.

(3) In all other proceedings the writ of summons or other originating process shall be lodged in the Office on or before entry day for the sittings

**O.22 R 10-12**

of the court named in the order for hearing together with a list in Form 1 of Appendix G arranged in alphabetical order according to the surname of the plaintiff or of the first plaintiff in any proceedings if there is more than one.

(4) For the purposes of paragraph (3), remitted actions may be included in a list lodged under Order 8 Rule 2 but shall be distinguished in that list from other actions included therein.

(5) Before lodging the writ of summons or other originating process in accordance with this Rule, the plaintiff shall ascertain that the clerk of the Crown and peace has received a copy of the order of remittal and all documents filed in the proceedings in the High Court in accordance with Rule 11(1)(b) of Order 54F of the Rules of the Supreme Court (Northern Ireland) 1936(1) and shall at the time of such lodgment attach to the summons or other process a certified copy of the notice of remittal served on him by the proper officer of the Supreme Court in accordance with Rule 11(1)(a) of that Order.

(6) Where the only issue in the action remitted for hearing in a county court arises solely on a counterclaim by a defendant, this Rule shall apply as if for references to the plaintiff and to the original writ of summons or other originating process there were substituted references to the defendant and to a copy of such writ or other process together with particulars of the counterclaim, as the case may be.

*Money received from High Court for minor, etc.*

10.—(1) Where money has been received by a county court under section 99 of the Act for the benefit of a minor or a person of unsound mind or a widow, the clerk of the Crown and peace shall send to the next friend, guardian ad litem, committee or widow, as the case may be, notice in Form 3.

(2) An application to the court as to the mode of dealing with the money and any interest thereon may be made by or on behalf of any person interested.

(3) The money and any interest thereon shall be invested, applied or otherwise dealt with for the benefit of the minor, person of unsound mind or widow as the judge or, with the leave of the judge, the clerk of the Crown and peace shall from time to time direct.

(4) The judge or clerk of the Crown and peace may direct that any costs or expenses in connection with any of the matters referred to in this Rule shall be paid out of the money and any interest thereon and that any investments may be sold for that purpose.

*Costs payable out of money received*

11. Where an order has been made by the High Court for payment of any costs to a solicitor out of the money recovered, the amount of such costs, if not paid before the money was received by the county court, shall, on the application of the solicitor, supported by the certificate of the taxing master or other appropriate officer of the High Court, be paid out of the money received, and any investments may be sold for that purpose if the judge or, in his absence, the clerk of the Crown and peace thinks fit.

*Judge may require production of writ, etc.*

12. The judge may at any time require a next friend, guardian ad litem, committee or widow to obtain and produce the writ, pleadings and any other document used in the proceedings in the High Court.

**O.22 R 13**  
**O.23 R 1-5**

**PART III**

**REMOVAL OF PROCEEDINGS TO THE HIGH COURT**

*Procedure on removal*

13.—(1) Where an order is made by the High Court for the removal of any proceedings from a county court to the High Court, the clerk of the Crown and peace shall—

- (a) make and certify copies of all entries in the books of the court relating to the proceedings and send them to the proper officer of the High Court, together with all documents filed in the proceedings.
- (b) The costs of removal shall be paid as provided in Rule 7.

**ORDER 23**

**References to the European Court (Appendix S)**

*Interpretation*

1. In this Order—

“the European Court” means the Court of Justice of the European Communities; and

“order” means an order referring to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

*Making of order*

2.—(1) The court may make an order at any stage in the course of an action or matter whether of its own motion or on application by a party before or at the hearing thereof.

(2) Where an application for an order is made before the hearing nothing in Rule 1 of Order 14 shall be construed as authorising the hearing of the application other than by the judge in person and that Rule shall apply accordingly.

*Schedule to order to set out request for ruling*

3. An order shall be in the Form set out in Appendix S and shall set out in a schedule the request for the preliminary ruling of the European Court and the court may give directions as to the manner and form in which the schedule is to be prepared.

*Stay of proceedings pending ruling*

4. The proceedings in which an order is made shall, unless the court otherwise orders, be stayed until the European Court has given a preliminary ruling on the question referred to it.

*Transmission of order to the European Court*

5. When an order has been made the clerk of the Crown and peace shall send a copy thereof to the parties and to the Registrar of the European Court; but, where there is a right of appeal against the order he shall not do so, unless the court otherwise orders, until the time for appealing has expired or, as the case may be, until any appeal has been decided or disposed of.

## ORDER 24

## Evidence (Appendix T)

## PART I

## GENERALLY

*Admission by any party*

1. Any party to an action or matter may give notice to any other party that he admits the truth of the whole or any part of the case of the other party, and no expenses incurred after the receipt of the notice in respect of the proof of any matters admitted therein shall be allowed.

*Evidence to be taken orally*

2. Save as otherwise provided by these Rules, the evidence of witnesses at the hearing of any action or matter shall be taken orally on oath, and where by these Rules evidence is required or permitted to be taken by affidavit, it shall nevertheless be taken orally on oath if the judge, on any application before or at the hearing, so directs.

*Petitions*

3. Evidence in support of or in opposition to a petition may be by affidavit unless the judge otherwise directs.

*Power to order proof by affidavit*

4.—(1) Subject to paragraphs (2) and (3), the judge may at any time order that—

- (a) any particular fact or facts may be proved by affidavit; or
- (b) the affidavit of any witness may be read at the hearing on such conditions as the judge thinks reasonable; or
- (c) any witness whose attendance in court ought for some sufficient cause to be dispensed with be examined by interrogatories or before an examiner.

(2) Where it appears to the judge that any party *bona fide* desires the production of a witness for cross-examination and that the witness can without undue expense be produced, an order shall not be made authorising his evidence to be given by affidavit.

(3) Nothing in any order made under paragraph (1) shall affect the power of the judge at the hearing to refuse to admit evidence tendered in accordance with any such order if in the interests of justice he thinks fit to do so.

*Use of affidavit without order*

5. Where a party desires to use at the hearing an affidavit by any witness as to particular facts as to which no order has been made, he may, before the beginning of a period of six days ending on the day of the hearing, give notice, accompanied by a copy of the affidavit, to the party against whom it is to be used, and unless the last mentioned party, before the beginning of a period of three days ending on the day of the hearing, gives notice to the other party that he objects to the use of the affidavit, he shall be taken to have consented to the use thereof and the affidavit may be used at the hearing unless the judge otherwise orders.

**O.24 R 6-9***Use of affidavits, etc.*

6. Where an affidavit or deposition is used in evidence by or on behalf of a party, the whole affidavit or deposition shall be put in by that party.

*Evidence in mitigation of damages for libel or slander*

7. In an action for libel or slander, the defendant shall not, without leave of the judge, give evidence in chief, with a view to mitigation of damages, as to the circumstances in which the libel or slander was published or as to the character of the plaintiff, unless before the beginning of a period of seven days ending on the day of the hearing he furnishes particulars to the plaintiff of the matters as to which he intends to give evidence.

*Notice of conviction, etc.*

8.—(1) Any party to proceedings who intends, in reliance on section 7 or 8 of the Civil Evidence Act (Northern Ireland) 1971(m), to adduce evidence of a conviction, finding of adultery or an adjudication of paternity shall serve on every party to the proceedings notice in Form 9 of such intention with particulars of—

- (a) the conviction, finding or adjudication and the date thereof;
- (b) the court or court-martial which made the conviction, finding or adjudication; and
- (c) the issue in the proceedings to which the conviction, finding or adjudication is relevant.

(2) Where the plaintiff or any party initiating proceedings serves such notice he shall annex it to the civil bill or other process and to any copy served on any other party.

(3) Where a defendant or party other than the plaintiff or a party initiating the proceedings serves such notice, it shall be served within ten days of service of the civil bill or other process upon him.

- (4) If a party upon whom notice is served under this Rule—
  - (a) denies the conviction, finding or adjudication; or
  - (b) alleges that it was erroneous; or
  - (c) denies that it is relevant to any issue in the action;

he shall, within ten days of service of the notice, serve a counter-notice in Form 10 on the party by whom the notice was served and on any other party to the proceedings.

(5) Nothing in this Rule shall apply to evidence intended solely to impeach the credit of a party or witness and which is not otherwise relevant to any issue in the proceedings.

*Witness summons*

9.—(1) Subject to paragraph (2), where any party to any action or other proceedings desires a person to be summoned as a witness to give oral evidence at the hearing in court or to produce at the hearing in court a document in his possession or control, the clerk of the Crown and peace, or other officer of the court authorised by him for the purpose, shall, on the application of the party, issue a witness summons in Form 1 together with a copy thereof.



**O.24 R 10-11**

(2) Where the clerk of the Crown and peace has reason to believe that any application for a witness summons, not being an application by a party through his solicitor, is frivolous or vexatious, he may refer the application to the judge and the judge may thereupon direct the issue of the summons or otherwise deal with the matter as to him seems just.

(3) The applicant shall, if the clerk of the Crown and peace or such other officer as aforesaid so requests, produce the civil bill or other originating process.

(4) Each original summons shall bear a stamp of the prescribed amount and each such summons and each copy thereof shall be intituled as in the civil bill or other originating process to which it relates and shall contain the name of one witness only but, where the application is made by a party through his solicitor, may as regards the name of the witness be issued in blank.

(5) Unless the judge otherwise directs, the summons shall, a reasonable time before the day fixed for the hearing, be served by the delivery of a copy thereof to the witness personally by—

- (a) a process server for the district in which the witness resides; or
- (b) the solicitor for the party issuing the summons or a solicitor acting as an agent for such solicitor or some person over sixteen years of age employed by either solicitor to serve the document.

(6) Where the summons is to be served by a process server, any money to be paid or tendered under paragraph (7) shall be sent to him together with the summons and the copy thereof.

(7) There shall be paid or tendered to the witness at the time of service of the summons a viaticum consisting of—

- (a) such sum, not being less than five pence, as shall reasonably cover his expenses in travelling to and from court; and
- (b) if the person summoned is not a party to the proceedings, an additional sum of twenty-five pence.

(8) The endorsement of service of a witness summons shall be in Form 2.

*Order for bringing up prisoner to give evidence*

10.—(1) The application for an order under section 59 of the Act for bringing up before a court any person confined in any prison or place under any sentence or under commitment for trial or otherwise to be examined as a witness in any proceedings pending in a county court may be made at any time to the Office.

(2) The order shall be in Form 3.

*Notice to admit specific facts*

11.—(1) Any party may by notice in Form 4 call on any one or more than one of the opposite parties to admit, for the purpose of the action only, any specified facts mentioned in the notice.

(2) If the party served with the notice does not admit the facts mentioned in the notice by delivering a written admission thereof in Form 5 within three days after receiving the notice, he shall pay the costs of proving such facts, irrespective of the result of the action or matter, unless the judge otherwise orders:

**O.24 R 12-16**

Provided that—

- (a) any admission made in pursuance of the notice shall be used only for the purposes of the particular action or matter, and shall not be used against the party making it on any other occasion, or in favour of any person other than the party to whom it is made; and
- (b) the judge may for good and sufficient cause and on such terms as to him seem just at any time allow any party to amend or withdraw any admission so made.

*Notice to admit documents*

12.—(1) Where a party desires to adduce any document in evidence, he may, before the beginning of a period of six days ending on the day of the hearing, give notice to any other party who is competent to make admissions requiring him to inspect and admit the document.

(2) The expenses of proving any document shall not be allowed unless such notice has been given, except in cases where, in the opinion of the judge at the hearing, the omission to give notice has not substantially increased the expense.

*Notice to produce*

13. A notice to produce documents may be in Form 6.

*Evidence of service of notice to admit or produce*

14. An affidavit of a party or his solicitor, or some person in the employment of such solicitor, or his solicitor agent of the service of a notice to admit or produce and of the time when it was served, together with a copy of the notice to admit or produce, shall be sufficient evidence of the fact and time of service.

*Documents produced from proper custody and office copies of judgments and decrees of other courts*

15.—(1) Where a document which would, if duly proved, be admissible in evidence, is produced to the court from proper custody, it shall be admitted without further proof if —

- (a) in the opinion of the judge it appears genuine; and
- (b) no objection is taken thereto;

and, if the admission of any document so produced is objected to, the judge may adjourn the hearing for proof of the document and, if it is proved, the party objecting shall pay the costs occasioned by the objection, unless the judge otherwise orders.

(2) In every proceedings before a county court, an office copy of any judgment, decree or order made by or before any court in Northern Ireland and certified to be a true copy by the proper officer of such court shall be deemed and taken as *prima facie* evidence of such judgment, decree or order.

*Evidence of court records*

16. A copy of any entry in a book or other document prescribed for the purpose of keeping a record of or in relation to any proceedings in a county court shall for the purposes of section 143 of the Act be authenticated by a certificate endorsed on the copy, which copy shall be signed by the clerk of the Crown and peace.

**O.24 R. 17-20***Proof of valuation of lands*

17. Without prejudice to any other enactment regarding proof of the valuation of lands, a copy or extract certified by the Commissioner of Valuation or an officer on his behalf to be a true copy of the valuation list relating to those lands or part thereof shall, for the purposes of any proceedings in a county court, be sufficient proof of the valuation of such lands until the contrary is shown.

*Proof of handwriting*

18. In any proceedings the judge may, upon such terms as he may think proper, receive in evidence proof of the handwriting of any party or of any subscribing witness to any instrument whatsoever.

*Practice as to taking evidence*

19. The practice with reference to the examination, cross-examination and re-examination of a witness at the hearing of an action shall extend and be applicable to oral evidence taken in any proceedings at any stage.

*Order for examination of witnesses out of court*

20.—(1) The judge may, at any stage of any proceedings, make an order for the examination on oath of any person (in this Rule called “the witness”) at any place in Northern Ireland.

(2) The examination may be ordered to take place before—

(a) any officer of the court making the order; or

(b) the clerk of the Crown and peace for the district in which the witness resides or carries on business or the deputy of such clerk of the Crown and peace; or

(c) in special circumstances such other person as the judge may appoint.

(3) The order may require the attendance of the witness—

(a) for examination; or

(b) to produce any document which he could be compelled to produce at the hearing of the proceedings.

(4) The order shall be in Form 7 and shall be served on the witness personally a reasonable time before the day fixed for the examination and at the same time there shall be paid or tendered to the witness the sums prescribed by Rule 9(7).

(5) The party on whose application the order was made shall furnish to the person taking the examination (in this Rule called “the examiner”) copies of all documents necessary to inform the examiner of the questions in issue between the parties.

(6) The parties shall be at liberty to attend the examination with or without counsel or solicitors.

(7) The examiner may administer an oath to the witness who may be examined, cross-examined and re-examined as at the hearing of an action.

(8) The deposition shall be taken down in writing—

(a) by or in the presence of the examiner; and

(b) by question and answer.

**O.24 R 20 (contd.)**

(9) The examiner may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination.

(10) The examiner shall not have power to decide upon the materiality or relevancy of any question but, if a question is objected to, he shall take down the question and the answer thereto and make a note of the objection on the deposition.

(11) If the witness objects to any question put to him before an examiner, the question and the objection shall be taken down by the examiner and the validity of the question shall be decided by the judge.

(12) If the witness refuses—

(a) to attend; or

(b) to be sworn; or

(c) to answer any lawful question; or

(d) to produce any document;

a certificate of such refusal shall be made and signed by the examiner and filed in the Office, and the party requiring the attendance of the witness may apply to the judge for an order directing the witness—

(i) to attend; or

(ii) to be sworn; or

(iii) to answer any question; or

(iv) to produce any document;

as the case may be, and the judge may thereupon make such order as he thinks fit.

(13) The examiner may, and if need be shall, make a special report to the judge touching the examination and the conduct or absence of the witness, and the judge may thereupon direct such proceedings or make such order as he thinks fit.

(14) When the examination of the witness has been concluded, the deposition shall be read over to the witness and shall be signed by him in the presence of such of the parties or their representatives as may attend, and shall be signed by the examiner and filed in the Office.

(15) If the witness refuses to sign the deposition, the examiner shall make a note of the refusal on the deposition, and the deposition shall be admissible in evidence notwithstanding that it is not signed by the witness.

(16) The deposition shall not be admitted in evidence at the hearing unless—

(a) the witness is dead or out of Northern Ireland or unable from sickness or other infirmity to attend the court; or

(b) the parties consent to its being admitted; or

(c) the judge directs it to be put in;

but, subject as aforesaid, the deposition shall be admissible in evidence, saving all just exceptions, without proof of the signature of the examiner.

(17) Costs, fees and expenses pursuant to an order under this Rule shall be in the discretion of the judge and shall be of such amount and payable by such party as the judge shall determine.

## O.24 R 21

*Affidavits*

- 21.—(1) Subject to any Rule or Form to the contrary all affidavits shall—
- (a) be expressed in the first person; and
  - (b) be drawn up in paragraphs and numbered; and
  - (c) indicate that the deponent is at least sixteen years of age; and
  - (d) be made by some person who has knowledge of the facts, stating—
    - (i) the deponent's residence and occupation; and
    - (ii) what facts are within his own knowledge, and his means of knowledge; and
    - (iii) what facts are deposed to on information derived from other sources and what the sources are.
- (2) Where a party is a corporate body, any affidavit required or authorised by any enactment (including these Orders) to be made by that party may be made by a director, secretary or other officer authorised by the corporate body for that purpose.
- (3) In any affidavit made by two or more deponents the names of all the deponents shall be inserted in the jurat, but if the affidavit of all the deponents is sworn at one time before the same person, it shall be sufficient to state that it is sworn by both or all of the above-named deponents.
- (4) Every affidavit shall be intituled in the action or matter in which it is sworn and a note shall be appended to every affidavit stating on whose behalf it is filed, and the note shall be copied on every office or other copy furnished to a party.
- (5) An affidavit shall not be filed which has been sworn before a person who, when it was sworn, was a party to the proceedings, the solicitor acting for the party on whose behalf it is to be used, or such solicitor's agent, partner or clerk.
- (6) Before any affidavit is used it shall be filed in the Office but in an urgent case the judge may make a decree upon the undertaking of the party to file any affidavit used by him before it is filed, but the decree shall not be issued until the affidavit has been filed.
- (7) Where a party desires to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party the following provisions shall apply—
- (a) he may serve on the opposite party a notice requiring the production of the deponent for cross-examination at the hearing;
  - (b) if the party served with the notice does not produce the deponent at the hearing, he shall not be entitled to use the affidavit as evidence without leave of the judge;
  - (c) a witness summons may be issued on the application of the party served with the notice for the purpose of summoning the deponent to attend for cross-examination.
- (8) Unless the judge otherwise orders, no affidavit shall be filed or used in any proceedings—
- (a) which is blotted so as to obliterate any word; or
  - (b) which is illegibly written; or
  - (c) which is so altered as to be illegible; or
  - (d) which is so imperfect, by reason of having blanks therein or otherwise, that it cannot be easily read or understood; or

**O.24 R 22-24**

(e) if there is any interlineation, alteration or erasure in the body of the affidavit or jurat, unless the person before whom the affidavit was sworn has initialled the interlineation or alteration, and in the case of an erasure has re-written and signed in the margin of the affidavit any words or figures written on the erasure.

(9) Where the clerk of the Crown and peace refuses, under paragraph (8), to file an affidavit he shall give notice in Form 8 to the party presenting the affidavit for filing.

(10) Where it appears to the person administering the oath that the deponent is illiterate or blind, he shall certify in the jurat that—

- (a) the affidavit was read in his presence to the deponent; and
- (b) the deponent seemed perfectly to understand it; and
- (c) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in evidence without such a certificate, unless the judge is otherwise satisfied that it was read over to and appeared to be perfectly understood by the deponent.

(11) The judge may allow an affidavit to be used in evidence notwithstanding any defect by mis-description of parties or otherwise in the title or jurat or any other irregularity in the form of the affidavit.

(12) An affidavit of service shall state when, where, how and by whom service was effected.

*Proceedings by or against the Crown*

22. In any proceedings by or against the Crown, the judge may, where he thinks it necessary, make an order for the examination upon oath before an officer of the court or before any other person, and at any place, of any witness or person, and may empower any party to the proceedings to give such deposition in evidence therein on such terms (if any) as the judge may direct.

**PART II****EVIDENCE ADMISSIBLE UNDER PART I OF THE CIVIL EVIDENCE ACT  
(NORTHERN IRELAND) 1971***Interpretation and application of this Part*

23.—(1) In this Part “the Act of 1971” means the Civil Evidence Act (Northern Ireland) 1971.

(2) This Part shall apply to proceedings referred to arbitration under section 60 of the Act and to proceedings referred for enquiry and report under section 61 of the Act as it does to the hearing of any proceedings before the court.

*Notice of intention to give in evidence statement under section 1 or 2 of Act*

24.—(1) Subject to the provisions of this Rule, a party to proceedings who intends to give in evidence at the hearing any statement which is admissible in evidence by virtue of section 1 or 2 of the Act of 1971 shall, within ten days of service of the civil bill or other process initiating the proceedings, give notice of his intention to the clerk of the Crown and peace and to every other party.

(2) Where, under these Rules or any order or direction of the court, the evidence in any proceedings is to be given by affidavit, then paragraph (1)

## O.24 R 25-26

shall not apply in relation to any statement which any party to the proceedings desires to have included in any affidavit to be used on his behalf in the proceedings.

*Statement admissible under section 1 of the Act of 1971: contents of notice*

25.—(1) If the statement is admissible under section 1 of the Act of 1971, the notice shall be in Form 11 and there shall be annexed to it a copy or transcript of the document containing the statement, or of the relevant part thereof, and the notice must contain—

(a) particulars of—

- (i) the person by whom the record containing the statement was compiled;
- (ii) the person who originally supplied the information from which the record was compiled; and
- (iii) any other person through whom that information was supplied to the compiler of that record;

and, in the case of any such person as is referred to in sub-paragraph (i) or (iii) above, a description of the duty under which that person was acting when compiling that record or supplying information from which that record was compiled, as the case may be;

- (b) if not apparent on the face of the document annexed to the notice, a description of the nature of the record which, or part of which, contains the statement; and
- (c) particulars of the time, place and circumstances at or in which that record or part was compiled.

(2) If the party giving the notice alleges that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness at the hearing for any of the reasons specified in Rule 27, the notice must contain a statement to that effect specifying the reason relied on.

*Statement admissible by virtue of section 2 of the Act of 1971: contents of notice*

26.—(1) If the statement is contained in a document produced by a computer and is admissible by virtue of section 2 of the Act of 1971, the notice shall be in Form 12 and there shall be annexed to it a copy or transcript of the document containing the statement, or of the relevant part thereof, and must contain particulars of—

- (a) a person who occupied a responsible position in relation to the management of the relevant activities for the purposes of which the computer was used regularly during the material period to store or process information;
- (b) a person who at the material time occupied such a position in relation to the supply of information to the computer, being information which is reproduced in the statement or information from which the information contained in the statement is derived;
- (c) a person who occupied such a position in relation to the operation of the computer during the material period;

and where there are two or more persons who fall within any of the foregoing sub-paragraphs and some only of those persons are at the date of service of the notice capable of being called as witnesses at the hearing, the person, particulars of whom are to be contained in the notice, must be such one of those persons as is at that date so capable.

**O.24 R 27-29**

(2) The notice must also state whether the computer was operating properly throughout the material period and, if not, whether any respect in which it was not operating properly or was out of operation during any part of that period was such as to affect the production of the document in which the statement is contained or the accuracy of its contents.

(3) If the party giving the notice alleges that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness at the hearing for any of the reasons specified in Rule 27, the notice must contain a statement to that effect specifying the reason relied on.

*Reasons for not calling a person as a witness*

27. The reasons referred to in Rules 25(2) and 26(3) are that the person in question is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness, or that despite the exercise of reasonable diligence it has not been possible to identify him, or that he cannot reasonably be expected to have any recollection of the matters relevant to the accuracy or otherwise of the statement to which the notice relates.

*Counter-notice requiring person to be called as a witness*

28.—(1) Subject to paragraphs (2) and (3), any party on whom a notice under Rule 24 is served may, within ten days of service of the notice on him, give to the clerk of the Crown and peace and to the party who gave the notice a counter-notice in Form 13 requiring that party to call as a witness at the hearing any person (naming him) particulars of whom are contained in the notice.

(2) Where any notice under Rule 24 contains a statement that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness for the reason specified therein, a party shall not be entitled to serve a counter-notice under this Rule requiring that person to be called as a witness at the hearing unless he contends that that person can or, as the case may be, should be called, and in that case he must include in his counter-notice a statement to that effect.

(3) Where a statement to which a notice under Rule 24 relates is one to which Rule 30 applies, no party on whom the notice is served shall be entitled to serve a counter-notice under this Rule in relation to that statement, but the foregoing provision is without prejudice to the right of any party to apply to the court under Rule 30 for directions with respect to the admissibility of that statement.

(4) If any party by whom a notice under Rule 24 is served fails to comply with a counter-notice duly served on him under this Rule, then, unless any of the reasons referred to in Rule 27 applies in relation to the person named in the counter-notice, and without prejudice to the powers of the court under Rule 31, the statement to which the notice under Rule 24 relates shall not be admissible at the hearing as evidence of any fact stated therein by virtue of section 1 or 2 of the Act of 1971, as the case may be.

*Determination of question whether person can or should be called as a witness*

29.—(1) Where a question arises whether any of the reasons specified in Rule 27 applies in relation to a person, particulars of whom are contained in a notice under Rule 24, the court may, on the application of any party to the proceedings, determine that question before the hearing in accordance with Order 14 or give directions for it to be determined before the hearing and for the manner in which it is to be determined.



**O.24 R 30-32**

(2) Unless the court otherwise directs, notice in Form 14 of any application under paragraph (1) shall be served on every other party to the proceedings.

(3) Where any such question as is referred to in paragraph (1) has been determined thereunder, no application to have it determined afresh at the hearing of the proceedings may be made unless the evidence which it is sought to adduce in support of the application could not with reasonable diligence have been adduced at the time of the disposal of the application under paragraph (1).

*Directions with respect to statement made in previous proceedings*

**30.** Where a party has given notice in accordance with Rule 24 that he desires to give in evidence at the hearing a statement falling within section 1(1) of the Act of 1971 which is contained in a record of direct oral evidence given in some other legal proceedings (whether civil or criminal), any party to the proceedings may apply to the court in accordance with Order 14 for directions as to whether, and if so on what conditions, the party desiring to give the statement in evidence will be permitted to do so and (where applicable) as to the manner in which that statement and any other evidence given in those proceedings is to be proved.

*Power of the court to allow statement to be given in evidence*

**31.—(1)** Without prejudice to section 1(2)(a) of the Act of 1971 and Rule 30, the court may, if it thinks it just to do so, allow a statement falling within section 1(1) or 2(1) of the Act of 1971 to be given in evidence at the hearing of the proceedings notwithstanding that—

- (a) the statement is one to which Rule 24(1) applies and that the party desiring to give the statement in evidence has failed to comply with that Rule; or
- (b) that party has failed to comply with any requirement of a counter-notice relating to that statement which was served on him in accordance with Rule 28.

(2) Without prejudice to the generality of paragraph (1), the court may exercise its power under that paragraph to allow a statement to be given in evidence at the hearing if a refusal to exercise that power might oblige the party desiring to give the statement in evidence to call, as a witness at the hearing, an opposite party or a person who is or was at the material time the servant or agent of an opposite party.

*Restriction on adducing evidence as to credibility of supplier of information, etc.*

**32.** Where—

- (a) a notice given under Rule 24 relates to a statement which is admissible by virtue of section 1 of the Act of 1971; and
- (b) the person who originally supplied the information from which the record containing the statement was compiled, is not called as a witness at the hearing of the proceedings; and
- (c) none of the reasons mentioned in Rule 27 applies so as to prevent the party who gave the notice from calling that person a witness;

no other party to the proceedings shall be entitled, except with the leave of the court, to adduce in relation to that person any evidence which could otherwise be adduced by him by virtue of section 4 of the Act of 1971 unless he gave a counter-notice under Rule 28 in respect of that person or applied under Rule 30 for a direction that that person be called as a witness at the hearing of the proceedings.

**O.24 R 33-34****O.25 R 1***Notice required of intention to give evidence of certain inconsistent statements*

33.—(1) Where a person, particulars of whom were contained in a notice given under Rule 24, is not to be called as a witness at the hearing, any party who is entitled and intends to adduce in relation to that person any evidence which is admissible for the purpose mentioned in section 4(1)(b) of the Act of 1971 shall, within ten days after service of that notice upon him, give notice of his intention to do so in Form 15 to the clerk of the Crown and peace and to the party who gave the notice under Rule 24.

(2) If the statement was made otherwise than in a document, the notice must contain particulars of—

- (a) the time, place and circumstances at or in which the statement was made;
- (b) the person by whom, and the person to whom, the statement was made; and
- (c) the substance of the statement or, if material, the words used.

(3) If the statement was made in a document, a copy of the document, or of the relevant part thereof, must be annexed to the notice and the notice must contain such (if any) of the particulars mentioned in paragraph 2(a) and (b) as are not apparent on the face of the document or part.

(4) The court may, if it thinks it just to do so, allow a party to give in evidence at the hearing of proceedings any evidence which is admissible for the purpose mentioned in the said section 4(1)(b) notwithstanding that that party has failed to comply with paragraph (1).

*Counter-notice*

34. Where—

- (a) a party to proceedings serves a counter-notice under Rule 28 in respect of any person who is called as a witness at the hearing of the proceedings in compliance with a requirement of the counter-notice; and
- (b) it appears to the court that it was unreasonable to require that person to be called as a witness;

then the court may determine the amount of any costs occasioned by reason of the service of the counter-notice on any other party, or direct that they shall be determined, and order that such amount be paid to that other party by the party who served the counter-notice.

**ORDER 25****Hearing and re-hearing (Appendix U)****PART I****HEARING BY JUDGE***General*

1. At the hearing of any action or other proceeding the judge may hear the whole matter of the action or proceeding and give a decree thereon or grant any relief, redress, or remedy or make any order or give any direction he considers necessary to enable him to give a final decree on a day to which the hearing is adjourned.

**O.25 R 2-6***Where proper parties are not before the court*

2. Where at the hearing it appears to the judge that there are any claims, estates, titles, rights, duties or liabilities upon which he cannot adjudicate by reason of all the proper parties not being before the court, he may order such parties to be made plaintiffs or defendants upon such terms as to adjournment, notices and costs as he thinks fit.

*Where plaintiff does not appear or does not prove his claim*

3.—(1) If a plaintiff does not proceed with his civil bill or does not appear at the hearing of an action or other proceeding, the action or other proceeding may be struck out or dismissed without prejudice to the plaintiff's proceeding by a new civil bill or other originating process.

(2) Where a plaintiff appears at the hearing of an action or other proceeding but fails to establish his case to the satisfaction of the judge, the judge may dismiss the action or other proceeding either without prejudice to the plaintiff's proceeding by a new civil bill or other originating process or on the merits as he thinks just.

(3) Where an action or other proceeding has been dismissed without prejudice and a subsequent action or other proceeding for the same or substantially the same cause of action is brought before payment of any costs payable under the dismissal, the judge may stay the subsequent action or other proceeding until such costs have been paid.

*Decree where defendant does not appear*

4.—(1) If the defendant (not being the Crown) does not appear, the judge, upon proof of service and of facts entitling the plaintiff to relief, may, subject to paragraphs (2) to (4), give such decree or make such order as he considers just, and an endorsement of service or an affidavit of service or, where Order 6 Rule 3(2)(b) or Rule 3(7) applies the solicitor's certificate referred to in Rule 12 of Order 6 may be accepted as proof of service.

(2) If the Crown does not appear on the hearing of any civil bill in which it is a defendant, the civil bill shall be adjourned to a date fixed by the judge, on such terms as to him may seem just.

(3) Notice of the date fixed shall be served upon the Crown in a manner to be directed by the judge, and shall set out that the case will be heard on the date named and such decree given or other order made as to the judge may seem just, the Crown's absence notwithstanding.

(4) If the Crown does not appear on the adjourned hearing the judge may, upon proof of service of such notice, proceed to hear and determine the case and may give such judgment or make such other order as to him may seem just.

*If proceedings discontinued, etc., counterclaim may proceed*

5. Where the defendant sets up a counterclaim and the claim of the plaintiff is discontinued, struck out, stayed or dismissed, the counterclaim may be proceeded with and the defendant, on proof thereof, may have a decree.

*Non-appearance on a counterclaim*

6. If a person, not originally a party to the proceedings, who has been served with a counterclaim does not appear at the hearing, the judge may proceed with the hearing and may give such decree or make such order as may be just against the person so served, or may adjourn the hearing and give such directions as he thinks fit.

**O.25 R 7-13***Exclusion of counterclaim*

7. Where the judge is of opinion that a counterclaim would be better disposed of in independent proceedings, the judge may of his own motion or on the application of any party order the counterclaim to be excluded.

*Decree where counterclaim is established*

8.—(1) Where a counterclaim is established against the claim of the plaintiff and there is a balance in favour of one of the parties the judge may grant a decree in Form 2 of Appendix Z; but such a decree shall not be made in a case where Order 21 Rule 4(1)(a) applies.

(2) Subject to Order 21 Rule 4(1)(a), nothing in paragraph (1) shall affect the discretion of the judge to award costs in such proportions as he thinks fit.

*Misjoinder of plaintiff not to defeat counterclaim*

9. Where any person has been improperly or unnecessarily joined as a plaintiff, a defendant who has set up a counterclaim may proceed with the counterclaim against the other plaintiff.

*Vexatious or irrelevant question*

10. The judge may disallow any question put in cross-examination to any party or witness which appears to the judge to be vexatious or irrelevant.

*Decision of questions without general order for execution of trusts, etc.*

11. It shall not be obligatory on the judge in any proceedings—

- (a) for the administration of the estate of a deceased person; or
- (b) for the execution of a trust;

to give a decree or make an order for the general administration of the estate or execution of the trust, if the questions between the parties can be properly determined without such decree or order.

*Injunctions*

12.—(1) In any proceedings in which an injunction has been or might have been claimed, a plaintiff may, before or after decree, apply for an injunction to restrain the defendant from—

- (a) the repetition or continuance of the wrongful act or breach of contract complained of, or
- (b) the commission of any wrongful act or breach of contract of a like kind, relating to the same property or right or arising out of the same contract;

and the judge, in addition to giving a decree for such damages and costs as the plaintiff may be entitled to, may grant the injunction on such terms as may be just.

(2) An application under this Rule may be made—

- (a) before the hearing of the action or matter in accordance with Order 14 Rule 6; or
- (b) at or immediately after the hearing, in which case the order shall be included in the decree; or
- (c) after decree, on notice and supported by affidavit.

*Inspection by judge*

13. The judge may inspect any property or thing concerning which any question may arise in any proceedings.

## PART II

## HEARING BY OFFICER

A. *Proceedings in the Belfast Recorder's Court**Proceedings which may be heard by the Registrar*

14.—(1) Subject to the provisions of these Rules and to any general or special directions of the Recorder of Belfast (in this Part referred to as “the Recorder”), the Registrar for Belfast (in this Part referred to as “the Registrar”) shall, at the place and times appointed by the Recorder, hear and determine such matters as are by these Rules to be heard and determined by the Registrar.

(2) The clerk of the Crown and peace for Belfast shall have and, in the absence of the Registrar, may exercise all the powers by these Rules vested in the Registrar.

(3) Subject to paragraphs (4) and (5), there may be entered for hearing by the Registrar—

(a) any action founded upon debt or liquidated demand in which the defendant admits the claim or has not given notice of intention to dispute the claim in accordance with the provisions of these Rules;

(b) with the leave of the Recorder, any action in which the sum claimed or the amount involved does not exceed the sum of £50 and the parties have agreed to the action being heard by the Registrar.

(4) No action shall be entered for hearing by the Registrar—

(a) in any proceedings under Parts VII and VIII of the Judgments (Enforcements) Act (Northern Ireland) 1969<sup>(n)</sup>;

(b) to enforce a right to recover possession of goods under the Hire Purchase Act (Northern Ireland) 1966<sup>(o)</sup>.

(5) No action shall be entered for hearing by the Registrar unless the civil bill has been served on the defendant before the beginning of a period of twenty-eight days ending on the entry day.

*Civil bill for hearing by the Registrar*

15.—(1) Every civil bill intended for hearing by the Registrar shall be in the form of an ordinary or default civil bill except that—

(a) the defendant shall be required to attend before the Registrar on the day appointed;

(b) an ordinary civil bill shall bear on the face thereof an endorsement in Form 1;

(c) a default civil bill shall be in accordance with the form and procedure prescribed by Order 12 with the date for hearing by the Registrar stated instead of the Recorder's sitting.

(2) All civil bills intended for hearing by the Registrar shall be entered by the plaintiff or his solicitor in the Office, on the day appointed for the entry of such civil bills together with a list of those civil bills arranged in alphabetical order according to the surnames of the plaintiffs.

(3) No entry for hearing by the Registrar shall be accepted where the civil bill does not bear the endorsement provided by paragraph (1)(b) or where a defendant has given notice of intention to dispute the plaintiff's claim.

(n) 1969 c. 30 (N.I.)

(o) 1966 c. 42 (N.I.)

**O.25 R 16-19**

(4) The provisions of this Rule shall not apply to any action which is, by leave of the Recorder and on the agreement of the parties, to be heard by the Registrar and no such action shall be required to be re-entered for hearing by the Registrar if at the time of giving such leave the judge fixes the date on which the action is to be heard by the Registrar.

*Notice of intention to defend*

16. Where in any action intended to be heard by the Registrar (other than an action to be heard by the Registrar by leave of the Recorder and on the agreement of the parties) a defendant intends to dispute the claim, he shall give notice of such intention in writing to the clerk of the Crown and peace within fourteen days from the service of the civil bill upon him and where such notice is given the clerk of the Crown and peace shall notify the plaintiff or his solicitor accordingly.

*Hearing by Recorder*

17. Where in any action intended to be heard by the Registrar (other than an action to be heard by the Registrar by leave of the Recorder and on the agreement of the parties) a defendant—

- (a) gives notice under Rule 16 of intention to dispute the claim; or
- (b) gives notice of any defence or of any set-off or counterclaim; or
- (c) admits part only of the amount claimed; or
- (d) pays into court by way of tender a sum less than the full amount claimed;

the action shall be entered by the plaintiff or his solicitor for hearing by the Recorder at the next ensuing sittings for the hearing of ordinary civil bills, and the plaintiff or his solicitor shall inform the defendant by registered post of the date upon which the action will be heard by the Recorder.

*Adjournment for hearing by Recorder*

18.—(1) Where, in any action for hearing by the Registrar, any defendant gives notice of intention to dispute the claim after the time prescribed by Rule 16 for the giving of such notice, the Registrar shall adjourn the hearing of the action to the next sitting of the Recorder and the solicitor for the plaintiff or, where the plaintiff is suing in person, the plaintiff shall give notice to the other parties of the day on which the hearing is to take place.

(2) If in any such case as is referred to in paragraph (1) or if at the hearing by the Registrar a defendant states that he desires to have the action heard by the Recorder without having given the notice prescribed by Rule 16, he may be ordered by the Recorder to pay any costs or expenses properly incurred by the plaintiff or other party by reason of his non-compliance with the said Rule.

*B. Proceedings in courts other than the Belfast Recorder's Court**Proceedings to be heard by an officer*

19.—(1) The judge may, subject to Rule 20, from time to time—

- (a) direct—
  - (i) that any actions (including a default action under Order 12) in which the defendant fails to appear at the hearing or admits the claim;

**O.25 R 20-24**

(ii) on the application of the parties, that any action in which the sum claimed or the amount involved does not exceed fifty pounds;

are or is to be heard and determined by the clerk of the Crown and peace or Registrar (both of whom are in this Part included in the term "officer");

(b) give such consequential directions as may seem meet.

(2) The hearing of an action by an officer is in this Part referred to as a "delegated hearing".

*Proceedings which may not be heard by an officer*

20. An officer shall not be directed to hear any proceedings under Parts VII and VIII of the Judgments (Enforcement) Act (Northern Ireland) 1969 or any civil bill to enforce a right to recover possession of goods under the Hire-Purchase Act (Northern Ireland) 1966.

*Adjournment by officer*

21. Where, in the course of a delegated hearing, it appears to the officer that—

(a) the action is not of such kind as is referred to in Rule 19; or

(b) by reason of any special circumstances or difficulty the action ought to be heard by the judge;

the officer shall adjourn the case for hearing by the judge.

*Application of Rules 19 to 21*

22. Rules 19 to 21 shall not apply to proceedings in the Belfast Recorder's Court.

**PART III****PROVISIONS COMMON TO ALL PROCEEDINGS  
UNDER PART II***Determination by an officer*

23.—(1) Any action intended for hearing by the Registrar for Belfast or other officer under Part II (which Registrar and officer are in this Part referred to as "the officer") shall, subject to the provisions of these Rules, be heard and determined in like manner as actions are heard and determined by the judge.

(2) In any case which the officer has power under Part II to hear and determine he shall, subject to the provisions of these Rules, have the like power to grant a decree or otherwise as the judge would have had, and may exercise any other power which the judge might have exercised, other than the powers conferred by sections 57 and 141 of the Act.

(3) If owing to special circumstances or difficulty a case appears to the officer to be more fit to be dealt with by the judge he may on that ground adjourn the case for hearing by the judge.

*Review by judge*

24.—(1) Any party who is dissatisfied with a determination of the officer under Part II may (except where all parties have consented to the terms of the determination) within four days from the hearing apply in writing in Form 2 to the clerk of the Crown and peace to have such determination

**O.25 R 25-28**

reviewed by the judge and where an application is so made the clerk of the Crown and peace shall cause the case to be brought before the judge for review on the first convenient day and shall notify the parties accordingly.

(2) The judge may upon such review (which shall be by way of re-hearing) affirm, vary or set aside the determination of the officer and give such judgment or make such order as he thinks fit or may order a further hearing before the officer on such terms (if any) as he thinks fit.

*Decree by an officer*

**25.**—(1) Every determination by the officer under Part II shall, except where the case has been determined on review by the judge, be a decree in such one of the forms as are by these Rules prescribed for a decree granted by a judge or to the like effect except that the heading shall indicate that the decree has been granted by the officer instead of by the judge. Such decree shall be sealed with the seal of the court authenticated by the signature of the clerk of the Crown and peace or registrar and shall, subject to the provisions of these Rules, be subject to the same provisions as are applicable to a decree granted by the judge.

(2) Subject to paragraph (1), every decree granted by the officer shall be drawn up and issued and shall be enforceable and enforced in like manner as a decree granted by the judge.

*Records to be kept*

**26.** The officer shall keep a book in which shall be recorded all cases entered for hearing or to be heard by the officer, the names of witnesses examined and a minute of the determination.

*Costs and Court Fees*

**27.** In all proceedings before the officer the same costs and court fees shall be payable as are payable in proceedings heard and determined by the judge; and where there is a review by the judge there may in addition be payable the costs prescribed by Item 7 in Part X of Appendix ZK and Court Fee No. 26 in Part I of Appendix ZL.

**PART IV****APPLICATIONS AND PROCEEDINGS UNDER SECTION 38 OF THE ADMINISTRATION OF ESTATES ACT (NORTHERN IRELAND) 1955***Powers of clerk of the Crown and peace*

**28.**—(1) The clerk of the Crown and peace may, with the leave of the judge, exercise the powers of a county court under section 38 of the Administration of Estates Act (Northern Ireland) 1955(p) where the value of the estate or share to which the minor is entitled does not exceed two hundred and fifty pounds.

(2) The provisions of Part III shall so far as applicable and with any necessary modifications apply to the exercise of any such power by the clerk of the Crown and peace.



## PART V

## SETTING ASIDE JUDGMENTS AND ORDERS

*New hearing and re-hearing*

29.—(1) Where in any case it is shown to the satisfaction of the judge that a decree has been obtained by fraud, misrepresentation, surprise, mistake or other irregularity, or because the civil bill or other initiating process did not come to the knowledge of the defendant in time, the person against whom the decree was obtained (in this Rule referred to as “the unsuccessful party”) may in accordance with this Rule apply for and obtain a hearing or re-hearing.

(2) An application for a hearing or re-hearing under this Rule shall, subject to paragraph (3), be made by motion to the court for the division in which the decree was obtained; notice of such motion shall be lodged in the Office and shall be served on the solicitor for the party in whose favour the decree was obtained (in this Rule referred to as “the successful party”) or, where that party has sued in person, on that party within ten days from the day on which the unsuccessful party or his solicitor has notice of the decree or within such further time as the judge may consider reasonable.

(3) Where the notice alleges that the unsuccessful party did not have knowledge of the initiating process or that the process which was sought to be served by post in accordance with the provisions of Order 6 did not come to his knowledge in time to defend the action or to appeal in the matter, then if the clerk of the Crown and peace is satisfied that the successful party consents to a hearing or re-hearing of the case, he may grant the application without the motion being made to the court and in so doing, unless the parties are agreed as to incidence and amount of the costs in the application, may make such order as to costs as he thinks fit.

(4) The notice shall be signed by the unsuccessful party or his solicitor and shall state the grounds upon which the hearing or re-hearing is sought and the nature of the fraud, misrepresentation, surprise, mistake or other irregularity relied upon and the motion shall be moved on the first convenient day after the end of a period of four days from the date of the service of the notice on the successful party or his solicitor.

(5) Except where the judge otherwise directs, the service of the notice shall not operate as a stay of execution in the action unless the unsuccessful party lodges in the Office, together with a copy of the notice of motion, the amount for which the decree was made with costs.

(6) If it comes to the notice of the clerk of the Crown and peace that a decree may have been obtained by fraud, misrepresentation, surprise, mistake or other irregularity, he may bring the suspected irregularity to the attention of the judge and the judge may give such directions or make such further order as he considers just including an order for a hearing or re-hearing of the action.

(7) Upon any hearing or re-hearing under paragraph (1), (3) or (6) such order may be made (whether by way of affirmance, variation or rescission) subject to such conditions as the judge thinks proper and on any such hearing or re-hearing the costs shall be in the discretion of the judge.

(8) Paragraphs (2) to (5) shall apply *mutatis mutandis* to the parties to a counterclaim.

## O.26 R 1-5

## ORDER 26

## Proceedings under the Hire-Purchase Act (Northern Ireland) 1966

## (Appendix V)

*Interpretation*

1. In this Order the expression "the Act of 1966" means the Hire-Purchase Act (Northern Ireland) 1966 and the expression "agreement" means, except in its application to conditional sale agreements as provided by Rule 8, a hire-purchase agreement.

*Where proceedings may be commenced*

2. Where in any case to which section 34 of the Act of 1966 applies there are two or more hirers the action may be commenced in the court for the division in which any one of the hirers—

- (a) resides or carries on business; or
- (b) resided or carried on business at the date on which the last payment was made under the agreement.

*Joinder of persons outside Northern Ireland*

3. In an action to enforce a right to recover possession of goods let under an agreement it shall not be necessary to join, as a defendant, any party to the agreement or guarantor not resident in Northern Ireland; but at the hearing the judge may order that any person not so joined be added as a defendant and served with the civil bill or notice thereof in such manner as he may direct.

*Particulars of claim*

4. A civil bill commencing an action for the recovery of possession of goods let under an agreement shall contain the following particulars—

- (a) the date of the agreement, and the parties thereto;
- (b) the goods claimed;
- (c) the amount of the hire-purchase price;
- (d) the cash price;
- (e) the amount paid by or on behalf of the hirer;
- (f) the amount of the unpaid balance of the hire-purchase price;
- (g) the date when the right to demand delivery of the goods accrued;
- (h) the amount (if any) claimed as an alternative to the delivery of the goods; and
- (i) the amounts (if any) claimed in addition to the delivery of the goods or to any claim under sub-paragraph (h), stating the cause of action in respect of which each such claim is made.

*Applications*

5.—(1) An application under section 35(3) of the Act of 1966 may, where the exigencies of the case so require, be made *ex parte*, upon lodgment by the applicant in the Office of a requisition setting forth the nature of the application.

(2) Every other application under the Act of 1966 shall be by motion on notice in Form 1.

O.26 R 6-8  
O.27 R 1

*Issue of decree after postponement order*

6.—(1) Where the operation of an order for the specific delivery of goods is postponed the decree shall not issue until an affidavit has been lodged in the Office stating that—

- (a) a condition of the postponement has not been fulfilled; or
- (b) the conditions of the postponement have been fulfilled but the defendant has made default in the payment of the costs awarded by the decree and stating also the total sum paid by the defendant and what is claimed to be still outstanding on foot of the decree and whether or not the goods or any part thereof have or has been recovered.

(2) Before issuing such a decree the clerk of the Crown and peace shall record thereon a certificate embodying the purport of such affidavit in order to show what is claimed to be still outstanding on foot of the decree.

*Forms*

7. The Forms in Appendix V may be used for proceedings under the Act of 1966 and this Order.

*Application of Order to conditional sale agreements and saving for other Rules etc.*

8.—(1) The provisions of this Order and the Forms in Appendix V shall apply to the conditional sale agreements as they apply to hire-purchase agreements and shall have effect in relation to such first-mentioned agreements subject to the following modifications, that is to say—

- (a) for any reference to the hirer there shall be substituted a reference to the buyer;
- (b) for any reference to the owner there shall be substituted a reference to the seller;
- (c) for any reference to the hire-purchase price there shall be substituted a reference to the total purchase price; and
- (d) for any reference to a hire-purchase agreement or to goods let under the agreement, there shall be substituted a reference to the conditional sale agreement, or to goods agreed to be sold under the agreement, as the case may be.

(2) Except as provided by this Order, the other provisions of these Rules, or of any other County Court Rules, and the practice for the time being in force, shall, so far as they would ordinarily be applicable, apply to proceedings under the Act of 1966.

ORDER 27

**Payment into Court by trustees (Appendix W)**

*Payment into court by trustees*

1.—(1) Where a person desires to pay money or securities into court under section 63 of the Trustee Act (Northern Ireland) 1958(q) he shall file in the Office an affidavit in Form 1 containing the information required thereby and shall pay the money or securities into court in accordance with Order 42.

(2) The costs incurred in the payment into court may be retained by the person making the payment into court.

**O.27 R 2**  
**O.28 R 1-2**  
**O.29 R 1**

(3) The clerk of the Crown and peace may require in addition to the affidavit such evidence as he thinks proper with regard to the matter in respect of which the payment is made into court.

(4) As soon as he receives it the clerk of the Crown and peace shall endorse on the affidavit a memorandum of the day on which it is filed and the affidavit shall be taken for all purposes to have been duly filed on the day so endorsed on it.

(5) On the filing of the affidavit, the clerk of the Crown and peace shall enter the matter in the books of the court, and shall send to each person mentioned in paragraph 4 of the affidavit at the address given therein a notice of the payment into court in Form 2.

(6) The persons filing the affidavit or any of them may apply to the clerk of the Crown and peace for a certificate in Form 3.

*Application for payment out, etc.*

2. Where a person desires to apply to the court for the investment or payment out of court of any money or securities paid into court under this Order, the following provisions shall apply—

- (a) the application shall be made to the judge *ex parte*;
- (b) the judge on the hearing of the *ex parte* application may require notice of the application to be served on such persons as he thinks fit, and fix a day for the further hearing;
- (c) evidence in support of the application may be given by affidavit or in such other manner as the judge may direct.

**ORDER 28**

**Proceedings under Married Women's Property Act 1882 (Appendix X)**

1.—(1) Where application is made under section 17 of the Married Women's Property Act 1882(x) particulars of the question to be submitted to the decision of the judge shall be filed in the Office and thereupon a summons shall be issued in the Form specified in Appendix X and shall be served together with a copy of the particulars before the beginning of a period of sixteen days ending on the entry day.

(2) All proceedings subsequent to the issue of the summons shall be had as if the proceeding had been commenced by an equity civil bill.

2. The judge shall direct what costs are to be allowed.

**ORDER 29**

**Statutory appeals, references, applications, cases stated and expedition of appeals (Appendix Y)**

**PART I**

**STATUTORY APPEALS, REFERENCES AND APPLICATIONS**

*Appeals*

1.—(1) This Rule shall apply, with any necessary modifications and subject to the provisions of the relevant enactment, to any appeal not otherwise provided for which under any enactment for the time being in force may

(x) 45 & 46 Vict. c. 75.

**O.29 R 1 (contd.)**

lie to a county court against any order, determination, award or other decision of a tribunal (in this Order referred to as an "order").

(2) Every such appeal (in this Order referred to as an "appeal") shall be by way of re-hearing and where any question of fact is involved in an appeal, the evidence bearing on such question shall be given orally unless the judge, as respects that evidence or any part thereof, otherwise directs.

(3) Every appeal shall be brought by notice of appeal intitled in the matter of the relevant enactment and as between the parties to the appeal, and shall set forth the grounds upon which the appellant relies.

(4) Every such notice of appeal shall be served—

(a) within the time provided by the relevant enactment and if no time is so provided then within twenty-one days from the date on which the order was made or within such further period as the judge, having regard to all the circumstances, may in his discretion allow;

(b) upon every body or person making, or affected by, the order; and

(c) subject to any directions of the judge in like manner as a civil bill is served.

(5) Every appeal shall be entered in the Office by the appellant who shall send by prepaid post to, or leave at, the Office—

(a) a true copy or notice of the order if in his possession; and

(b) a true copy of the notice of appeal and endorsement of each service thereof;

so as to be received in the Office not later than entry day.

(6) Every appeal shall be to the equity sittings held next after the expiration of a period of fifteen days from the day on which notice of appeal is served.

(7) An appellant may by his notice appeal against the whole or any part of the order and the notice shall state whether the whole or part only, and if part only which part, of the order is impugned.

(8) Upon the entry of an appeal the clerk of the Crown and peace may require the secretary, registrar or other proper officer of the tribunal to furnish to the Office a copy of the order.

(9) The clerk of the Crown and peace may make and issue to any party, or any person interested, a copy of the order.

(10) Subject to the provisions of sub-sections (4) and (5) of section 6 of the Act, every appeal shall be heard in the court for the division—

(a) in which any land, property or business affected by the order is wholly or mainly situate or carried on; or

(b) in which the order was made.

(11) Subject to the provisions of this Rule, the judge shall, in relation to an appeal, have the like powers and authorities as he has in the exercise of the jurisdiction of the court in equity matters.

(12) Subject to the provisions of the relevant enactment and of this Rule, the procedure, rules and practice for the time being in force in county courts with respect to equity proceedings shall apply to every appeal.

**O.29 R 2-6***References*

2. Rule 1 shall with any necessary modifications apply to any matter or proceeding not otherwise provided for where under any enactment for the time being in force any matter, question or issue whether of law or of fact may be submitted or referred to a county court for its opinion or decision.

*Applications*

3. Any application (other than an application by way of appeal or reference) under the provisions of any enactment for the time being in force, not otherwise provided for, may be brought either in the manner in which similar or analogous applications are brought in the county court or in the manner (subject to any necessary modifications) in which appeals may be brought under this Order.

**PART II****CASES STATED***Application of this Part*

4. This Part shall apply, subject to the provisions of the relevant enactment and of the Rules of the Supreme Court, to any case stated which, under the provisions of any enactment for the time being in force, may be stated for the opinion of the Court of Appeal.

*Stating of case*

5.—(1) The judge may state a case on the application of any party.

(2) An application for a case stated shall be made in the manner and within the time provided by the relevant statute, and if not so provided, then such an application shall be made in writing by delivering it to the clerk of the Crown and peace within a period of fourteen days commencing on the date on which the decision was given and a copy shall be given to the other party.

(3) The written application shall set out the precise point of law involved in the decision with which the applicant is dissatisfied.

(4) Subject to any directions of the judge in special circumstances, a case stated shall be prepared by the party applying for it and shall be submitted in draft form to the other party or parties for approval within one month from the day on which the judge directs the case to be stated.

(5) The party to whom the draft case is submitted shall within three weeks from the day on which it is submitted to him return it with his observations thereon to the party who prepared it.

(6) Every case stated shall be divided into paragraphs numbered consecutively, and shall concisely state such facts and refer to such documents as may be necessary to enable the Court of Appeal to decide any question raised thereby.

*Submission and transmission of case*

6.—(1) The party or parties preparing a case stated shall, within two months from the day on which the judge directs the case to be stated or such longer time as the judge may allow, submit it to the judge for approval and settlement.

**O.29 R 7**

(2) Any dispute between the parties as to the contents of the case stated shall be determined by the judge.

(3) The judge shall within two months from receipt of a case stated approve and settle the case and shall—

- (a) sign it and insert the date of such signature;
- (b) where more than one party applies for a case stated, direct which applicant is to have carriage; and
- (c) transmit the case to the clerk of the Crown and peace.

(4) Subject to paragraph (2), the clerk of the Crown and peace on receiving the signed case stated shall—

- (a) endorse thereon the date of receipt; and
- (b) transmit to the applicant a signed case with the date of transmission also endorsed.

(5) Where any enactment or any order of the judge requires a party having carriage of a case stated to fulfil any condition precedent (whether by way of giving security for costs, or of entering into a recognizance for the due prosecution of the case, or otherwise) to the entry of the case stated in the Supreme Court, the clerk of the Crown and peace shall not transmit the case to the applicant until that condition has been fulfilled.

(6) Where any such condition precedent is not fulfilled, or the party preparing the draft case does not submit it to the judge for approval and settlement, within the time fixed by the enactment or by these Rules or such longer time as the judge may allow, the application shall be deemed to be withdrawn and thereupon, if the case was stated—

- (a) after the determination of the proceedings, that determination shall stand affirmed;
- (b) before the determination of the proceedings, the proceedings shall stand adjourned until the next succeeding sittings or, with the consent of the parties, to the sittings for such other division as may be convenient.

(7) Where the party to whom a draft case stated has been submitted under Rule 5(5) makes default in complying with that Rule, the party having carriage may proceed in accordance with paragraph (1).

**PART III****EXPEDITION OF APPEALS***Expedition of appeals*

7.—(1) A party desirous—

- (a) of appealing against a decree of a county court and of having his appeal expedited may, immediately after the decree is pronounced, apply to the judge in court;
- (b) of having his appeal expedited may, within six days from the date on which notice of appeal is given, apply to the judge in court or in chambers;

for a certificate that in the opinion of the judge the appeal should be expedited by being heard in Belfast by a judge of the High Court.

(2) An application under paragraph (1) may be made *ex parte* but the judge may require notice of it to be given to the other party.

(3) The certificate may be in the Form specified in Appendix Y.

**O.29 R 8**  
**O.30 R 1-5**

**PART IV**

**INTERPRETATION**

*Interpretation*

**8.** In this Order the expression—

“enactment” means an Act or statutory instrument or any provision of an Act or statutory instrument;

“Supreme Court” includes any division or judge of that Court;

“tribunal” means any court, authority, body or person making the order.

**ORDER 30**

**Decrees (Appendix Z)**

*Record of decrees*

**1.** The clerk of the Crown and peace shall enter in the books of the court a minute of every decree made by the court.

*Interest amount awarded by decree*

**2.** The amount awarded by decree (not being a penal sum for securing principal and interest) including any interest and costs thereby awarded shall, subject to any direction by the judge, carry interest at the rate of seven pounds per centum per annum from the date on which the decree was made.

*Recovery of value added tax*

**3.—(1)** Subject to paragraph (2), in a decree there shall be added after the words “witnesses’ expenses” the words “and, in addition, any sum for value added tax recoverable by the plaintiff [or (in the case of a dismissed) defendant]”.

(2) Paragraph (1) shall not apply to a summary or default decree or a decree in undefended or in equity proceedings or where value added tax is not recoverable by the successful party under Rule 4 of Order 45.

*Lodgment of decree*

**4.—(1)** It shall be the duty of the party in whose favour any order is made by the judge to forward the appropriate form of decree to the Office for signing and sealing; and, in the event of an appeal, such form of decree shall be lodged a reasonable time before the hearing.

(2) Where the court makes an attachment of earnings order or an order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 or stays enforcement of any decree or order on the ground of the debtor’s inability to pay, the party in whose favour such order or decree is made shall, in addition to complying with paragraph (1), at the same time forward a copy thereof to the Office.

(3) The clerk of the Crown and peace shall, after comparing the form of order or decree referred to in paragraph (1) with the copy forwarded under paragraph (2), certify such copy before transmitting it to the Enforcement of Judgments Office in accordance with section 97(3) of the said Act of 1969.

*Amounts for which decree issued to be in decimal currency*

**5.** A decree for the payment of a sum of money must state the sum in decimal currency.



*Issue of decree*

6.—(1) Unless by special order of the judge no decree shall issue until the time for appeal or the time for making an application for case stated (whichever period is the longer) has expired. An application to the judge for expedited issue of a decree may be made *ex parte* in accordance with Order 14.

(2) For the purpose of enabling all parties in whose favour a decree is given, either wholly or in part to secure execution thereon, the clerk of the Crown and peace may issue to the parties so entitled such number of decrees as may appear to him requisite to implement the orders of the court; and where more than one decree is or is to be issued there shall be endorsed on the face of every decree issued the words "Issued to enable A.B. to obtain the relief provided for him herein".

*Decrees for debt or damages*

7.—(1) A decree for debt or damages (not being a decree in a default or summary action) shall be in Form 1.

(2) A decree where a counterclaim has been established shall be in Form 2.

(3) A decree for debt or damages in favour of a minor shall be in Form 3 and an order appointing a guardian to a minor and approving settlement of claims shall be in Form 4.

(4) Every decree taken out by or at the suit of a moneylender (or of his assignee or personal representative as the case may be) in respect of a money-lending transaction shall be headed with the words "This decree is pursuant to the Moneylenders Act (Northern Ireland) 1933".

(5) A dismiss of a civil bill for debt or damages shall be in Form 5.

*Decrees for recovery of land*

8.—(1) A decree for the recovery of land shall be in Form 6 or Form 7 as appropriate.

(2) A dismiss of a civil bill claiming recovery of land shall be in Form 8.

*Stay of execution of decrees in ejectment*

9. In all cases of decrees in ejectment, the judge may grant such stay of execution as he considers reasonable in the circumstances.

*Stay of execution and removal thereof*

10.—(1) The clerk of the Crown and peace or the registrar shall endorse or cause to be endorsed on a decree the terms of any stay of execution granted by the court.

(2) A decree shall not issue until such stay be removed.

(3) A party seeking to remove a stay of execution upon default in complying with such terms shall lodge in the Office an affidavit setting out particulars of the default.

(4) Where such default is in the payment of a sum by instalments or some or one of them, the affidavit shall set out particulars of and the amounts of the several instalments (if any) which have been paid and particulars of the default including the amount then due on foot of the decree.

**O.30 R 11-16**

(5) The clerk of the Crown and peace or the registrar shall, before issuing a decree, write and sign or cause to be written and signed on the face of the decree a statement that the stay of execution has been removed.

(6) Where the decree is such as is referred to in paragraph (4), the statement shall specify the total amount of the instalments (if any) paid to the date of the affidavit lodged under paragraph (3) and the decree shall issue for the whole amount remaining due on foot of the decree after deducting such instalments (if any) as have been paid thereunder as shown in the said affidavit but with the addition to the costs therein stated of a sum of £1.50 as the costs and outlay of the said affidavit.

*Decree for balance of rent and costs under section 61 of the Landlord and Tenant Law Amendment Act, Ireland, 1860*

11. A decree for the balance of rent and costs under section 61 of the Landlord and Tenant Law Amendment Act, Ireland, 1860(s) shall be in Form 9.

*Decree for payment of legacy or a distributive portion of the assets of an intestate*

12. A decree for payment of a legacy shall be in Form 10 and a decree for payment of a distributive portion of the assets of an intestate shall be in Form 11.

*Decrees in action of detinue*

13. In actions of detinue the decree, if for the plaintiff—

(a) may be in Form 12 and may be for the value of the goods detained together with a sum to be stated in the decree by way of damages for the detention and costs, but it may be part of the decree that the decree shall not issue if the defendant on or before a named day pays a specified sum for damages for the detention and costs and also returns the goods to the plaintiff and if the plaintiff accepts the same;

(b) may be in Form 13 and may order the return of the goods detained together with a sum to be stated in the decree by way of damages for the detention and costs.

*Decree rectifying or setting aside deed*

14. A decree rectifying a deed shall be in Form 14 and a decree setting aside a deed shall be in Form 15.

*Order for preparation and execution of a deed*

15. Where an order directs any deed to be prepared and executed, it shall state by what party the deed is to be prepared and to whom it is to be submitted for approval and who is to bear the costs thereof; and if the parties cannot agree as to the form of the deed, the judge may, on the application of either party, settle the same himself or name counsel by whom the same is to be settled, subject to the final approval of the judge and his discretion as to costs.

*Sale of land*

16.—(1) Where any land is ordered to be sold, the order shall direct who is to have the conduct of the sale, where the sale is to be held and by whom

**O.30 R 17-20**

the conditions and contracts of sale and the abstract of title, if any such are necessary, is to be prepared.

(2) Where any land is ordered to be sold, any party bound by the order and in possession of the estate, or in receipt of the rents or profits thereof, shall be compelled to deliver up possession or receipt to the purchaser, or such other person as may be named in the order.

(3) Unless otherwise ordered, where an order is made directing any land to be sold—

- (a) the land shall be sold with the approval of the judge or subject to a reserved price fixed by the court at the best price that can be got;
- (b) all such parties as the judge directs shall join in the sale and conveyance and, where any party refuses or neglects to sign any necessary document, the judge may make an order vesting the land or authorising a specified person to sign such document on behalf of the party so refusing or neglecting; and
- (c) the person authorised by the conditions of sale to receive the purchaser's deposit shall forthwith upon the privity of the clerk of the Crown and peace lodge the amount of such deposit in accordance with Order 42, and when the sale is complete the balance of the purchase money shall be lodged in like manner.

(4) A sale retained within the court shall be conducted in accordance with this Rule and Rule 18 and Order 31.

*Sale of personal property*

**17.—**(1) Where an order directs any personal property to be sold, the property shall be sold by public auction or private contract as the judge directs and shall, unless otherwise ordered, be sold with the approval of the judge at the best price that can be got.

(2) Where any personal property is directed to be sold by public auction or to be detained or preserved, a receiver or such other person as the judge directs shall, if the judge so directs, superintend the sale, detention or preservation, and, where such property is directed to be sold by private contract, it shall be the duty of the receiver or other person as aforesaid unless the judge otherwise directs, to see that the directions of the judge are carried out.

(3) This Rule shall not apply to an execution which is required to be made by the Enforcement of Judgments Office under a decree to which the Judgments (Enforcement) Act (Northern Ireland) 1969 applies.

*Form of affidavit of value*

**18.** Where an affidavit is made for the purpose of enabling the court to fix reserve biddings, the value of the property shall be stated in an exhibit, so as not to be disclosed by the affidavit when filed.

*Proof of payment of duty payable*

**19.** Before making any payment under or issuing an order directing the payment or transfer of any fund in respect of which any death duties are payable to the revenue it shall be the duty of the clerk of the Crown and peace to require a certificate from the proper officer of, or the production of the receipt for, the payment of the duty chargeable in respect of the fund.

*Order of High Court or court of assize*

**20.** Where the High Court or a court of assize has heard and determined an appeal from a decree of a county court, the party entitled to the benefit of the order made on appeal shall deposit in the Office the order of the High Court or court of assize or an office copy thereof.

**O.31 R 1-7****ORDER 31****Sale of land by the Court (Appendix ZA)***Application of this Order*

1. This Order shall apply to the conduct of a sale which is to be retained within the court.

*Approval of judge or reserved bidding*

2. The sale shall be subject to the approval of the judge or to a reserved bidding to be fixed by the court.

*Counsel, valuers and auctioneers*

3. The judge may from time to time appoint court conveyancing counsel, court valuers and court auctioneers, either generally or for particular sales, at such scales of fees as he may fix; and, in default of any such appointments by the judge, the clerk of the Crown and peace may nominate or approve appointments for particular sales.

*Bidding by parties*

4. A party to the suit shall not bid at the sale unless liberty to bid is given in the order for sale or the permission of the judge is obtained on application made on notice to the other parties to the suit.

*Lodgment and approval of documents*

5.—(1) The solicitor for the party having carriage shall lodge in the Office for the approval of the clerk of the Crown and peace and his directions thereon—

- (a) all documents of title in his possession or power;
- (b) unless dispensed with by the clerk of the Crown and peace, the abstract of title;
- (c) draft particulars and conditions of sale in Form 1;
- (d) a draft advertisement; and
- (e) if so directed by the clerk of the Crown and peace, a draft case for court counsel, drawing attention to any difficulties in connection with the title or the actual occupation of the property requiring special mention in the conditions of sale.

(2) The above documents when approved by the clerk of the Crown and peace together with a copy of the certificate of the clerk of the Crown and peace on his inquiry as to incumbrancers shall, if so directed by him, be submitted to court counsel and, where no such direction is given, the documents mentioned in Rule 7 may be lodged for approval in the Office at the same time as the documents mentioned in paragraph (1).

*Joining of persons not before the court*

6. If counsel advises that any person necessary to make title is not before the court, the consent of such person to the sale and his undertaking to join in the purchase deed shall be procured in writing, and his signature verified by affidavit and failing such consent, notice of the order for sale shall be served on such person.

*Procedure following return of papers from counsel*

7. On receiving the papers back from counsel, the solicitor having carriage shall—

- (a) re-lodge the papers in the Office for settling and fixing of dates by the clerk of the Crown and peace and shall at the same time lodge—
  - (i) draft form of affidavit to be made by the court valuer in Form 2;
  - (ii) draft reserved bidding report in Form 3, to be marked as exhibit "B" to such affidavit;
  - (iii) an envelope marked "B" and endorsed with the title of the suit, to contain the valuer's reserved bidding report when completed;
  - (iv) draft auctioneer's affidavit of biddings in Form 4; and
  - (v) draft bidding paper in Form 5; and
- (b) send to the court valuer a copy of the advertisement and the documents mentioned in sub-paragraphs (i) to (iii) of paragraph (a) together with a covering letter instructing him as to—
  - (i) the completion and return to the solicitor of the affidavit mentioned in paragraph (a)(i) with the copy advertisement marked as exhibit "A" thereto; and
  - (ii) the completion and forwarding to the Office, before the date fixed for the sale, of the reserved bidding report mentioned in paragraph (a)(ii), which report shall be marked as exhibit "B" to the affidavit.

*Attendance at sale*

8. The solicitor having carriage shall attend the sale and arrange for the completion by the court auctioneer of the documents mentioned in Rule 7(a)(iv) and (v), and re-lodging of all papers in the Office.

*Where sale is subject to approval of judge*

- 9. Where a sale is subject to the approval of the judge—
  - (a) the certificate of the clerk of the Crown and peace shall be in Form 6; and
  - (b) the solicitor having carriage shall on notice to the proposed purchaser and the other parties make application to the judge by notice of motion in Form 7 for confirmation of the sale, and the judge may either confirm the sale by order in Form 8 or make such other order thereon as he thinks fit having regard to the court valuer's report and the biddings.

*Where sale is subject to reserved price*

10.—(1) Where the sale is subject to a reserved price fixed by the court, the purchaser or his solicitor may attend the sitting of the clerk of the Crown and peace on the day fixed by the advertisement, and if there be any objection to the confirmation of the sale it shall be stated at that sitting.

(2) Where the reserved price fixed by the court has been reached the clerk of the Crown and peace may confirm the sale by certificate in Form 9 and direct that the deposit be forthwith lodged in court to the credit of the suit and the certificate of the clerk of the Crown and peace confirming the sale shall be binding on all parties from the date thereof unless it is discharged or varied upon application to the judge by notice of motion made before the expiration of eight days from that date.

(3) Where the clerk of the Crown and peace refuses to confirm the sale, he shall certify his refusal in Form 10 and direct that further proceedings shall be by way of either—

- (a) an application to the judge under Rule 9; or

**O.31 R 11**  
**O.32 R 1-4**

(b) advertisement for re-sale by tender, subject to the approval of the judge with such consequential directions thereon as he considers necessary;

and where he directs further proceedings under paragraph (b) he shall order the return of the deposit made by the highest bidder.

*Order for execution of conveyance or for possession*

11. A notice of motion for an order for the execution of a conveyance or for possession shall be in Form 11, an order for the execution of a conveyance shall be in Form 12 and an order to put a purchaser in possession shall be in Form 13.

**ORDER 32**

**Ejectment proceedings (Appendix ZB)**

*Record of ejectments*

1.—(1) The clerk of the Crown and peace shall enter in a book to be kept for that purpose particulars of all decrees in ejectment and for each such decree shall enter the names of the plaintiffs and defendants and the tenements recovered as specified in the civil bill concerning the same.

(2) The book kept under paragraph (1) shall be open for inspection during the hours when the Office is open on payment to the clerk of the Crown and peace of the prescribed fee.

*Amount of rent due*

2. At the hearing of every ejectment proceeding for non-payment of rent, the clerk of the Crown and peace shall enter in the ejectment book the sum of money ascertained to be due and owing for rent, and the time up to which the same is due and the clerk of the Crown and peace, before he signs his name to such decree, shall compare with such entry the statement in the decree in such ejectment of the amount of rent so ascertained to be due; and the clerk of the Crown and peace shall certify on such decree the amount of rent so ascertained, and the date up to which the same is due.

*Costs*

3. The judge, upon the hearing of any ejectment proceedings where there is more than one defendant, may order that the costs of the proceedings shall be paid by and recovered from one or more of such defendants and not from the other or others of them.

*Restitution*

4.—(1) Where the defendant in ejectment proceedings for non-payment of rent, or any other person evicted by a decree for possession had in such ejectment proceedings, is entitled to redeem the lands and is desirous to obtain an order of restitution to be restored to the possession of the land after such decree has been executed, such person shall serve a notice upon the plaintiff in the said ejectment proceedings, in Form 1, before the beginning of a period of sixteen days ending on the entry day for the sittings at which the application for such order of restitution is intended to be made.

(2) The application for an order of restitution to restore a party to the possession of lands under section 70 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 shall be made to the court for the division in which the ejectment decree has been obtained.

**O.33 R 1-2**

(3) The order of restitution, ordering a defendant to be restored to the possession of lands from which he had been evicted by a decree in ejectment proceedings for non-payment of rent, shall be in Form 2.

(4) When notice of an application for an order of restitution has been served pursuant to the said section 70 the plaintiff in the ejectment proceedings, if he intends claiming any rent not included in the ejectment decree, or which may have become due since the signing of the decree, shall give three days' notice of his intention to the party so applying for such order of restitution.

(5) Where a decree for possession in ejectment proceedings for non-payment of rent has been executed, and the landlord has been put into possession, and before the period of six months has expired for the redemption of the lands so evicted, any further rent has become due in respect of said lands, the party applying to the court for an order of restitution to be restored to the possession of the said lands mentioned in the said decree for possession shall, before such order of restitution issues, pay over or lodge in court such further rent as may be awarded by the court, in addition to the sum ascertained by the said decree to be due for rent and costs.

(6) Where the landlord has been put into possession of lands under a decree for possession in ejectment proceedings for non-payment of rent, and the tenant or party entitled to apply for an order of restitution requires such landlord to account for the profits of the lands received by him whilst he was so in possession, such tenant or party so applying for an order of restitution shall, in the notice that such application will be made, inform the landlord that he will be called on to account, at the hearing of the application for such order of restitution, for such profits.

(7) Where there are several defendants in ejectment proceedings for non-payment of rent, and a decree is made ordering the costs to be paid by some or one of the defendants to the exclusion of the others, should the parties or party who are so exonerated from the payment of costs by such decree apply for an order of restitution to be restored to the possession of the premises after such decree has been executed, they or he shall in addition to the rent and arrears of rent due out of said premises, lodge in court the costs payable to the plaintiff in the suit, if not previously paid.

**ORDER 33****Partition suits***Abstract of title*

1. The plaintiff in a partition suit shall, at the time of lodging the civil bill, also lodge therewith a short abstract of title to the lands sought to be partitioned, which abstract shall show the respective shares and estates which the several owners are alleged to have in the lands.

*Consent of landlord*

2. If the lands sought to be partitioned are held subject to any agreement or condition restraining or prohibiting assignment or subdivision, or if they form part of an estate upon which the assignment or subdivision of holdings without the consent of the landlord is contrary to or not warranted by the practice prevalent upon such estate, the plaintiff shall at the hearing produce the consent in writing of the landlord, or his agent duly authorised for that purpose, that the lands in the civil bill mentioned be partitioned or sold as the court may direct.

**O.33 R 3-5****O.34 R 1-3*****Consent of Department of Finance***

3. If the lands sought to be partitioned are charged with any advance repayable to the Department of Finance, in manner provided by any statute authorising the advance of public money to tenants upon the security of their holdings, the plaintiff shall at the hearing produce the consent in writing of that Department, that the lands in the civil bill mentioned be partitioned or sold as the court may direct.

***Examination of and report on lands***

4.—(1) In partition suits the judge may employ a surveyor or other person to examine the lands sought to be partitioned, and to report in writing to the judge, by a day to be named, the manner in which, according to the opinion of such surveyor or other person, the lands should be partitioned, and the report shall be accompanied by a map showing the boundaries of the lands proposed to be partitioned.

(2) The surveyor or other person appointed shall be remunerated by the parties to the suit or such of them as the judge may direct.

(3) The report of the surveyor or other person appointed under paragraph (1), together with said map, shall be lodged by him in the Office at least fifteen days before the day named for making the report to the judge.

(4) The report and map when lodged in the Office shall be open to the inspection of all parties to the suit without payment of any fee.

***Decree***

5. The judge may either adopt such report, and make a decree in accordance with the terms thereof, or may make such other decree as he may think fit.

**ORDER 34****Applications under section 37 of the Landlord and Tenant Law  
Amendment Act, Ireland, 1860 (Appendix ZC)*****Notice of application***

1. A notice of application to annul or vary a precept, order or conviction under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 (in this Order referred to as "the Act of 1860") shall be in Form 1 or Form 2 and shall be served at least three days before the entry day next following the service of such precept, the date of such order or the conviction in case there are at least ten days intervening between such service, date of conviction and the said entry day and if not then such application shall be made at the sittings next following.

***Claim for compensation***

2. Where a party claims compensation for any loss or damage caused by the procuring of a precept or order mentioned in section 35 of the Act of 1860, he shall serve a notice in Form 3 on the opposite party from whom he claims the compensation before the beginning of a period of sixteen days ending on the entry day for the sittings at which such claim is to be made.

***Venue and service of notices***

3.—(1) An application under section 37 of the Act of 1860 to annul or vary a precept, order or conviction or for compensation for any loss or damage



**O.35 R 1-3**

caused by procuring such precept or order shall be made to the court for the division where the premises in respect of which the precept, order or conviction has been issued or made are in whole or in part situate or, if the opposite party resides outside the division, to the court for the division in which that party resides.

(2) A notice under Rule 1 or Rule 2 shall be served and entered in like manner as a civil bill.

**ORDER 35****Administration of estates*****Lodgment of accounts by representatives of a deceased person***

1.—(1) Accounts lodged in accordance with section 54 of the Act shall set out—

- (a) particulars of the property or assets which the testator or intestate died possessed of or entitled to;
- (b) the amount, produce and value of such property and assets respectively;
- (c) the amounts and particulars of the debts due by the testator or intestate; and
- (d) the amounts and particulars of the debts, legacies and funeral and testamentary expenses of the testator or intestate paid by or on account of the executor or administrator;

and shall show the balance applicable to the purposes of the will of the testator or, as the case may be, distributable amongst the next-of-kin of the intestate, or the property or the chattels then undisposed of.

(2) The accounts shall be signed by the executor or administrator and verified on oath by the executor or administrator.

(3) The accounts shall be lodged in the Office within one month from the date when he has been required in writing to do so by any person entitled so to require under section 54 of the Act or within such extended time as the clerk of the Crown and peace may direct.

***Power to order advertisements***

2.—(1) In any proceeding for a legacy or distributive share of the property or assets of a testator or intestate, the judge may order the party suing to give notice, either by advertisement or otherwise, requiring persons having claims on or against the property and assets of the deceased to produce and verify such claims.

(2) All costs relating to such notice shall be borne and paid in such manner and by such parties as the judge shall direct.

(3) The judge may adjourn the hearing of the proceedings to some future sittings and from time to time as occasion may require so as to allow sufficient time for publishing and giving such notice.

***Lodgment of money in court***

3. In any proceedings for a legacy or distributive share of the property or assets of a testator or intestate, the judge may, if he thinks fit, order money to be paid into court in accordance with Order 42.

**O.35 R 4****O.36 R 1-3***Administration suits*

4.—(1) An administration suit may be commenced at any time after the death of the testator or intestate.

(2) Subject to Rules 2 and 3 of Order 33 the judge in administering the estate of a deceased person shall not be bound, for the purpose of distribution of any land, to sell and convert the land but may partition the land among the persons entitled to shares of the estate and for equality of partition may make a decree against any one or more of such persons for any excess in the value of the part or parts allotted to him or them.

**ORDER 36**

**Actions by and against firms and persons carrying on business  
in firm names**

*Partners may sue and be sued in name of their firm*

1.—(1) Two or more persons claiming or alleged to be liable as partners and carrying on business within Northern Ireland may sue and be sued in the name of the firm in which they were partners when the cause of action arose.

(2) Where partners sue or are sued in the name of their firm in accordance with this Rule, a statement that the plaintiffs are suing or the defendants are sued as a firm shall be included in the civil bill and in the title of the action.

(3) Where partners sue or are sued in the name of their firm, the partners shall, on demand made in writing by or on behalf of any other party, forthwith deliver to the party making the demand a statement of the names and places of residence of all the persons constituting the firm.

(4) If the partners fail to comply with the demand, the judge may, on application by any other party, order them to furnish and verify by oath or otherwise a statement of the names and places of residence of the persons who were partners in the firm when the cause of action arose.

(5) If the partners fail to comply with the order, the judge may—

- (a) if the partners are plaintiffs, direct the proceedings to be stayed until the order is complied with;
- (b) if the partners are defendants, order that they be debarred from defending the action.

(6) When the names and places of residence of the partners have been stated, proceedings shall continue in the name of the firm.

*Action not in firm name*

2. Nothing in Rule 1 shall prevent partners from suing or being sued otherwise than in the firm name.

*Actions between a firm and its members*

3. The provisions of these Rules as to actions by or against firms shall apply to actions between a firm and one or more of its members, and between firms having one or more members in common, if the firm carries on business within Northern Ireland, but no enforcement proceedings shall be taken without leave of the judge, and on an application for leave to take such proceedings all such accounts and inquiries may be directed to be taken and made and all such directions may be given as may be just.

*Individuals carrying on business*

4. A person carrying on business in any name may be sued in that name as if it were a firm name, and so far as the nature of the case will permit, all the provisions of these Rules relating to actions against firms shall apply.

*Service of civil bill on partners*

5.—(1) Subject to the following paragraphs of this Rule, where partners are sued in the name of their firm, service of a civil bill shall be good service on all the partners, whether any of them is out of Northern Ireland or not, if the civil bill is served—

- (a) on a partner personally; or
- (b) at the principal place of the partnership business in Northern Ireland, on any person having, or appearing to have, at the time of service, the control and management of the business there;

but where the partnership has, to the knowledge of the plaintiff, been dissolved before the commencement of the action, the civil bill shall be served upon every person within Northern Ireland sought to be made liable.

(2) Where a person carrying on business in a name other than his own is sued in that name as if it were a firm name, the civil bill may be served in accordance with the foregoing provisions of this Rule as if he were a partner sued in the name of a firm and his business were a partnership business.

(3) Where a civil bill is served in accordance with this Rule, the endorsement or affidavit of service shall state whether the person served was served—

- (a) as a partner; or
- (b) as a person carrying on business in a name other than his own; or
- (c) as a person having, or appearing to have, the control or management of the business; or
- (d) as a person occupying a dual position.

*Execution of decree against a firm*

6.—(1) A decree against a firm may be enforced—

- (a) against any property of the partnership in Northern Ireland;
- (b) against any person who has been adjudged to be liable as a partner;
- (c) against any person who was individually served with the civil bill as a partner or person sought to be made liable—
  - (i) in a default action, where the decree is made under Order 12, Rule 6;
  - (ii) in a summary action, where a decree is issued under Order 12, Rule 12(a);
  - (iii) in any other action, where he has failed to appear at the hearing

(2) If the person who has obtained the decree claims to be entitled to enforce it against a partner or otherwise, he may apply to the judge for leave so to do, and the following provisions shall apply—

- (a) he shall give to the alleged partner not less than three days' notice of his application;
- (b) the notice shall be served on the alleged partner personally;
- (c) on the hearing of the application, the judge—
  - (i) if liability is not disputed, may give leave for application to be made for enforcement under the Judgments (Enforcement) Act (Northern Ireland) 1969(t);

O.36 R 7

O.37 R 1-4

- (ii) if liability is disputed, may order the issue of liability to be tried in such manner as he thinks fit and may give any necessary directions for that purpose.

*Proceedings under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969*

7. In Order 37, Part III, the expression "debtor" includes any person liable to execution under the foregoing provisions of this Order.

ORDER 37

Enforcement of decrees (Appendix ZD)

PART I

GENERAL

*Examination of any party*

1. Where any difficulty arises in or about the execution or enforcement of any decree for some relief other than the payment of money, the court may, except where under section 8 of the Judgments (Enforcement) Act (Northern Ireland) 1969 jurisdiction to grant such relief is vested in the Enforcement of Judgments Office, on the application of any party interested, make such order for the attendance and examination of any party or otherwise as may be just.

*Application on change of parties after decree*

2.—(1) Where any change has taken place after decree, by death, assignment, or otherwise, in the parties entitled to enforce a decree or in the parties liable under a decree, the party claiming to be entitled to enforce the decree may apply on affidavit to the court for leave to issue an amended decree on surrender of the original decree and the court may, if satisfied that the party so applying is so entitled, order accordingly.

(2) The judge may, before making an order under paragraph (1), require such notice of the application to be served as he thinks fit.

(3) Notwithstanding anything contained in Order 1, the application referred to in paragraph (1) may be made to the court in which the order was made.

PART II

ENFORCEMENT BY COMMITTAL

*Enforcement by committal*

3. Decrees which under section 141(4) of the Act and Order 48, Rule 5, are enforceable by committal may be enforced in the manner provided by Rule 7 of that Order.

PART III

PROCEDURE UNDER PART VII OF THE JUDGMENTS (ENFORCEMENT) ACT  
(NORTHERN IRELAND) 1969

*Enforcement civil bill*

4.—(1) Proceedings under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 where no instalment order has been made by the

**O.37 R 5-6**

Enforcement of Judgments Office under section 31 of the said Act shall be commenced by a civil bill in Form 1 (in this Order referred to as an "enforcement civil bill") requiring the debtor to appear personally before the court on the date therein specified.

- (2) On the hearing of an enforcement civil bill the judge may make—
- (a) an order in Form 2 (in this Order referred to as an "enforcement order") requiring the debtor to pay the amount due in such manner or by such instalments as the judge thinks fit; or
  - (b) such an order committing the debtor to prison as may be made under Rule 5(2).

*Committal civil bill*

5.—(1) If the debtor makes default in paying the amount, or any instalment ordered under Rule 4 to be paid or due under an instalment order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969, the creditor may serve on the debtor a civil bill (in this Order referred to as a "committal civil bill").

- (2) A committal civil bill shall be in Form 3 and shall set out—
- (a) full particulars of the enforcement order which has not been complied with or of the order made under the said section 31; and
  - (b) the amount or instalment (or instalments) in the payment of which default has been made;

and shall require the debtor to appear personally on the date therein specified before the court sitting in the division wherein the enforcement order was made or, in the case of an order under the said section 31, in the division in which he resides or carries on business, to show cause why he should not be committed to prison for his default in complying with that order. An order made under this Rule is in this Order referred to as a "committal order".

*Service of civil bills and hearing of proceedings under Rules 4 and 5*

6.—(1) Enforcement civil bills and committal civil bills shall be served personally on the debtor.

(2) Proceedings under Rules 4 and 5 shall be entered and conducted as if they had been commenced by ordinary civil bill, and county court rules and orders regulating procedure in relation to ordinary civil bills shall apply accordingly in so far as they are not inconsistent.

- (3) Where proceedings under Rule 4 or Rule 5 are taken to enforce—
- (a) a decree of a county court, the decree shall be produced in court at the hearing of the proceedings;
  - (b) a judgment or decree of any court other than a county court, a certified copy, or other sufficient evidence of such judgment or decree shall be so produced;

and where proceedings are taken under Rule 5 to enforce an order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969, a duly authenticated copy of the order shall be produced in court at the hearing.

(4) Upon the hearing of every enforcement civil bill and committal civil bill the judge may require evidence of any proceedings theretofore taken for the enforcement of the judgment or decree.

**O.37 R 7-9***Committal order*

7.—(1) A committal order—

- (a) shall be in Form 4;
- (b) shall bear the date on which it was made; and
- (c) shall continue in force for one year and no longer.

(2) A committal order shall be addressed to the Chief Superintendent or, as the case may be, Superintendent for the Constabulary Division in which the debtor resides or is to be found.

*Discharge from custody*

8.—(1) A debtor taken into custody under a committal order shall not be released from custody unless he pays to the constable or the governor of the prison to which he is committed the full amount of the debt or instalment in respect of which such order was made and the costs of the order or upon receipt by the governor of the certificate of discharge prescribed under paragraph (5).

(2) A constable or prison governor to whom a sum of money is paid by a debtor in accordance with paragraph (1) shall issue to the debtor a receipt therefor and shall endorse on the committal order a certificate of the amount he has received and the date thereof and the constable or prison governor shall sign his name at the foot of the certificate.

(3) Such sum shall be transmitted forthwith together with the committal order certified in accordance with paragraph (2) to the clerk of the Crown and peace of the court which issued the order and the amount of such sum shall be entered into a record book kept for the purposes of this Rule and then transmitted to the creditor or his solicitor forthwith.

(4) The creditor or his solicitor on receiving the sum transmitted to him by the clerk of the Crown and peace under paragraph (3) shall send him a receipt therefor.

(5) The certificate prescribed for the purposes of section 90 of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall be in Form 5 signed by the solicitor for the creditor, or signed by the creditor and attested before a justice of the peace or a commissioner for oaths, that there has been paid to or on account of the creditor by or on behalf of the debtor—

- (a) the debt or instalment in respect of which he was imprisoned;
- (b) the costs of the committal order;

and the creditor or his solicitor shall, if the debtor so requires, furnish to the debtor a copy of such certificate.

**PART IV**

**CHARGES UNDER SECTION 46 OF THE JUDGMENTS  
(ENFORCEMENT) ACT (NORTHERN IRELAND) 1969**

*Proceedings under section 16(c) of the County Courts Act (Northern Ireland) 1959 respecting land charged under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969*

9. Where a charge has been imposed on land by the Enforcement of Judgments Office under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969 and proceedings for enforcement of such charge are

**O.37 R 10-15**

taken in a county court under section 16(c) of the County Courts Act (Northern Ireland) 1959, such of the Forms 16 and 19 in Appendix C and of Forms 3 and 5 in Appendix P as the circumstances require shall apply with any necessary modifications in the references to the date, nature and method of creation of the charge.

*Applications for possession of land charged under section 46 of the Judgment (Enforcement) Act (Northern Ireland) 1969*

10. Where a charge has been imposed on land under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969 an application to the court for an order for possession thereof under section 52(1)(b) of the said Act may be made by civil bill in Form 3 in Appendix C, with any necessary modifications in such Form including the insertion therein of a reference to the date, nature and method of creation of the charge.

**PART V****INFERIOR COURTS JUDGMENTS EXTENSION ACT 1882**

*Proof that judgment is not satisfied*

11. Where under section 3 of the Inferior Courts Judgments Extension Act 1882 application is made for the grant of a certificate of a decree, proof that the decree has not been satisfied, and of the amount remaining unsatisfied where application for the enforcement of the decree has previously been made to the Enforcement of Judgments Office, shall be given by production to the clerk of the Crown and peace of a certificate signed by the Master for the enforcement of judgments or his deputy and, in any other case, shall be given to the satisfaction of the clerk of the Crown and peace, whether by certificate of the solicitor or by affidavit or otherwise as the clerk of the Crown and peace thinks fit.

*Where certificate not to be granted*

12. If the decree is for payment within a period therein mentioned, or by instalments, and that period has not expired or default has not been made in payment of some instalment, the certificate shall not be granted.

*Names, etc., in certificate*

13. The certificate shall be in Form 6 and the name, business or occupation and address of the parties shall be set out in the certificate and shall be those appearing in the decree and the party applying for a certificate shall produce to the clerk of the Crown and peace either the original decree or a duplicate thereof.

*Entry on certificates*

14. The clerk of the Crown and peace shall endorse on the certificate the number of the civil bill, the court at which the same was entered and the amount remaining due on the decree according to the books of the court and, where appropriate, the certificate of the Master or deputy Master referred to in Rule 11, and, after his signature, shall add to the certificate the date on which it was granted.

*Record and effect of granting a certificate*

15. Where a certificate of a decree is granted by a clerk of the Crown and peace, he shall make on the minute of the decree a memorandum of having

**O.37 R. 16-22**

granted such certificate, and thenceforth no further proceeding shall be taken or had upon such decree in the court granting the certificate until the judge or clerk of the Crown and peace, upon being satisfied by affidavit or otherwise that no further proceedings are pending or can be taken on the certificate in any other court and that the decree is still unsatisfied in whole or in part, orders that the decree may be acted on as if the certificate had not been granted.

*Endorsement of costs on certificate*

16. The clerk of the Crown and peace shall make and sign on the certificate a note of the costs, if any, allowed and the fee paid for the granting of the certificate.

*Production of certificate*

17. A person presenting a certificate of a decree for registration in a county court shall produce to the clerk of the Crown and peace—

- (a) a note of presentation in Form 7 containing a description of the place within the jurisdiction of the court at which the goods and chattels of the person against whom the decree has been obtained are, or at which such person resides or carries on business, and such note shall be appended to the certificate;
- (b) a copy of the certificate with the endorsement thereon and note thereon.

*Registration of certificate*

18. On the production of the documents required by Rule 17, the clerk of the Crown and peace shall, if the place described in the note of presentation is within the division of the court of which he is clerk of the Crown and peace, sign the certificate and register it by inserting it into the then current minute book of the court and shall sign and date the copy of the certificate and return it to the person presenting the certificate.

*Costs of registering certificate*

19. The sum allowed to a solicitor as the costs of registration of a certificate, together with the fee for registry and costs, if any, allowed for granting the certificate, as shown by the endorsement thereon, shall be added to the amount to be recovered.

*Authenticated copy of the certificate for application to Enforcement of Judgments Office*

20. For the purposes of Rule 5(3) of the Judgment Enforcement Rules 1971(u), the copy of the certificate referred to in Rule 18 of this Order returned to the person who presented it, duly endorsed as to registration and signed by the clerk of the Crown and peace, shall be authenticated by the seal of the court of registration.

*Payment out of court*

21. No money shall be paid out of court unless on production of the signed copy of the certificate.

*Issue of another copy of certificate*

22. Where the certificate of a decree is lost or destroyed, another copy may be signed and issued to the proper person upon proof, by affidavit or otherwise to the satisfaction of the clerk of the Crown and peace, that the person applying is the proper person and that he is entitled to moneys recovered on a decree.



## ORDER 38

**Duplicate Decrees***Duplicate decrees*

1. Where an original decree has been lost or destroyed, or has become unavailable to the plaintiff or party entitled to benefit thereunder, by reason of its having improperly got into the hands of the opposite party or being in the hands of any officer lawfully entitled to hold it, the plaintiff or party may apply to the judge either in court or chambers for the issue of a duplicate of the decree.

*Application*

2. Notice of an application under Rule 1 shall be given to the opposite party before the beginning of a period of seven days ending on the date of the hearing, which notice may be served by registered post.

*Evidence*

3. It shall lie with the applicant to satisfy the judge by oral evidence or affidavit of such facts as would under Rule 1 enable the application to be granted.

*Face of duplicate decree*

4. On the face of every duplicate decree issued under this Rule there shall be written or stamped in large letters the word "Duplicate" followed by the initials of the clerk of the Crown and peace.

*Effect of duplicate*

5. A duplicate decree shall for all purposes have the effect of the original decree and references in these Orders to a decree shall include a duplicate decree.

## ORDER 39

**Deposit of money, bonds and recognizances as security (Appendix ZE)***Security*

1. Where, by or under any enactment, any person is required or authorised to give security in relation to proceedings in the county court, then, subject to any express provision in the enactment—

- (a) the security shall be given by a deposit of money or by a bond or recognizance; and
- (b) the amount of the security shall be fixed by the clerk of the Crown and peace; and
- (c) the person giving the security shall give it at his own expense:

Provided that the clerk of the Crown and peace may accept in lieu of a deposit of money or a bond or recognizance an undertaking by a solicitor to pay any costs which the plaintiff may be ordered to pay to the defendant in the action.

*Deposit of money*

2. Where security is given by a deposit of money, the following provisions shall apply—

O.39 R 3

O.40 R 1

- (a) the person giving the security shall, upon the privity of the clerk of the Crown and peace, lodge the money in the county court bank in accordance with Order 42 and shall also file in the Office a memorandum signed by him or his solicitor and approved by the clerk of the Crown and peace stating the conditions on which the deposit is made;
- (b) upon the deposit being made, the clerk of the Crown and peace shall give to the person making the deposit a certificate in Form 1;
- (c) the person making the deposit shall give to the opposite party notice of the deposit having been made;
- (d) the judge may make such order regarding the money so deposited as he thinks fit.

#### *Bond or recognizance*

3.—(1) The judge or the clerk of the Crown and peace may accept as a bond or recognizance an instrument executed by any solvent person or persons or by a body corporate (including an insurance company) approved by him.

(2) Where any party proposes to give a bond or recognizance by way of security he shall serve, by post or otherwise, on the other party or parties and on the clerk of the Crown and peace at his office notice in Form 2 of the proposed sureties and such notice shall inform the parties on which it is served that if they object to the sureties or one of them they should send to the clerk of the Crown and peace notice (which notice may be in Form 3) of their objection within seven days from the date on which the notice is served on them.

(3) If any party objects to the sureties or one of them the clerk of the Crown and peace shall forthwith give notice in Form 4 to the parties of the day and hour at which he will consider the objection and shall then give such directions as he thinks fit.

(4) The bond or recognizance shall be executed in the presence of the judge, the clerk of the Crown and peace or a commissioner for oaths or, where the person entering into such bond or recognizance resides outside Northern Ireland or is for the time being thereout, in the presence of any person duly authorised to administer oaths where such person ordinarily resides or is:

Provided that the clerk of the Crown and peace may accept a company's bond or recognizance if it is executed under the seal of the company.

(5) The bond or recognizance shall recite that the person or body corporate executing it is bound or indebted as the case may be to the judge for the time being within whose court the proceedings are and shall be deposited with the clerk of the Crown and peace at his office until the proceedings are finally disposed of.

(6) A clerk of the Crown and peace, Registrar or other officer of the court or any servant or agent of them or any of them shall not become surety in any case where by these Rules or the practice of the court security is required.

### ORDER 40

#### Practice generally

#### *Hours of sitting and order of hearing of proceedings*

1.—(1) The ordinary hours of sitting of a court shall be such as the judge of that court shall determine but shall not be before nine o'clock in the morning, and the hearing of any civil proceedings shall not commence after the hour of six o'clock in the afternoon.

(2) All proceedings in a county court shall be heard in such order as the judge shall direct.

*Change of solicitor*

2.—(1) Any party in any proceedings for whom a solicitor has acted who changes his solicitor shall give to the solicitor and to every other party written notice of the change, stating the name and address of his new solicitor, and shall lodge a copy of the notice with the clerk of the Crown and peace who shall file the same.

(2) Any party for whom a solicitor has acted who desires to act in person shall inform the solicitor and shall give notice to every other party stating his intention to act in person and giving an address for service and shall lodge a copy of the notice with the clerk of the Crown and peace who shall file the same.

(3) Where a party who has acted in person appoints a solicitor to act for him, he shall give notice of the appointment and of the solicitor's address for service to every other party and shall lodge a copy of the notice with the clerk of the Crown and peace who shall file the same.

(4) Where a solicitor's instructions to act for a party in any proceedings have been withdrawn or a solicitor wishes to withdraw from any such proceedings and notice has not been given of the appointment of a new solicitor or of the party's intention to act in person the solicitor may apply to the judge, on notice to all the parties to the action stating the grounds of the application, for an order declaring that he has ceased to act as the solicitor for that party in the proceedings.

*Delivery and lodgment of notices and documents*

3. All notices or documents required by any enactment to be delivered to or lodged with the clerk of the Crown and peace may be delivered or lodged—

- (a) by leaving the notice or document at the Office with the clerk of the Crown and peace or with any clerk or assistant of the clerk of the Crown and peace; or
- (b) by sending the notice or document by registered post to the clerk of the Crown and peace at his office, posted at such time as to permit its delivery, in the ordinary course of post, within the period required by the enactment for the delivery of the notice or document.

*Office books and records: issue of copies*

4.—(1) The books and records to be kept and maintained by each clerk of the Crown and peace shall, subject to the Act and County Court Rules, be such as were kept and maintained by him immediately before the commencement of the Act and such other books and records as may be necessary to effect the purpose of these Rules.

(2) Copies of all documents and records which may be inspected in the Office shall, except as otherwise provided by any enactment, be prepared for any party requiring them upon payment of the cost of such copies.

*Acts and notices by solicitor or agent*

5. Where by these Rules any act may be done or notice given by any party, such act may be done or notice given either by the party in person or by his solicitor or, if it can be legally done by an agent, by his agent.

**O.40 R 6-13***Service on solicitor of party*

6. Where a party acts by a solicitor, service of any proceeding or document upon such solicitor, or delivery of the same at his office, or sending the same to him by post, shall be deemed to be good service upon the party for whom such solicitor acts, as upon the day when the same is so served or delivered or upon which, in the ordinary course of post, it would be delivered, except in cases where by these Orders or any other enactment personal service upon a party is required.

*Service by advertisement*

7. Where, by reason of the absence of any party or from any other sufficient cause, the service of any notice, proceeding, or document (other than a civil bill or petition) cannot be effected, the judge may order notice by advertisement or otherwise in lieu of said service.

*Advertisements*

8. The judge or clerk of the Crown and peace or registrar shall direct in what newspaper any advertisements which may from time to time be ordered in any suit or proceedings shall be inserted.

*Party to have conduct of suit or matter*

9. The judge may order what party shall have the conduct of any suit or matter.

*Enlargement or abridgement of time*

10. The judge may, upon such terms, if any, as he may think reasonable, enlarge or abridge any of the times fixed by these Rules for taking any step, or filing or sending any document, or giving any notice in any proceedings; and where any person has failed to take any step, or to file or serve any document, or to give any notice within the time or in the manner prescribed by these Rules, the judge may, upon the application of such person, and if he thinks sufficient excuse exists for such failure, and upon such terms as to costs or otherwise as he thinks fit, declare the taking of such step, or the filing or serving of such document, or the giving of such notice so done or effected, to be sufficient.

*Interest on debts*

11. Where an estate has been ordered to be administered, creditors shall, unless otherwise entitled to interest at a different rate on the debts due to them from the estate, be entitled to interest in respect of those debts at the rate of £4 per centum per annum from the date of the order, and to the costs of successfully proving such debts.

*Interest on legacies*

12. Interest shall be computed on legacies at the rate of £4 per centum per annum from the end of one year from the date of the death of the testator, unless otherwise ordered, or a different rate or time of payment is directed by the will or established by law.

*Forms*

13.—(1) All proceedings and documents may be in forms similar to the forms in the Appendices to these Rules, where the same are applicable, or in a form as near thereto as the circumstances of a particular case admit; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in the relevant Appendices.

**O.40 R 14-17**

(2) Where a form in any Appendix is used in any proceedings in which there is only one plaintiff or, as the case may be, only one defendant and the heading of the form specifies the name of that plaintiff or defendant, any subsequent reference to that plaintiff or, as the case may be, that defendant need not refer to him by name and in any such form any blank space left immediately after the word "plaintiff" or, as the case may be, "defendant" may be ignored and need not be filled in.

*Verbal or technical error; non-compliance with any rule or practice*

14.—(1) No action or proceeding in a county court shall be treated or considered as invalid solely on account of any verbal or technical error, and the judge may decide and determine what is a verbal or technical error in any action or proceeding; all errors which are not manifestly calculated to mislead or injuriously prejudice the opposite party in the merits of his case may be deemed to be merely verbal or technical.

(2) Non-compliance with any rule or with any practice of the court may invalidate any proceedings unless the judge otherwise directs, and any such proceedings may be set aside wholly or in part as irregular, or amended or adjourned or otherwise dealt with in such manner and upon such terms as to costs and otherwise as the judge may in his discretion think fit.

*Civil bill under-stamped*

15. Where a civil bill has not been stamped or has been stamped for an amount less than that specified in Appendix ZL, the judge may in such cases, and on such conditions including the payment of a penalty, if any, as he thinks fit, allow the proceeding to continue as if the civil bill had been properly stamped but, where a proceeding is allowed to continue under this Rule, the amount by which the fee was underpaid shall be paid by the party liable therefor in addition to any penalty payable by that party.

*Notices*

16. Where by these Orders any party is required to give notice according to a form in an Appendix, it shall be sufficient if in the opinion of the judge the notice given complies substantially with such form.

*Computation of time*

17. Without prejudice to section 39 of the Interpretation Act (Northern Ireland) 1954(v)—

- (a) where anything is required by these Orders to be done within a specified period of or after the happening of a particular event, the period shall be computed from the end of the day on which the event happens unless the period is expressed to be inclusive of such day;
- (b) where anything is required by these Orders to be done within a period not exceeding three days or where a period not exceeding three days is required by these Orders to elapse between the doing of an act and the happening of a particular event, no Saturday or Sunday nor any day on which the Office is closed shall be included in the computation of that period;
- (c) where the time prescribed for doing any act expires on a Saturday or a Sunday or any day on which the Office is closed, the act shall be in time if done on the next day on which the Office is open.

**O.40 R 18-25*****Accounts, notices, etc., to be on judicature paper***

18.—(1) All accounts, copies, papers, notices, and other documents lodged with the clerk of the Crown and peace or other officer are to be written upon judicature paper bookwise, unless the nature of the document renders it impracticable to do so, and shall be endorsed with the solicitor's name, and any document not so endorsed or not plainly and legibly written shall be refused.

(2) All decrees shall be written on judicature paper of a size not less than thirteen inches by eight inches unless the clerk of the Crown and peace in any particular case otherwise determines.

***Service by post***

19. Every notice or other document, the service of which by post or by registered post is permitted under these Orders, or the service of which by post or by registered post is directed by the judge, shall be deemed sufficiently given and served if it is transmitted by post by registered letter or recorded delivery service, the postage being prepaid, addressed to the person or persons directed to be served at his or their present or last known place of abode; and such service may be proved by affidavit.

***Documents to be free from erasures and alterations***

20. Unless the judge otherwise orders, no decree, dismiss, order, recognizance, or other document shall be received by the clerk of the Crown and peace or other officer unless the same is free from all unsightly or ambiguous erasures, interlineations or other alterations.

***Production of documents in custody of clerk of the Crown and peace***

21. Where documents in the Office are required by any party to be produced in evidence, notice in writing to produce the same shall be served at the Office, on the clerk of the Crown and peace, seven days before the day on which the same may be required.

***Bail***

22. No solicitor, or apprentice or clerk to a solicitor, or officer of the county court shall be bail in any matter in the county court.

***Equity practice***

23. Subject to the provisions of these Rules and Orders, the enactments and practice relating to ordinary civil bill actions shall, so far as the same are applicable, apply to every proceeding under the equitable jurisdiction of the court and when such enactments and practice are not applicable to such proceedings, the enactments and practice relating to the Chancery Division of the High Court shall be followed in such proceedings so far as the same are applicable; *mutatis mutandis*.

***Searches***

24. Searches may be made on such days in each week as shall be fixed from time to time by the judge, and notice thereof shall be printed and kept posted on some conspicuous place in the Office.

***Instructing solicitor to attend counsel***

25. Except by leave of the judge on such terms as to costs or otherwise as to the judge may seem just, no counsel shall be heard unless he is instructed

O.40 R 26

O.41 R 1

by a solicitor who is either personally present or represented by someone in attendance upon counsel at the hearing.

*Proceedings by and against the Crown*

26. Save as otherwise provided by the Crown Proceedings Act and these Orders—

- (a) these Orders and any County Court Rules for the time being in force shall, so far as may be, apply to all proceedings by or against the Crown in like manner as they apply to proceedings between subjects; and
- (b) proceedings by or against the Crown shall, so far as may be, take the same form as proceedings between subjects.

ORDER 41

**Settlement of claims by and money recovered on behalf of minor or person of unsound mind**

*Compromise or payment of claim*

1.—(1) In any proceedings in which money or damages is or are claimed by or on behalf of or for the benefit of a minor or person of unsound mind suing either alone or in conjunction with other parties—

- (a) no settlement or compromise or acceptance of money paid into court, whether before, at or after the hearing, shall be valid without the approval of the judge;
- (b) no money or damages recovered or awarded in any such proceeding whether by settlement, compromise, payment into court or otherwise before, at or after the hearing shall be paid to any party or to the next friend, guardian ad litem or committee of any party or to any party's solicitor unless the judge so directs.

(2) All money so recovered or adjudged or ordered or awarded or agreed to be paid shall be dealt with as the judge shall direct and the said money or any part thereof may be so directed.—

- (a) to be paid into court and to be invested or otherwise dealt with there;  
or
- (b) to be otherwise dealt with.

(3) The directions referred to in paragraph (2) may include any general or special directions that the judge may think fit to give, including (without prejudice to the generality of the foregoing provision) directions as to how the money is to be applied or dealt with and as to any payment to be made either directly or out of the amount paid into court to the plaintiff, to the next friend or to the solicitor for the plaintiff in respect of moneys paid or expenses incurred or for maintenance or otherwise for or on behalf of or for the benefit of the minor or person of unsound mind or otherwise, or to the solicitor for the plaintiff in respect of costs.

(4) Where, under paragraph (2), money is directed to be paid into court on behalf of a minor, the next friend or solicitor of the minor shall lodge in the Office a copy of the minor's certificate of birth.

O.41 R. 2-3

O.42 R. 1-3

*Payment out and transfer of funds and securities in court*

2.—(1) When a minor (not being a person of unsound mind) entitled to funds lodged in court pursuant to Rule 1(2) attains the age of eighteen years the clerk of the Crown and peace shall, upon written application and production of satisfactory evidence without the necessity for any order, transfer or realise any investment thereof and pay the proceeds of such realisation together with any cash to credit to the person so entitled or as that person shall direct. The proceeds of any such realisation shall, in the first instance, be lodged to the credit of the County Court Account, and shall thereupon be dealt with in accordance with Order 42, Rule 9(4).

(2) Save as is otherwise provided in the foregoing provisions of this Rule, money paid into court under Rule 1(2) or securities purchased under Rule 1(3) and the dividends or interest thereon shall not be sold, transferred or paid out to the party entitled thereto, except pursuant to the order of the judge.

*Lien for costs*

3. Nothing in this Order shall prejudice the lien of a solicitor for costs.

## ORDER 42

## Funds in Court (Appendix ZF)

## PART I

## LODGMET OF MONEY, SECURITIES AND EFFECTS IN COURT

*County Court Bank*

1.—(1) Subject to paragraph (2), each county court shall have a Civil Bill Account, a Criminal Injuries Account, a County Court Account and a Security for Costs Account at such bank or branch of a bank as the judge may determine and all moneys entrusted to the court shall be lodged in that bank, which shall be known as the County Court Bank.

(2) Where a clerk of the Crown and peace acts for more than one county court, only one County Court Account, one Civil Bill Account, one Criminal Injuries Account and one Security for Costs Account may, unless a judge for any of those courts otherwise directs, be kept for those courts.

*Bank accounts*

2. Each such account shall be kept in the official name of the clerk of the Crown and peace for the time being.

*Payment of money into court*

3.—(1) All moneys to be paid into court under Order 21, Rule 2, shall be lodged to the credit of the Civil Bill Account in the County Court Bank.

(2) All moneys to be paid into Court by the Secretary of State under section 8(2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(w) shall be lodged to the credit of the Criminal Injuries Account in the County Court Bank.



## O.42 R 4-5

(3) All moneys paid into court otherwise than under Order 21, Rule 2, not being money paid into the Criminal Injuries Account or as security for costs, shall be lodged to the credit of the County Court Account in the County Court Bank.

(4) All moneys paid into court as security for costs in county court proceedings or in appeals arising therefrom shall be lodged to the credit of the Security for Costs Account in the County Court Bank.

(5) Any person, other than the clerk of the Crown and peace, lodging money to the credit of the County Court Account shall first obtain from the clerk of the Crown and peace an authority for such lodgment in Form 1.

(6) Where any person lodges money to the credit of the Civil Bill Account or Criminal Injuries Account or County Court Account or Security for Costs Account the Bank shall send a receipt for the lodgment to the clerk of the Crown and peace and where the lodgment is made to the credit of the County Court Account the receipt shall be in the form set out in Part III of Form 1. Where the person making any such lodgment requires a receipt, he shall present to the Bank a lodgment docket in standard bank form containing both on the docket and on the receipt counterfoil the title of the action or matter, and the Bank shall receipt the said counterfoil for the amount of the lodgment.

(7) No lodgment of money save in the manner provided by this Rule shall be recognised by the court as a compliance with its orders and any person lodging money in any other way shall do so at his own peril.

*Lodgment of securities and other effects:*

4.—(1) All securities to be transferred into court shall be transferred into the official names of the judge and the clerk of the Crown and peace.

(2) Any effects brought to the County Court Bank to be deposited in court shall be deposited in locked boxes or in such other secure manner as satisfies the Bank and before taking custody of a box the officer acting on behalf of the Bank may at his discretion require an inspection of its contents in the presence of the person depositing it.

**PART II**

**INVESTMENT OF MONEYS PAID INTO COURT**

*Investment*

5.—(1) Moneys paid into the County Court Account shall be invested in the official names of the county court judge and the clerk of the Crown and peace in such of the following securities as may be directed by the judge—

- (a) securities issued by Her Majesty's Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates;
- (b) any securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland;
- (c) fixed interest securities issued in the United Kingdom by the International Bank for Reconstruction and Development, being securities registered in the United Kingdom;

**O.42 R. 6-7.**

(d) loans to any authority to which this paragraph applies charged on all or any of the revenues of the authority or on a fund into which all or any of those revenues are payable, in any fixed-interest securities issued in the United Kingdom by any such authority for the purpose of borrowing money so charged, and in deposits with any such authority by way of temporary loan made on the giving of a receipt by the treasurer or other similar officer of the authority, and in consideration of an undertaking to charge the loan as aforesaid.

This paragraph applies to the following authorities, that is to say—

- (i) any local authority in the United Kingdom;
- (ii) any authority all the members of which are appointed or elected by one or more local authorities in the United Kingdom.

Pending or in lieu of such investment, moneys so paid in may be lodged on deposit receipt in any joint stock bank in Northern Ireland or lodged in a trustee savings bank or in the National Savings Bank.

(2) The direction as to investment may be given in the order directing investment or subsequently on the application of any person interested or at the instance of the court and any such investment may be varied from time to time as may be deemed necessary.

(3) Failing the making of such an order within one month of lodgment, such money, if exceeding fifty pounds, shall be invested or lodged in accordance with paragraph (1) as the judge may from time to time direct.

*Realisation of investments*

6. For the purpose of realising investments made under the provisions of these Rules, the county court judge and the clerk of the Crown and peace may execute powers or letters of attorney authorising any person to realise such investments on their behalf either generally or for the purpose of any particular investments, and any such powers or letters of attorney and any transfers or other documents relating to securities shall be executed by affixing thereto the seal of the court and the signatures of the county court judge and the clerk of the Crown and peace and no other act of execution of such powers or letters of attorney shall be necessary.

*Interpretation*

7. In this Part, the expression—

“debenture” includes debenture stock and bonds, whether constituting a charge on assets or not;

“fixed-interest securities” means securities which under their terms of issue bear a fixed rate of interest;

“local authority” means any of the following authorities—

- (a) in Northern Ireland, the council of a district;
- (b) in England and Wales, a local authority within the meaning of the Local Government Act 1972(x), and the council of the Isles of Scilly;
- (c) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act 1973(y).

“securities” includes shares, debentures, Treasury Bills and Tax Reserve Certificates;

"share" includes stock;

"Treasury Bills" includes Exchequer Bills and other bills issued by Her Majesty's Government in the United Kingdom.

### PART III

#### PAYMENT OUT AND TRANSFER OF MONEYS, DIVIDENDS, INCOME, SECURITIES AND OTHER EFFECTS

##### *Application for payment out, etc.*

8. Where a person desires to apply to the court for the investment or payment out of any money or securities paid into court, the following provisions shall apply—

- (a) the application shall be made to the judge *ex parte*;
- (b) the judge on the hearing of the application may require notice of the application to be served on such persons as he thinks fit, and fix a day for the further hearing;
- (c) evidence in support of the application may be given by affidavit or in such other manner as the judge may direct.

##### *Payment of moneys, dividends and income*

9.—(1) In respect of any moneys paid into court or investments of such moneys, the judge may from time to time direct to whom and at what time or times any such moneys, or the dividends or income of any such investments, shall be payable and may vary such order as occasion may require.

(2) The judge may direct the transfer of such investments to such persons as may be decided to be entitled thereto.

(3) Money, securities and other effects paid into or deposited in court shall not, except as otherwise provided in Order 21, Rule 3, or Order 41, Rule 2, be paid out or transferred except upon an order made by the judge.

(4) Money in court which is payable out under an order of the judge or under Order 21, Rule 3, or Order 41, Rule 2, may be paid by cheque signed by the clerk of the Crown and peace and drawn on the appropriate account of the County Court Bank.

(5) Where, for any reason, it is not possible to make payment of any money whether as interest, dividends or otherwise in accordance with an order of the court the clerk of the Crown and peace may, pending a further order of the court, deposit the money in the National Savings Bank or a trustee savings bank in the joint official names of the judge and the clerk of the Crown and peace and to the separate credit of the particular cause or matter.

##### *Transfer of money from one court to another*

10. Money transmitted from one court to another pursuant to these Orders or any other enactment shall be transmitted by cheque payable to the clerk of the Crown and peace of the receiving court and crossed to County Court Account, or, if appropriate, the Civil Bill Account or Security for Costs Account of the receiving court.

**O.42 R 11-13***Administration of estates: (small payments to relatives)*

11. Where the estate of a deceased person who has died intestate is entitled to money or securities in court not exceeding £1,500, and it is proved to the satisfaction of the judge that no administration has been taken out to the estate of the intestate, and that the estate does not exceed £1,500 in value including the amount of the money or securities in court, the judge may direct that such money or securities shall be paid or transferred to the person who, being widower, widow, child, father, mother, brother or sister of the intestate, would be entitled to take out administration to the estate.

*Parts II and III not to apply to Criminal Injuries Account*

12. Parts II and III of this Order shall not apply to moneys lodged to the credit of the Criminal Injuries Account.

**PART IV****ACCOUNTS TO BE KEPT BY CLERKS OF THE CROWN AND PEACE***Accounts to be kept by clerks of the Crown and peace*

13.—(1) Each clerk of the Crown and peace shall keep a Civil Bill Ledger account in Form 2, a County Court Ledger Account in Form 3, a Security for Costs Ledger Account in Form 4, and a Criminal Injuries Ledger Account in Form 5.

(2) All money paid into court under Order 21, Rule 2, shall be entered in the Civil Bill Ledger Account kept under paragraph (1) and such account shall also record any such money paid out or otherwise disposed of.

(3) All moneys paid into court by the Secretary of State under section 8(2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 shall be entered into the Criminal Injuries Ledger Account kept under paragraph (1) and such account shall also record any such money paid out or otherwise disposed of.

(4) All money paid into court otherwise than under Order 21, Rule 2, not being money so paid into the Criminal Injuries Account or as security for costs, and particulars of investments of any such money and interest and dividends thereon and all dealings therewith shall be entered in the County Court Ledger Account kept under paragraph (1). A separate account shall be kept for each action or proceeding in which money is paid into or out of the account.

(5) All money paid into court as security for costs in county court proceedings or in appeals therefrom shall be entered in the Security for Costs Ledger Account and such account shall also record any such money paid out or otherwise disposed of.

(6) At the end of each financial year for which the County Court Ledger Account, Civil Bill Ledger Account, Criminal Injuries Ledger Account or Security for Costs Ledger Account is kept, any amount then outstanding in any proceeding shall be carried forward as a separate entry to the Civil Bill Ledger Accounts, Criminal Injuries Ledger Account or, as the case may be, the County Court Ledger Account or the Security for Costs Ledger Account for the next financial year.

## ORDER 43

**Grant and revocation of probate and letters of administration  
(Appendix ZG)**

*Commencement of proceedings*

1. Proceedings under section 17 of the Act shall be commenced by civil bill (in these Rules referred to as a "testamentary civil bill") in such one of the Forms 1 to 5 as is applicable.

*Plaintiff and defendant*

2.—(1) The person who applies for a grant of probate or letters of administration shall be the plaintiff in any proceedings by civil bill in relation thereto.

(2) A person who lodges a caveat against the grant of probate or letters of administration and appears to a warning of such caveat shall be a defendant.

(3) The person applying for the revocation of probate or letters of administration shall be the plaintiff in any proceedings by civil bill in relation thereto and the party against whom the application is made shall be the defendant in such proceedings.

*Parties may be added*

3.—(1) If on the hearing of any civil bill for the grant or revocation of probate or letters of administration, it appears to the judge that any person, not being already a plaintiff or defendant therein, ought to be made a party to the suit, he may adjourn the case and direct that such person shall be made a party thereto by amendment of the civil bill and shall be served with the civil bill.

(2) The judge may direct the mode and manner in which a civil bill is to be served under paragraph (1) and, if he directs substituted service, shall specify when and in what manner such service is to be effected.

*Appearance by next-of-kin*

4. Any of the next-of-kin or any person who would be entitled to a share in the distribution on intestacy of the estate of an alleged testator or intestate may appear at the hearing of a civil bill to which this Order applies though he may not have been made a party or been served with the civil bill, and upon any such appearance the judge may, if he thinks fit, amend the process by making such next-of-kin or person so appearing a defendant.

*Cross suits*

5.—(1) Where—

(a) a grant of probate or letters of administration with the will annexed is objected to on the ground that there is another will of which probate or letters of administration with the will annexed ought to be granted; or

(b) a grant of administration, in case of an alleged intestacy, is resisted on the ground that a will exists of which probate or letters of administration with such will annexed ought to be granted;

the party applying for probate or letters of administration and the party so setting up another will or a will shall respectively bring cross civil bill processes which shall be heard.

**O.43 R-6-7**

(2) Cross civil bill processes brought under paragraph (1) shall be heard by the judge at the same sittings and the judge shall decide upon the validity of the will or wills so set up.

(3) The civil bill in a cross process shall be served before the beginning of a period of seven days ending on the entry day for the sittings at which the original process is to be heard.

*Will set up or relied upon*

6.—(1) No person shall be at liberty to set up or rely upon any will not already proved in common form unless such will, together with all testamentary documents or scripts, shall have been lodged in the Principal or District Registry and a grant of probate or letters of administration in respect thereof applied for.

(2) Where an unproved will is required to be produced at the hearing of any testamentary civil bill, the registrar or district registrar having custody thereof may, on a requisition being lodged with him, forward such will by registered post or deliver the same to the clerk of the Crown and peace at the court where the suit is to be heard.

(3) The clerk of the Crown and peace shall receive and produce such will at the hearing of the suit and at the conclusion of the hearing shall transmit such will by registered post or deliver the same to the registry where the will was originally lodged.

(4) The requisition to produce must be lodged in sufficient time to allow a certified copy of the will to be made and filed in the registry prior to the posting thereof.

*Entry of civil bill and lodgment of affidavits*

7.—(1) Rule 3 of Order 8 shall apply to a testamentary civil bill in like manner as it applies to an equity civil bill and, together with the testamentary civil bill and a copy thereof there shall be lodged with the clerk of the Crown and peace—

(a) a certified copy of the affidavit (the content of which is, subject to anything provided to the contrary by a competent authority, indicated in Form 6) showing that the matter is within the jurisdiction of the court; and

(b) where the plaintiff seeks to obtain a grant of probate or letters of administration, an affidavit specifying the names and addresses of the next-of-kin and such persons as may be entitled according to the law governing the distribution of intestates' estates to any interest in the assets of the alleged testator or intestate named in the civil bill;

and such affidavits shall be kept amongst the records of the court and be produced by the clerk of the Crown and peace at the hearing of the civil bill.

(2) The affidavit under paragraph (1)(a) shall, except as provided in paragraph (3), be conclusive for the purpose of authorising the exercise of the jurisdiction of the court and the grant or revocation of probate or letters of administration in compliance with the decree of the judge, and no grant of probate or letters of administration shall be liable to be recalled, revoked or otherwise impeached by reason that—

(a) the testator or intestate was not ordinarily resident within the division of the court; or

**O.43 R 8-11**

(b) the gross value of the estate so far as it consisted of property other than land, sworn not to exceed three thousand pounds, did in fact exceed that amount or so far as it consisted of land, sworn not to exceed five hundred pounds in annual value, did in fact exceed that amount in annual value.

(3) Where it is shown to the judge before or at the hearing of the suit that the affidavit under paragraph (1)(a) is inaccurate and that he has not jurisdiction to hear the suit, he shall stay all further proceedings in his court in the matter, leaving any party to apply to the High Court for the grant or revocation and making such order as to the costs of the proceedings in his court as he thinks fit.

*Records*

8.—(1) All testamentary civil bills shall be entered in the Testamentary Civil Bill Book to be kept by the clerk of the Crown and peace and each such suit shall be entered on a separate page, the two sides or pages of one leaf being allotted and allowed for the entry or copy of the one civil bill and of the proceedings on the hearing thereof.

(2) The clerk of the Crown and peace shall immediately following the entry of the process enter in the Testamentary Civil Bill Book the names of all witnesses examined on the hearing of a testamentary civil bill and shall also record the names of all parties to any written instrument produced at the hearing.

(3) The clerk of the Crown and peace shall record in the Testamentary Civil Bill Book the decree or order of the judge and shall sign and seal such record.

(4) The clerk of the Crown and peace shall, at all reasonable times, produce the Testamentary Civil Bill Book in the Office to any counsel, solicitor or party to the suit and permit them to search and shall give them, on demand, a copy of any entry therein.

*Certificate of decree and decree*

9.—(1) The certificate of the decree of the judge to be transmitted by the clerk of the Crown and peace to the Principal or District Registry shall be in Form 7.

(2) The decree shall be in Form 8 or 9 or, where the suit is stopped for want of jurisdiction, in Form 10.

*Where all parties are not present at the hearing*

10. Upon the hearing of any testamentary civil bill, the judge may, whether or not all the parties to the suit are present, proceed to consider the subject-matter of the civil bill and make a decree thereon, or he may adjourn the proceedings from time to time as he thinks fit.

*Jurisdiction, powers and authority*

11. The judge in any proceedings for the grant or revocation of probate or letters of administration shall, subject to the provisions of the Act and these Rules, have the like jurisdiction, powers and authority to decide the matters at issue and to enforce any decree made therein or any order made in relation thereto as in any ordinary action.

**O.43 R 12**

**O.44 R 1-3**

**O.45 R 1-2**

*Application of rules, practice and forms*

12. The rules, practice and forms in force and used in respect of proceedings other than proceedings for the grant or revocation of probate or letters of administration shall, so far as applicable and subject to the Rules of this Order, apply *mutatis mutandis* to proceedings for the grant or revocation of probate or letters of administration.

**ORDER 44**

**Construction of deeds, wills, etc., and determination of rights of persons thereunder (Appendix ZH)**

*Application*

1.—(1) An application by any person claiming to be interested under a deed, will or other written instrument for the determination of any question of construction arising thereunder and for a declaration of the rights of persons interested shall be brought by equity civil bill.

(2) The civil bill shall be in the Form specified in Appendix ZH and, subject to Rule 2, shall be served on every person appearing to the plaintiff to have an interest in the question sought to be determined.

(3) The application shall be supported by such evidence as the judge may require.

*Judge's powers as to service and representation*

2. The judge at the hearing shall have power—

- (a) to dispense with service of the civil bill on such persons as he thinks fit;
- (b) to appoint some one or more than one person to represent a class;
- (c) to direct service of the civil bill on any person not served therewith and appearing to him to have an interest in the said question.

*Equity rules and practice to apply*

3. Where not otherwise expressly provided by these Rules the rules and practice for the time being in force in relation to civil bills in equity suits shall apply to all such applications as aforesaid.

**ORDER 45**

**Costs (Appendices ZJ and ZK)**

*Decrees to carry costs*

1. A decree granted by a county court shall, except as otherwise provided by any statute or rule, carry such costs as are provided by this Order.

*Scales of costs*

2. In all actions, suits and matters and other proceedings commenced on or after the 1st January 1976, there shall be payable—

- (a) to counsel and solicitors, costs according to the scales set out in Appendix ZK and subject to the provisions hereinafter in this Order specified;
- (b) to or in respect of witnesses, fees and expenses subject to the provisions hereinafter in Rule 6 specified.



*Party and party costs*

3.—(1) The above-mentioned costs, fees and expenses together with all court and service fees shall be payable between party and party.

(2) Where in any proceedings a decree is given for the plaintiff against one or more but not all the defendants, the judge may in his discretion either—

- (a) order the unsuccessful defendant or defendants to pay the costs of the successful defendant or defendants; or
- (b) order the plaintiff to pay the costs of the successful defendant or defendants and add those costs to the costs which the unsuccessful defendant is ordered to pay to the plaintiff;

and an order under sub-paragraph (b) shall be in the Form specified in Appendix ZJ.

*Value added tax*

4. In addition to the costs, fees and expenses referred to in Rule 2 a successful party may, as between party and party (except where the proceedings are by summary or default civil bill or by ordinary civil bill which is undefended) recover a sum equivalent to the value added tax at the appropriate rate on so much of the amount of those costs, fees and expenses as were incurred in respect of any taxable supply of goods or services within the meaning of Part I of the Finance Act 1972(z); but only in so far as the tax is not deductible as input tax by the successful party.

*Solicitor and client costs*

5.—(1) As between solicitor and client the solicitor for the plaintiff shall be entitled to the above-mentioned costs and also to be reimbursed all outlay reasonably incurred, and his costs shall—

- (a) where they are referable to any scale based on a specific sum claimed or awarded, be calculated upon the amount claimed and not upon the amount awarded and, in a remitted action, as if a sum of £1,000 had been claimed;

Provided that—

- (i) where in any case it appears that the amount claimed in the county court or, in a remitted action, the issue of a writ, was not reasonable and proper and was not in accordance with the instructions received by the solicitor from his client, such proportionately less sum may be allowed, whether for outlay or for costs, as may be appropriate; and
  - (ii) credit shall be given to the client for any party and party costs actually received by his solicitor;
- (b) where in the exercise of his discretion the judge makes a special order as to costs, be calculated in accordance with the order.

(2) As between solicitor and client the solicitor for the defendant shall be entitled to make such reasonable charges as are appropriate to work in the county court and in relation to remitted actions to work in both the High Court and county court having regard to the nature and importance of the case to his client, the time spent, and the amount of money or the property involved, after giving credit to the client for any party and party costs actually received by the solicitor. In preparing his bill the solicitor shall take into account the relevant county court scales, both on amount awarded and on amount claimed, having regard to the degree of responsibility necessarily assumed by him in the interest of his client.

**O.45 R 6-10***Witnesses' fees and expenses*

6. Without prejudice to any discretion exercisable by the Taxing Master of the Supreme Court under the Solicitors (Ireland) Act 1849(za) there may be allowed to or in respect of witnesses such fees and expenses as the judge shall in his discretion think just.

*Where no scale of costs prescribed*

7. In any suit or proceedings for which no scale of costs is prescribed, the amount of costs shall be in the discretion of the judge.

*Exercise of discretion in absence of party*

8. Any discretion exercisable by the judge as to the amount to be allowed for any fees or costs may be exercised notwithstanding that the party liable to pay such fees or costs is not present or represented.

*Taxation of costs*

9.—(1) All costs in equity suits or proceedings shall in default of agreement, and subject to Order 41, Rule 1, be taxed by the clerk of the Crown and peace or registrar, subject to the revision of such taxation by the judge.

(2) In taxing costs incurred in the High Court in any suit or action previous to the remittal thereof to the county court, or during the progress thereof, the clerk of the Crown and peace shall tax those costs when required by the judge according to the costs and fees payable in the High Court, subject to revision by the judge.

(3) In any taxation of costs, whenever items appear for disbursement, they shall be vouched in such manner as the taxing officer considers proper, subject to the decision of the judge appealed to.

(4) With respect to any costs and allowances which are discretionary, the officer on taxation shall take into consideration the amount or value of the subject matter of the suit and the general nature and circumstances of the particular case as well as the work actually done.

(5) In addition to the amount of costs allowed to a party on taxation in respect of the supply of goods or services on which value added tax is chargeable, there may be allowed as a disbursement a sum equivalent to value added tax at the appropriate rate on that amount in so far as the tax is not deductible as input tax by that party.

(6) Where any party seeks to have the taxation of costs reviewed by the judge, he shall serve on the clerk of the Crown and peace notice of the items to which he objects.

*Counterclaim*

10.—(1) Where both claim and counterclaim are dismissed, as between party and party each decree shall carry costs on the scale of a defendant's costs of a dismissal on the amount claimed. Provided that the judge may direct that one decree only shall issue for the difference, if any, between the costs of the parties, or if such costs are of the same amount that no decree shall issue.

(2) Where both the claim and the counterclaim are established, then, subject to (3) hereof, as between party and party each decree shall carry costs on the scale appropriate to the amount decreed.

(3) Where both the claim and counterclaim are established and a balance is decreed in accordance with Rule 8(1) of Order 25 then, in the absence of any special order by the judge under paragraph (2) of such Rule, the costs as between the parties shall be in accordance with the scale appropriate to such balance as decreed.

(4) Where a plaintiff succeeds on his claim and a counterclaim against him is dismissed, or where a defendant succeeds on his counterclaim and the claim against him is dismissed, the judge shall upon application at the hearing decide what proportion (if any) of the scale costs appropriate to a dismiss on the amount claimed in the unsuccessful suit shall be payable to the successful party by way of additional costs occasioned by the defence of the other party's claim, and such costs (if any) shall be added to the scale costs on the amount decreed.

(5) As between solicitor and client, subject to Rule 5 of this Order, the solicitor shall be entitled to such additional costs as are appropriate to any additional work or responsibility occasioned by the prosecution or the defence of the counterclaim; but he shall not be entitled to additional costs on the counterclaim in respect of any item common to both claim and counterclaim.

(6) In this Rule the expression "costs" includes any witnesses' expenses allowed by the judge.

#### *Undefended proceedings*

11.—(1) For the purpose of this Order proceedings shall be treated as undefended if—

(a) no defence is entered and the defendant—

(i) fails to appear at the hearing; or

(ii) appears at the hearing (whether personally or by a solicitor) for the purpose only of requesting that time be allowed for the payment of such amount; or

(b) the judge in any special circumstances so directs.

(2) Notwithstanding anything in paragraph (1), in an undefended action for damages the judge may direct that the plaintiff's costs shall be in accordance with Table I in Part I of Appendix ZK instead of Table 3 thereof and it shall always be within the judge's discretion to allow counsel.

#### *Costs of party appearing in person*

12. The amount of any costs awarded to a party other than a solicitor appearing in person in accordance with section 1 of the Litigants in Person (Costs and Expenses) Act 1975(zb) shall be such as may be determined by the judge.

#### *Additional services*

13. Where it is necessary to serve more than one copy of a civil bill or other document initiating proceedings there shall be payable for each copy after the first a further sum of 20p.

#### *Costs payable in settlement*

14. Where a defendant pays the amount due or delivers up possession, as the case may be, within fourteen days from service of the civil bill and also within that period pays fifty per centum of the solicitor's costs in column 2 of

**O.45 R 15-18****O.46 R 1-2****O.47 R 1**

Table 3 of Part I or of Table 1 of Part III of Appendix ZK, as appropriate, together with all the plaintiff's outlay including counsel's fee (if any) properly incurred to date of settlement he shall not be liable for any further costs.

*Lands not separately rated*

15. In any proceedings for recovery of possession of lands not separately valued for rating the judge may make any apportionments of valuation necessary for the determination of the costs applicable.

*Fee for preparation of brief*

16. The solicitor's remuneration provided by the scales in Appendix ZK include a fee for the preparation of a brief to counsel (if any).

*Service fees for postal service*

17. Where service of a civil bill or other document has been effected by post under Rule 3(2)(b) of Order 6, the solicitor shall be entitled to a fee of 60p inclusive of outlay in lieu of the fees payable to process servers.

*Injunctions claimed other than in equity proceedings*

18. In proceedings where an injunction is claimed under section 15 of the Act, not being proceedings within the equity jurisdiction, the costs in relation to the hearing of the claim for an injunction shall be in the discretion of the judge, both as to incidence and amount.

**ORDER 46****Court fees (Appendix ZL)***Schedule of fees*

1. The fees prescribed in Appendix ZL shall be paid in respect of the several proceedings therein respectively specified (other than proceedings under the Marriages Act (Northern Ireland) 1954(zc) and proceedings which are exempt by statute).

*Requisitions*

2. Where fees are payable in respect of any matter or thing to be done by any officer and there is no document in reference to such matter or thing whereon the stamp could be impressed or affixed, the party or his solicitor requiring such matter or thing to be done shall make application for it by a requisition or note in writing and a stamp denoting the amount of the fees payable shall be impressed or affixed to the requisition or note.

**ORDER 47****County Court seal and authentication of documents***County Court seal*

1. For every county court division there shall be a county court seal which shall incorporate the name of the county containing the division.

---

(zc) 1954 c. 21 (N.I.)

*Custody of the seal*

2. The county court seal shall be kept by and in the custody of the clerk of the Crown and peace.

*Affixing and authentication of the seal*

3.—(1) The seal shall be affixed by or under the direction of the clerk of the Crown and peace to any document required by these Rules or any other enactment to be sealed with the county court seal.

(2) Every seal affixed to any document shall, subject to paragraphs (3) and (4), be authenticated by the signature of the clerk of the Crown and peace or registrar and no other authentication of the seal shall be necessary.

(3) Where any order directs that the clerk of the Crown and peace shall do any act or take any accounts or inquiries, the seal on such order shall be authenticated by the signature of the clerk of the Crown and peace or the registrar, as the case may be, and no further authentication shall be necessary.

(4) In the event of sickness or absence of the clerk of the Crown and peace, the seal may be authenticated and any certificate required by these Rules may be given by such officer of the court as the judge may from time to time direct.

*Documents to be sealed*

4. The county court seal shall be affixed to—

- (a) every document which immediately prior to the passing of the Act was required to be sealed with the county court seal;
- (b) every document which under the provisions of these Rules or any other enactment is required to be sealed with the county court seal; and
- (c) every document issued by a county court for which a form marked with the word "seal" is prescribed in any of the Appendices.

## ORDER 48

**Penal and disciplinary provisions (Appendix ZM)***Proceedings on complaint of a contempt of court*

1.—(1) Where it is alleged that any person has—

- (a) wilfully insulted or acted contumaciously towards the judge, or any witness, or any officer of the court during his sitting or attendance in court or in chambers or at any hearing before an officer of the court, or in going to or returning from the court or chambers or a hearing before an officer of the court;
- (b) wilfully interrupted the proceedings of a county court or otherwise misbehaved in court or in chambers or at a hearing before an officer of the court; or
- (c) been duly summoned and has refused or neglected without sufficient cause to appear or to produce any documents or has refused to be sworn or to give evidence;

and the alleged offender has not been taken into custody and brought before the judge or dealt with summarily by the judge, the clerk of the Crown and peace, registrar or other officer of the county court service acting as clerk of the court—

**O.48 R 2-5**

- (i) shall issue a summons in Form 1 which shall be served by a process server on the alleged offender personally at least two days before the return day appointed in such summons; or
- (ii) if the judge so directs, shall forthwith issue a warrant in Form 2 addressed to a superintendent of the Royal Ulster Constabulary for the apprehension and bringing before the court of the alleged offender.

(2) The fee payable to a process server in respect of the service of a summons under paragraph (1)(i) shall be payable by the clerk of the Crown and peace and chargeable as part of his office expenses.

(3) Where a person has been found to have committed any offence mentioned in paragraph (1), an order in Form 3 may be made against him.

(4) After imposing a fine on or committing to prison any person for an offence mentioned in paragraph (1), the judge may direct the clerk of the Crown and peace to give notice to such person that if he has any cause to show why an order should not have been made against him, he may show cause in person or by affidavit or otherwise on a day to be named in the notice, and the judge after considering the cause may make such order as he thinks fit.

*Proceedings consequent on order under Rule 1*

2. A warrant for committal to prison under an order made under Rule 1 shall be in Form 4 and all other warrants shall be in the forms specified in the Fines Act (Ireland) 1851(zd).

*Revocation of order of committal*

3. An order revoking an order under Rule 1 committing a person to prison and, if he is already in custody, ordering his discharge, shall be in Form 5 with such modifications as may be necessary, and the clerk of the Crown and peace shall deliver a sealed copy of the order by post or otherwise to the governor of the prison in which the person is held in custody.

*Repayment of fine*

4. If, in any case, after a fine has been paid, the person on whom it was imposed shows cause which satisfies the judge that, if that cause had been shown at an earlier date, he would not have imposed a fine, or would have imposed a smaller fine, or would not have ordered payment or full payment to be enforced, the judge may order the fine or any part thereof to be repaid.

*Decrees enforceable by committal*

5.—(1) Decrees in the nature of an injunction and all decrees within the competence of the court which, if they were made in an action or matter in the High Court could in that court be enforced by committal may in accordance with this Order be enforced, by order of the judge, by committal.

(2) Any such decree which requires any person to do an act thereby ordered shall state the time, or the time after service of the decree, within which the act is to be done.

*Notice of motion for decree enforceable by committal*

6. A notice of motion for a decree which may be enforced by committal may be in Form 6 and shall, except where the judge otherwise determines, be supported by affidavit of the party making the application.

*Procedure for enforcement*

7.—(1) When a decree enforceable by committal has been made for the benefit of one party (in this Rule called “the applicant”) against another party (in this Rule called “the respondent”) the clerk of the Crown and peace shall, on the application of the applicant, endorse on a certified copy of the decree a notice in Form 7 and the copy so endorsed shall be served on the respondent personally.

(2) If the respondent fails to obey the decree, the applicant shall at least two days before the hearing serve on the respondent personally a notice in Form 8 and shall send to the clerk of the Crown and peace a notice in Form 9.

(3) The judge may hear such application at any time and place he considers suitable.

(4) On the day named in the notice, the judge, on being satisfied that the respondent has failed to obey the decree and, if the respondent does not appear, that the endorsed copy of the decree and the notice have been served on him, may order a warrant of committal to issue; but the judge may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

(5) The order for the issue of a warrant shall be in Form 10 and the warrant shall be in Form 11.

*Application as to discharge from custody*

8.—(1) The judge may, at any time and at any place, hear any application as to the discharge of any person in custody committed for contempt of court and may make such order regarding that person as he might make if sitting in open court.

(2) Notice of an application for discharge from custody of a person committed for contempt of court shall be in Form 12 and shall be served on the opposite party (if any) at least two days before the day on which the application is intended to be heard, and an order for the discharge from custody of a person so committed shall be in Form 13; but the judge may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

*Procedure for grant of sequestration order*

9.—(1) Rule 6 and paragraphs (1) to (4) of Rule 7 shall apply to motions for the grant of an order for sequestration against an individual under section 92 of the Judgments (Enforcement) Act (Northern Ireland) 1969 or against a company under section 94 of that Act with the modification that in the said Rules and in Forms 6, 7, 8 and 9 in Appendix ZM for a reference to committal or to an order of committal there shall be substituted a reference to sequestration or to an order for sequestration as the case may be.

(2) A sequestration order granted against an individual shall be in Form 14 and that against a company shall be in Form 15.

## ORDER 49

**Interpretation, revocations, extent, commencement and citation  
(Appendix ZN)**

*Interpretation*

1.—(1) In these Rules, the expression—

“court messenger” means a person appointed under section 26 of the Administration of Justice Act (Northern Ireland) 1954<sup>(ze)</sup>;

“enactment” means a statute or statutory instrument made under a statute, by whatsoever Parliament passed or by whomsoever made, for the time being in force in Northern Ireland;

“entry day” has the meaning assigned to that expression by Order 8, Rule 1;

“folio” means seventy-two words, each single figure being reckoned as a word;

“statutory instrument” includes an Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation or bye-law;

“the Act” means the County Courts Act (Northern Ireland) 1959;

“the Crown Proceedings Act” means the Crown Proceedings Act 1947<sup>(zf)</sup> as extended to Northern Ireland by the Northern Ireland (Crown Proceedings) Order 1949<sup>(zg)</sup>.

(2) References in these Rules to service by registered post (however expressed) shall, unless the contrary intention appears, be construed as including references to service by means of the recorded delivery service.

(3) In these Rules “decimal currency” means the new currency provided for by the Decimal Currency Act 1967<sup>(zh)</sup> and where it is necessary for the purposes of these Rules to calculate the amount in decimal currency corresponding to an amount in shillings and pence, the calculation shall be made in accordance with Schedule 1 to the Decimal Currency Act 1969<sup>(zi)</sup>.

*Forms*

2.—(1) Where immediately after the title of any of these Orders there appears in brackets the word “Appendix” followed by a capital letter or letters—

(a) the Appendix so designated is annexed to and forms part of these Rules; and

(b) the forms in that Appendix shall be used for the purposes of that Order, subject to these Orders and to any order of the judge.

(2) A reference in any of these Orders to a form by number only is a reference to the form so numbered in the Appendix relevant to that Order.

(3) The general forms set forth in Appendix A shall, subject as aforesaid, be used in proceedings under these Rules to which they are relevant.

*Application to Crown*

3. Save as is otherwise provided by the Crown Proceedings Act or by these Rules—

(ze) 1954 c. 9 (N.I.).

(zf) 10 & 11 Geo. 6 c. 44.

(zg) S.I. 1949/1836 (I p. 1261).

(zh) 1967 c. 47.

(zi) 1969 c. 19.



**O.49 R 4-6**

- (a) these Rules and any County Court Rules for the time being in force shall, so far as may be, apply to all proceedings by or against the Crown in like manner as they apply to proceedings between subjects; and
- (b) proceedings by or against the Crown shall, so far as may be, take the same form as proceedings between subjects.

*Revocations*

4. The Statutory Rules and Orders set out in columns 1 and 2 of Appendix ZN are revoked to the extent specified in column 3 of that Appendix.

*Rules apply to civil proceedings except as otherwise provided*

5. Without prejudice to Part II of Order 29, in its application to cases stated under section 2 of the County Courts Appeals Act (Northern Ireland) 1964(zj) on appeal from Magistrates' Courts, these Rules shall apply only to Civil Proceedings.

*Citation and commencement*

6. These Rules may be cited as the County Court Rules (Northern Ireland) 1976 and shall come into operation on 1st April 1977.

Northern Ireland Office

3rd December 1976

*Roy Mason*

One of Her Majesty's Principal  
Secretaries of State

We concur in the making of Order 46 and Appendix ZL.

*Donald R. Coleman*

*J. Dormand*

Two of the Lords Commissioners  
of Her Majesty's Treasury

3rd December 1976

**App. A F 1**

**APPENDIX A**

**FORM 1**

**General form of title of proceedings  
(where not otherwise provided)**

ORDER 49, RULE 2(3)

**[ACTIONS]**

No.....

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

BETWEEN

**A.B.** of in the county of  
[description]

Plaintiff

AND

**C.D.** of in the county of  
and division of  
[description]

Defendant

**[MATTERS]**

No.....

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

IN THE MATTER OF [*here state the title of any Act, other than the County Courts Act (Northern Ireland) 1959, by which the court is given power to entertain the proceedings*]

AND IN THE MATTER OF [*here refer to the trust, settlement or other particular matter in respect of which the proceedings are brought*].

BETWEEN

**A.B.** of in the county of  
[description]

Applicant

[or petitioner or appellant]

AND

**C.D.** of in the county of  
and the division of  
[description]

Respondent

[or as the case may be]

FORM 2

General form of affidavit

(where not otherwise provided)

I, [full name of deponent] of [residence of deponent followed by his occupation] MAKE OATH and say as follows:

[Here set out in numbered paragraphs, the facts deposed to]

Sworn at County of day of in the this 19 . } .....

Before me.....

[Clerk of the Crown and Peace, Registrar, Commissioner for Oaths, Justice of the Peace or an Officer of the Court appointed by the Judge for the purpose]

(Description) .....

Address of Commissioner for Oaths or Justice of the Peace.....

This affidavit is filed on behalf of

App. B F 1-2

APPENDIX B

FORM 1

Notice to plaintiff that defendant defends on behalf of others

ORDER 3, RULE 7(3)(b)

[Title as in Appendix A, Form 1]

TAKE NOTICE that the defendant has obtained an order for leave to defend this action [or matter] on behalf of or for the benefit of [state names of persons as in order] as well as on his own behalf.

Signed

Defendant/Solicitor  
for the Defendant.

Address

Date

FORM 2

Notice to persons on whose behalf defendant has obtained  
leave to defend

ORDER 3, RULE 7(3)(b)

[Title as in Form 1]

TAKE NOTICE that the above-named defendant has obtained an order to defend this action [or matter] on your behalf, or for your benefit, as well as on his own behalf.

You may if you think fit object at the hearing to the defendant defending on your behalf.

A copy of the order and of the civil bill in the action [or matter] is served herewith and the affidavit on which the order was made has been filed at the office of the Clerk of the Crown and Peace and may be inspected by you.

Signed

Defendant/Solicitor  
for the Defendant.

Address

Date

## FORM 3

**Undertaking by next friend of person under legal disability to be responsible for defendant's costs**

ORDER 3, RULE 14(1)(a); ORDER 4, RULE 2(1)

[Title as in Form 1]

I, the undersigned  
of  
being the next friend [committee] of  
who is a minor [*or in the case of other legal disability, state its nature*] and  
who has commenced or is desirous of commencing an action in this Court  
against of  
HEREBY UNDERTAKE to be responsible for the costs of those proceedings in  
such manner as the Court shall order and I will forthwith after such order pay  
the same to the Clerk of the Crown and Peace of the Court.

Dated this                      day of                      19 .

Signed

Signed by the above-named  
in my presenceSolicitor of the Supreme Court  
or Officer of the Court  
or Justice of the Peace  
or Commissioner for Oaths.

Address

App. B F 4-5

FORM 4

**Affidavit on application on behalf of person under legal disability for appointment of guardian ad litem**

ORDER 3, RULE 15(1)(a)

[Title as in Form 1]

I,  
of  
MAKE OATH and say as follows:

1. The above-named defendant,  
is a minor [or in the case of other legal disability, state its nature].

2. of is a fit and proper person to act as guardian ad litem of the said defendant and so far as I am aware has no interest in the matters in question in this action or matter adverse to that of the said defendant, and his consent to act as such guardian is hereto appended.

Sworn, etc.

[Conclusion—Appendix A, Form 2]

I, of  
CONSENT TO ACT as guardian ad litem of the above-mentioned a defendant in this action or matter. And I declare that I have no interest in the matters in question in this action or matter adverse to that of the said defendant.

Signature of Guardian.

FORM 5

**Order appointing guardian ad litem**

ORDER 3, RULE 15(1)(b)

[Title as in Form 1]

ON THE APPLICATION OF  
and on reading the affidavit of  
on the day of  
thereto annexed.

19 SWORN  
and the consent

IT IS ORDERED that  
of  
be appointed to act as guardian ad litem of the defendant  
a minor [or in the case of other legal disability, state its nature].

(Seal)

Clerk of the Crown  
and Peace.

1900

County Courts

No. 374

App. B F 6

FORM 6

**Notice to plaintiff of appointment of guardian ad litem**

ORDER 3, RULE 15(1)(b)

[*Title as in Form 1*]

TAKE NOTICE that  
of  
has been appointed to act as guardian ad litem of the defendant  
a minor [*or in the case of other legal disability,*  
*state its nature*].

Dated this                      day of                      19                      .

Clerk of the Crown  
and Peace.

**App. C F 1-2**

**APPENDIX C**

**FORM 1**

**Ordinary civil bill**

**ORDER 5, RULE 1(1)**  
*[Title as in Appendix A, Form 1]*

The sittings at which this civil bill is intended to be dealt with will commence on the            day of            19            and will be held at

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of            on the            day of            19            \* to answer the plaintiff's claim for *[here state the cause or causes of action and if more than one, divide into paragraphs]*.

Dated this            day of            19            .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

---

**FORM 2**

**Endorsement on ordinary\* civil bill**

**ORDER 5, RULE 1(5)**

Costs and outlay if paid within fourteen days from date of service: £

NOTE: Costs and outlay if paid after fourteen days from service will be payable on a higher scale.

\*This endorsement not to be made on default or summary civil bills in title jurisdiction or for defamation.



## FORM 3

**Civil bill ejection on the title**

## TITLE JURISDICTION

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                      day of                      19                      and will be held at

WHEREAS the plaintiff now claims to be entitled to the possession of [*here describe the premises*] situate in whole or in part in the Division aforesaid and that the defendant(s) wrongfully withhold(s) the possession thereof;

AND WHEREAS the annual value of such premises does not exceed £500;

THE DEFENDANT(S), therefore, and all persons having or claiming any interest in the premises is [are] hereby required to appear at the aforesaid Court at the hour of                      on the                      day of                      19                      \* to answer the plaintiff's claim brought by him for the recovery of the possession of the said lands [*premises*] by reason of the matters aforesaid.

Dated this                      day of                      19                      .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

FORM 4

**Civil bill ejectionment for overholding  
[and arrears of rent]**

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and will be held at \_\_\_\_\_ ;

WHEREAS the defendant lately held part of the land of \_\_\_\_\_ in the parish of \_\_\_\_\_ and barony of \_\_\_\_\_ situate in whole or in part in the Division aforesaid as tenant to the plaintiff under at a rent of £ \_\_\_\_\_ per \_\_\_\_\_, which tenancy determined on the day of \_\_\_\_\_ 19\_\_\_\_; and whereas the annual value of such lands [premises] does not exceed £500;

[AND WHEREAS the plaintiff is entitled to recover arrears of rent due and owing to the plaintiff under the said tenancy to the said day on which the said tenancy determined amounting to £ \_\_\_\_\_];

AND WHEREAS the defendant(s) is [are] in actual possession of the lands [premises] and no other person is in possession of any part thereof as tenant or under-tenant;

THE DEFENDANT(S), therefore, and all persons claiming to have any interest in the lands [premises] is [are] hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ \* to answer the plaintiff's claim for the recovery of the possession of the said lands [premises] [and of the said rent] by reason of the matters aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Signed \_\_\_\_\_ Plaintiff/Solicitor  
Address \_\_\_\_\_ for the Plaintiff.

\*Day for hearing as in court calendar.

FORM 5

**Endorsement on ejectionment civil bill**

ORDER 5, RULE 1(5)

Costs and outlay if defendant delivers up possession within fourteen days from date of service: £ \_\_\_\_\_

NOTE: Costs and outlay if possession delivered up after fourteen days from service will be payable on a higher scale.

## FORM 6

**Civil bill ejectment for non-payment of rent where one year's rent due**

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                      day of                      19                      and will be held at

WHEREAS the defendant                      holds [part of the lands of                      ] in the parish of                      and barony of                      , situate in whole or in part in the Division aforesaid, as tenant to the plaintiff under                      at the yearly rent of £                      ;

AND WHEREAS the annual value of such lands [*premises*] does not exceed £500;

AND WHEREAS at least one year's rent is in arrear and remains unpaid in respect of the said lands [*premises*];

[AND WHEREAS the said defendant is in actual possession of the lands [*premises*] as under-tenant thereof] and no other persons are in possession thereof;

THE DEFENDANT, therefore and all persons having or claiming any interests in the lands [*premises*], are hereby required to appear at the aforesaid Court at the hour of                      on the                      day of                      19                      \* to answer the plaintiff's claim for the recovery of the possession of the said lands [*premises*] by reason of the matters aforesaid.

Dated this                      day of                      19                      .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

THE PLAINTIFF claims after all just and fair allowances up to the time of bringing this ejectment £                      , being for                      years' rent up to the                      day of                      19                      ; the times at which the sum accrued due being as follows—

Rent due and ending the                      day of                      £

Rent due and ending the                      day of                      £

And if the amount thereof be paid to the plaintiff or his solicitor together with the sum of †                      in full payment of all costs of such ejectment proceedings within fourteen days from the service thereof, all further proceedings will be stayed.

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

†Costs as per column 2, Table 1 (Part III), of Appendix ZK Footnote 1.

App. C F 7

FORM 7

Civil bill ejectment for deserted land

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

WHEREAS the defendant holds part of the lands of in the parish of and barony of situate in whole or in part in the Division aforesaid, as tenant to the plaintiff under , at a rent of £ per , and whereas at least six months' rent amounting to the sum of £ of the rent aforesaid ending on the day of last became and still is due to the plaintiff, after all just and fair allowances;

AND WHEREAS the defendant on the day of 19 , deserted or otherwise abandoned the land, leaving any premises thereon unoccupied [or the land not farmed in accordance with the rules of good husbandry];

THE DEFENDANT, therefore, is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer the plaintiff's claim for the recovery of the possession of the said lands by reason of the matters aforesaid.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

FORM 8

Civil bill ejection against a permissive occupant

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

WHEREAS the plaintiff on the day of 19 put the defendant into possession or occupation of the lands of in the parish of and barony of situate in whole or in part in the Division aforesaid, by permission [or as servant or caretaker or as a tenant strictly at will or on sufferance, as the case may be];

AND WHEREAS the plaintiff on the day of 19 required the defendant to quit and deliver up possession of the same to the plaintiff, but the defendant has neglected or refused so to do;

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer the plaintiff's claim for the recovery of the possession of the said lands by reason of the matters aforesaid.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. C F 9

FORM 9

**Civil bill for arrears of rent under section 45 of the  
Landlord and Tenant Law Amendment Act, Ireland, 1860**

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and will be held at \_\_\_\_\_

WHEREAS the plaintiff claims that the defendant \_\_\_\_\_ is indebted to him [*here state how the plaintiff is entitled, whether in his own right or how otherwise*] in the sum of £ \_\_\_\_\_ being arrears of rent due by the defendant [*or, if the defendant is sued in a representative capacity, state by whom due and whether defendant is executor or administrator*] to the plaintiff in respect of rent in arrear payable by the said defendant [*if executor or administrator, state as such executor or administrator as aforesaid*] to the plaintiff out of the lands of \_\_\_\_\_ up to and for the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, which lands are situate in whole or in part in the Division aforesaid and are held under a certain [*here state lease or other contract of tenancy and the date and parties thereto*], and the annual value of the said lands does not exceed £500;

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ \* to answer the plaintiff's said claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed \_\_\_\_\_

Plaintiff/Solicitor  
for the Plaintiff.

Address \_\_\_\_\_

\*Day for hearing as in court calendar.

## FORM 10

**Civil bill for use and occupation of lands or premises under section 46  
of the Landlord and Tenant Law Amendment Act, Ireland, 1860**

## ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                    day of                    19                    and will be held at

WHEREAS the plaintiff claims that the defendant is indebted to him [*here state how the plaintiff is entitled, whether in his own right or how otherwise*] in the sum of £                    , being a reasonable satisfaction for the use and occupation of the lands of [*or premises consisting of*] for                    ending the                    day of                    19                    , which lands are situate in whole or in part in the Division aforesaid and have been held and occupied by the defendant [*or, if the defendant is sued in a representative capacity, state by whom and whether the defendant is executor or administrator*] from the                    day of                    19                    to the                    day of                    19                    and the annual value of the said lands does not exceed £500;

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of                    on the                    day of                    19                    \* to answer the plaintiff's said claim.

Dated this                    day of                    19                    .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. C F. 11

FORM 11

Civil bill for legacy or distributive share of assets

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                    day of                    19                    and will be held at

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of                    on the                    day of                    19                    \* to answer the plaintiff's claim for the sum of £                    for that the defendant, as executor [or administrator, as the case may be] of                    deceased, is justly liable to pay to the plaintiff the sum of £                    as a legacy [or distributive share of assets or other cause of action, as the case may be] due and payable to the plaintiff under the will of the said                    [or upon the distribution of the assets of the said                    , as the case may be].

†[The gross value of the estate of the said deceased does not exceed £3,000.]

Dated this                    day of                    19                    .

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

†To be included where claim exceeds £1,000.



## FORM 12

Equity civil bill by a creditor for the administration of the  
Estate of a deceased intestate debtor

## ORDER 5, RULE 1(1)

No.

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

BETWEEN

of  
in the County of  
[description]  
Plaintiff;

AND

of  
in the County of  
[description]  
Administrator of  
, deceased.  
Defendant.

The sittings at which this civil bill is intended to be dealt with will commence on the            day of            19            and will be held at

THE PLAINTIFF avers that—

1.           , deceased, at the time of his decease was indebted to the plaintiff in the sum of £           , the particulars of which claim are set forth at the foot hereof.
2. The deceased died intestate on or about the            day of 19           †.
3. The defendant is administrator of the estate and effects of the deceased.
4. The estate to which this suit relates so far as it consists of property other than land does not exceed £2,000 in amount or value, and so far as it consists of land does not exceed £500 in annual value.

The plaintiff seeks payment of the said sum from the defendant as such administrator, or that the estate of the deceased may be administered under the order of the Court.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of            on the            day of            19           \* to answer the plaintiff's said claim.

Dated this            day of            19           .

Signed

Address

Plaintiff/Solicitor  
for the Plaintiff.

App. C F 12 (contd.)

## PARTICULARS OF CLAIM

<i>Date</i>	<i>Nature of claim</i>	<i>Amount</i>	
		£	p.

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

\*Day for hearing as in court calendar.

## FORM 13

**Equity civil bill by a creditor against an executor for administration  
of the estate of a deceased debtor**

## ORDER 5, RULE 1(1)

No.

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

BETWEEN

**A.B.** of \_\_\_\_\_ in the County of \_\_\_\_\_  
[description] Plaintiff;

AND  
**C.D.** of \_\_\_\_\_ in the County of \_\_\_\_\_  
[description] deceased,  
Executor of \_\_\_\_\_ Defendant.

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and will be held at \_\_\_\_\_

THE PLAINTIFF avers that—

1. The deceased \_\_\_\_\_ at the time of his decease, was indebted to the plaintiff in the sum of £ \_\_\_\_\_, the particulars of which claim are set forth at the foot hereof.
2. The deceased died on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, having made his will bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ †.
3. Probate of the said will was granted to the defendant on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.
4. The estate to which this suit relates so far as it consists of property other than land does not exceed £2,000 in amount or value, and so far as it consists of land does not exceed £500 in annual value.

The plaintiff seeks payment of the said sum from the defendant as such executor, or that the estate of the deceased may be administered under the order of the Court.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ \* to answer the plaintiff's said claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

App. C F 13 (contd.)

PARTICULARS OF CLAIM

<i>Date</i>	<i>Nature of claim</i>	<i>Amount</i>	
		£	p.

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

\*Day for hearing as in court calendar.

## FORM 14

**Equity civil bill by a legatee for the administration  
of the estate of a testator**

ORDER 5, RULE 1(1)

[Title as in Form 13]

The sittings at which this civil bill is intended to be dealt with will  
commence on the                      day of                      19                      and will be  
held at

THE PLAINTIFF avers that—

1. The deceased                      died on or about  
the                      day of                      19                      , having made his will  
bearing date the                      day of                      19                      †.
2. The plaintiff is a legatee under the said will for the sum of £  
and the said legacy is still unpaid.
3. Probate of the said will was granted to the defendant on or about the  
day of                      19                      .
4. The estate to which this suit relates so far as it consists of property other  
than land does not exceed £2,000 in amount or value, and so far as it  
consists of land does not exceed £500 in annual value.

The plaintiff seeks payment of the said legacy from the defendant as such  
executor, or that the estate of the deceased may be administered under the  
order of the Court.

THE DEFENDANT therefore is hereby required to appear at the aforesaid  
Court at the hour of                      on the                      day of                      19                      \*  
to answer the plaintiff's said claim.

Dated this                      day of                      19                      .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

†If the defendant does not reside within the Division of the court, insert here "and  
the said deceased had his last place of abode (or of business) within the aforesaid  
Division".

\*Day for hearing as in court calendar.

App. C F 15

FORM 15

Equity civil bill by a next-of-kin for administration of the estate of an intestate

ORDER 5, RULE 1(1)

[Title as in Form 12]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE PLAINTIFF avers that—

- 1. The said died on or about the day of 19, intestate†.
- 2. The defendant obtained administration to the estate of the said deceased on or about the day of 19
- 3. The plaintiff is a [state relationship] and one of the next-of-kin of the said deceased.
- 4. The estate to which this suit relates so far as it consists of property other than land does not exceed £2,000 in amount or value, and so far as it consists of land does not exceed £500 in annual value.

The plaintiff seeks to have the estate of the said deceased administered under the order of the Court.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer the plaintiff's said claim.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

†If the defendant does not reside within the Division of the court, insert here "and the said deceased had his last place of abode (or of business) within the aforesaid Division".

\*Day for hearing as in court calendar.

FORM 16

Equity civil bill for raising amount of mortgage

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE PLAINTIFF avers that—

1. By deed, bearing the date the day of 19, the defendant mortgaged the land of the plaintiff [or to E.F., as the case may be] to secure the sum of £ with interest thereon at the rate of £ per cent. per annum

[If the plaintiff sues as an assignee of the mortgage, insert a paragraph showing his title.]

2. The sum of £ is due to the plaintiff for principal, and the sum of £ for interest, making together the sum of £

3. The annual value of the lands does not exceed £500 and the lands are situate in whole or in part within the aforesaid Division.

The plaintiff seeks payment of the said sum of £ and costs, and that such payment be enforced by sale or by a receiver, or both, as the Court may direct.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 to answer the plaintiff's claim.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. C F 17

FORM 17

Equity civil bill by mortgagor for redemption

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE PLAINTIFF avers that—

- 1. By deed, bearing date the day of 19, the plaintiff mortgaged the lands of defendant [or as the case may be] for the sum of £ with interest at the rate of £ per cent. per annum.
- 2. The said sum of £ is now due to the defendant for principal, together with the sum of £ for interest, making together the sum of £
- 3. †The plaintiff tendered to the defendant the said sum of £ but he refused to accept it.
- 4. The annual value of the lands does not exceed £500 and the said lands are situate within the aforesaid Division.

The plaintiff seeks to have the said lands redeemed on payment of the amount due on foot of the said mortgage.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court to be held at the hour of on the day of 19 \* to answer the plaintiff's claim.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

†If no tender has been made, omit this paragraph.

\*Day for hearing as in court calendar.



## FORM 18

## Equity civil bill by equitable mortgagee to raise charge

## ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                      day of                      19                      and will be held at

THE PLAINTIFF avers that—

1. On or about the                      day of                      19                      , it was agreed by parole that the plaintiff should advance certain sums to the defendant on having the same secured by an equitable mortgage by deposit of the title deeds of certain premises hereinafter mentioned.
2. On the                      day of                      19                      , in pursuance of the said agreement the defendant deposited with the plaintiff the title deeds of [*set out deeds and property*] and the plaintiff advanced the sum of £
3. There is now due to the plaintiff on foot of the said equitable mortgage a sum of £                      for principal and a sum of £                      for interest, making together a sum of £
4. The annual value of the said lands does not exceed £500 and the said lands are situate in whole or in part within the Division aforesaid.

The plaintiff claims—

1. That it may be declared that the plaintiff is entitled under and by virtue of the said deposit of title deeds to a charge on the said lands and premises.
2. That an account may be taken of what is due by the defendant to the plaintiff on foot of the said charge, and payment of the sum when so ascertained [*or, if the amount is clearly ascertained, payment of the said sum of £                      ] and the costs of this suit.*
3. That such payment may be enforced by a sale of the said premises, or by a receiver, or by both, as the Court may direct.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of                      on the                      day of                      19                      \* to answer the plaintiff's said claims.

Dated this                      day of                      19                      .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

## App. C F 19

## FORM 19

## Equity civil bill to raise a registered charge

## ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and will be held at \_\_\_\_\_

THE PLAINTIFF avers that—

1. The defendant is owner [in fee simple] of certain lands and premises known as \_\_\_\_\_ situate at \_\_\_\_\_ which said lands and premises are registered pursuant to the Local Registration of Title, Ireland, Act 1891 and entered on Folio No. \_\_\_\_\_ of the Register of \_\_\_\_\_ for the County of \_\_\_\_\_
2. The defendant on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, duly executed an instrument of charge [or as the case may be] charging the said lands and premises with a sum of £ \_\_\_\_\_ [set out the form of charge], together with interest at the rate of \_\_\_\_\_ per cent. per annum in favour of the plaintiff and upon the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the plaintiff was registered as owner of the said charge, pursuant to the provisions of the aforesaid Act and the said charge was entered upon the said Folio.
3. There is now due and owing to the plaintiff on foot of the said charge a sum of £ \_\_\_\_\_ for principal and £ \_\_\_\_\_ for interest, making together the sum of £ \_\_\_\_\_
4. The annual value of the lands to which the suit relates does not exceed £500 and the said lands are situate in whole or in part within the said Division aforesaid.

The plaintiff claims—

1. That the said sum of £ \_\_\_\_\_ may be declared well charged upon the said lands.
2. Payment of the said sum and that the same may be enforced by a sale of the lands, or by a receiver, or both, as the Court may direct.
3. That the defendant may be ordered to pay the costs of this suit.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ \* to answer the plaintiff's claims.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed

Address

Plaintiff/Solicitor  
for the Plaintiff.

\*Day for hearing as in court calendar.

FORM 20

Equity civil bill for specific performance

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and will be held at \_\_\_\_\_

THE PLAINTIFF avers that—

1. By agreement bearing the date the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and made between the plaintiff and the defendant, the defendant agreed [*state generally the terms of the agreement of which performance is sought*].
- 2: The plaintiff has always been ready and willing to perform the said agreement on his part but the defendant has refused to perform the said agreement.
3. The purchase money of the property, the subject-matter of this suit, does not exceed £2,000 [*or as respects a letting, the annual value of the lands does not exceed £500*] [and the said lands are situate in whole or in part within the Division aforesaid].

The plaintiff seeks to have specific performance of the said agreement.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court to be held at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ \* to answer the plaintiff's claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. C F 21

FORM 21

Equity civil bill for relief against fraud or mistake

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE PLAINTIFF avers that—

1. [State particulars of the fraud or mistake.]
2. [State the interest of the plaintiff and defendant.]
3. [If the fraud or mistake arose in connection with any instrument, state the relevant provisions of the instrument.]
4. [State the circumstances under which the fraud or mistake has arisen.]
5. The damage sustained [or the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed £2,000 [and the annual value of the lands the subject-matter of this suit does not exceed £500].
6. The lands to which this suit relates are situate in whole or in part within the Division aforesaid.

The plaintiff claims the following relief—

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer the plaintiff's claim.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

## FORM 22

## Equity civil bill in partnership suit

## ORDER 5, RULE 1(1)

## [Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the                      day of                      19                      and will be held at

THE PLAINTIFF avers that [*delete inapplicable paragraphs*]—

1. The plaintiff and the defendant carried on the business of                      in the town of                      [*if the defendant does not reside or carry on business within the Division aforesaid insert here*—situate within the Division aforesaid] under the terms of a deed of partnership bearing date the                      day of                      19                      , under which the plaintiff and the defendant entered into the mutual covenants therein contained, of which those material to these proceedings are—[*set them out*] [*or if there was no deed of partnership, no deed of partnership nor any agreement in writing for the same was ever made or executed by the said co-partners or either of them in reference to the said business*].
2. The whole assets of the said partnership do not exceed £2,000 in amount or value.
3. The defendant resides [*or carries on business*] within the Division aforesaid.
4. On the                      day of                      19                      , the said partnership was duly dissolved by notice to the defendant from the plaintiff.
5. No settlement or statement of the accounts of the said partnership has been made or come to between the plaintiff and the defendant, although since the dissolution of the said partnership the plaintiff has made frequent applications to the defendant to come to a final settlement with respect thereto.

The plaintiff seeks [*delete inapplicable paragraphs*]—

1. A declaration as to the existence and terms of the partnership.
2. An account of the partnership dealings between himself and the defendant.
3. That the affairs of the partnership be wound up and that the partnership be dissolved under the order of the Court.
4. That the defendant may be ordered to pay to the plaintiff what, if anything, shall upon taking such account appear to be due from him to the plaintiff on the plaintiff being ready and willing and hereby offering to pay to the defendant what, if anything, shall appear to be due from him to the defendant.
5. That for the purposes aforesaid all necessary and proper directions may be given.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of                      on the                      day of                      19                      \* to answer the plaintiff's claims.

Dated this                      day of                      19                      .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. C F 23

FORM 23

Equity civil bill for partition or sale in lieu of partition

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE PLAINTIFF avers that the lands of situate in whole or in part within the Division aforesaid and containing about acres are held [here set out the title to the property and the respective interests of the parties therein].

[The said lands are [set out nature to show reason for sale] and a sale and division of the proceeds would be more beneficial to the parties interested than a division of the said lands.]

The annual value of the said lands, the subject-matter of this suit, does not exceed £500.

The plaintiff seeks [delete inapplicable paragraphs]—

1. To have the said lands partitioned and one thereof allotted to him in severalty under the order of the Court.
2. A sale of the said lands under the order of Court in lieu of partition and that for the purposes of such sale all necessary acts and deeds may be done and executed by the proper parties.
3. That the proceeds of such sale, after providing for the costs of this suit including the costs of such sale, may be divided between the persons interested in the said lands in proportion to their respective interests therein.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer the plaintiff's claims.

Dated this day of 19

Signed

Address

Plaintiff/Solicitor for the Plaintiff.

\*Day for hearing as in court calendar.

## FORM 24

## Equity civil bill by a landlord against a tenant to stay waste

ORDER 5, RULE 1(1)

[Title as in Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and will be held at \_\_\_\_\_

THE PLAINTIFF avers that—

1. The defendant holds part of the lands situate wholly or in part within the Division aforesaid as under a
2. The defendant by the said [agreement] is bound [give relevant details].
3. The defendant has recently [state particulars of waste complained of] though cautioned by the plaintiff not to do so.
4. The annual value of the lands to which this suit relates does not exceed £500.

The plaintiff seeks to have the defendant restrained from

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ \* to answer the plaintiff's claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ .

Signed \_\_\_\_\_

Address \_\_\_\_\_

Plaintiff/Solicitor  
for the Plaintiff.

\*Day for hearing as in court calendar.

## App. C F 25

## FORM 25

**Petition under Settled Land Acts for appointment of person to  
exercise powers on behalf of minor, for liberty to grant  
leases or for appointment of trustees**

## ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITION of \_\_\_\_\_ of \_\_\_\_\_ the  
tenant for life [under the above settlement], a minor by \_\_\_\_\_  
of \_\_\_\_\_ his next friend, sheweth as follows—

1. [Set out the settlement and facts on which the application is founded.]
2. [Set out the name of the person to be appointed, his qualifications and consent to act.]
3. The property the subject of these proceedings does not exceed in capital value £2,000 or in annual value £500.

YOUR PETITIONER therefore humbly prays as follows [*delete inapplicable paragraphs*]—

1. That the powers conferred upon a tenant for life by sections 6 to 13 and sections 16 to 20 of the Settled Land Act 1882 [*or such other powers as it is desired to exercise*] may be exercised by the said \_\_\_\_\_ on behalf of the said \_\_\_\_\_ during his minority.
2. That the applicant [*or, in the case of a minor, that the said \_\_\_\_\_* during the minority of the said \_\_\_\_\_] and each of his successors in title [*or, in the case of a minor, each of the successors in title of the said \_\_\_\_\_*], being a tenant for life or having the powers of a tenant for life under the aforesaid Act may, pursuant to section 10 of the Settled Land Act 1882 be authorised from time to time to make building [mining] leases of the land comprised in the said settlement for the term of \_\_\_\_\_ years [*or in perpetuity*] on the conditions specified in the said Act [*or on conditions other than those specified in sections 7 to 9 of the said Act*].
3. That \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ may be appointed trustees under the above-mentioned settlement for the purposes of the above-mentioned Act.
4. That the costs of this application may be taxed as between solicitor and client and that the same when taxed may be paid out of the property subject to the said settlement, and that for that purpose all necessary directions may be given.
5. That such other order may be made as to the Court may seem right.

It is intended to serve a copy of this petition on \_\_\_\_\_ in the said petition named.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed etc.



## FORM 26

## Petition for the appointment of new trustees

## ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITIONER of  
showeth:

1. That by [indenture] dated the            day of            19            ,  
the said            assigned to            as  
trustees certain lands called etc. [or as the case may be] to hold upon trust  
[state shortly the trusts].
2. [State what the trust fund now consists of.]
3. [State the names and addresses of the persons interested.]
4. [State the names and addresses of the retiring trustees and the reasons for  
their retiring.]
5. [State names and addresses of proposed new trustees.]
6. The property to which this petition relates so far as it does not consist of  
land does not exceed in value £2,000 and so far as it consists of land does  
not exceed £500 in annual value.

THE PETITIONER [or at least one of the trustees] resides in [or a fund to  
which the proceedings relate has been lodged in the Court for] the aforesaid  
Division.

THE PLAINTIFF seeks to have the said [names of new trustees] appointed  
as new trustees of the said [indenture] of the            day  
of            19            and for such order vesting the trust premises  
in such new trustees as the Court may think fit.

Dated this            day of            19           

Signed etc.

App. C F 27

FORM 27

Petition for advancement by a minor

ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITION of \_\_\_\_\_ of \_\_\_\_\_  
by \_\_\_\_\_ of \_\_\_\_\_, his next friend,  
showeth :

1. By [indenture] \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and made between [state parties and show interest of petitioner and nature, origin and amount of trust fund].
2. The petitioner is [state facts necessitating application for funds] and for that purpose will require an advance out of the trust fund of £ \_\_\_\_\_.

The petitioner seeks that \_\_\_\_\_, as the trustee under the said deed, should advance to the petitioner the amount of £ \_\_\_\_\_ out of the trust fund for the purpose above-mentioned, or that the trust be administered under the order of the Court [or as the case may require].

THE MINOR resides within [or money to which the proceedings relate has been lodged in the Court for] [or land to which the proceedings relate is situate in whole or in part within] the Division aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Signed etc.

## FORM 28

**Petition by a minor for approval of a settlement in a claim for damages,  
appointment of guardian and application of funds**

ORDER 5, RULE 5(1)

[Title as in Form 1]

THE PETITIONER of  
in the County of \_\_\_\_\_, a minor, by  
of \_\_\_\_\_ his \_\_\_\_\_ and next friend showeth:

1. YOUR PETITIONER is a minor under the age of 18 years and is now \_\_\_\_\_ years of age, having been born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and has no testamentary or other guardian (except his \_\_\_\_\_).
2. The right of action the subject-matter of these proceedings does not exceed £2,000 in amount or value.
3. [The Father of your petitioner died on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and the nearest relatives of the petitioner are \_\_\_\_\_].
4. Your Petitioner met with an accident on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, when he was [set out circumstances and particulars of the person who caused the injury] and he sustained injury to his \_\_\_\_\_. Your Petitioner has now recovered and does not suffer from any serious or permanent disability [other than \_\_\_\_\_].
5. The said \_\_\_\_\_ has agreed to pay a sum of £ \_\_\_\_\_ damages in settlement of all claims which your Petitioner may have in respect of the matters aforesaid, together with all medical and legal costs incurred by the said \_\_\_\_\_ including the costs of this petition and order thereon and all costs of and incidental to the said settlement, and the said \_\_\_\_\_ on behalf of your Petitioner has, subject to being authorised by this Honourable Court, consented to accept such settlement on the said damages being lodged in Court to the separate credit of the Petitioner.
6. The said sum for damages is made up as follows—  
YOUR PETITIONER therefore prays—
  - (a) That the said \_\_\_\_\_ may be appointed Guardian of the estate [and person] of your Petitioner.
  - (b) That the said \_\_\_\_\_ may be authorised to make the aforementioned settlement and that the said damages be lodged in Court to the separate credit of the Petitioner.
  - (c) That out of the said damages there may be paid out of Court the sum of £ \_\_\_\_\_ to the said \_\_\_\_\_ for the use and benefit of the Petitioner for the purpose of \_\_\_\_\_.
  - (d) Such further order as the nature of the case may require.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed  
Address

Next friend.

**App. C F 29**

**FORM 29**

**Endorsement on copies of petition for service**

**ORDER 5, RULE 5(2)**

*[Title as in Form 1]*

TAKE NOTICE that the sittings at which the Petition in this matter is intended to be dealt with will commence on the            day of            19            and will be held at            . If you do not attend either in person or by your solicitor at the aforesaid Court at the hour of            on the            day of            19            \*, such order will be made and proceedings taken as the Court thinks fit.

Dated this            day of            19            .

Signed

Clerk of the  
Crown and Peace.

\*Day for hearing as in court calendar.

## APPENDIX D

## FORM 1

**Oath to be taken by process server on appointment**

## ORDER 6, RULE 2(2)

YOU SWEAR that you will endeavour to the best of your ability to serve all ordinary, equity, summary and default civil bills, civil bill ejectments, notices, witnesses' summonses and other documents delivered to you for service, that all processes received by you for service will be entered in your book with the reasons for the non-service of any left unserved, that the entries in your books and the endorsements made by you will be accurate.

AND YOU DO ALSO SWEAR that the documents served by you will be properly stamped and that you will have such originals with you for copies you serve as you are required by law so to have.

---

FORM 2**Oath to be taken by process servers at each sittings of the court**

## ORDER 6, RULE 2(14)

YOU AND EACH OF YOU SWEAR that you have endeavoured to the best of your ability to serve all ordinary, equity, summary and default civil bills, civil bill ejectments, notices, witnesses' summonses and other documents delivered to you for service since the last sittings of this Court, that all processes received by you for service since the last sittings of this Court have been entered by you in your several books with the reasons for the non-service of any left unserved, that the entries in your books of service and the endorsements made by you are accurate, that the several defendants resided at the time of service within this Division unless in the cases noted by special endorsement.

AND YOU DO ALSO SWEAR that the documents served by you were properly stamped, that you had such originals with you for copies you served as you are required by law so to have and that you will make true answer to all such questions as shall be demanded of you touching the service of the above-mentioned documents.

**App. D F 3**

**FORM 3**

**Solicitor's certificate as to service by post**

**ORDER 6, RULE 12**

*[Title as in Appendix A Form 1]*

I, \_\_\_\_\_, the solicitor personally in charge of the above proceedings on behalf of the plaintiff/petitioner/applicant/appellant HEREBY CERTIFY that a copy of [the civil bill in the said action] [the petition [or notice] in the said matter] the original of which is attached hereto together with the following enclosures, namely—  
were posted and contained in an envelope bearing the serial number and date shown on the attached post office receipt by [a member of my office staff over the age of 16 years] and state as follows—

- (a) the address on the envelope is, to the best of my knowledge and belief, that of the last known place of abode of the person to be served;
- (b) that the envelope has not been returned to me or to my staff as undelivered; and
- (c) that the post office advice of delivery exhibited hereto relates to that envelope.

**Solicitor.**

Address

Date

## APPENDIX E

## Fees payable to Process Servers

1. For each service—	
(a) of an ordinary, default or summary civil bill where the amount claimed—	
does not exceed £50 . . . . .	<i>Fee</i> £0.75
exceeds £50 but does not exceed £100 . . . . .	£1.10
exceeds £100 but does not exceed £300 . . . . .	£1.30
exceeds £300 . . . . .	£2.00
(b) of an equity or probate civil bill . . . . .	£1.25
(c) of an ejectment civil bill . . . . .	£0.75
2. In proceedings under the Adoption Act (Northern Ireland) 1967 for each service (however effected) of the petition, notice of hearing or application, including completion of affidavit of service (other than commissioner's fee) and the amount of postage where used . . . . .	£0.75
3. For each service of any other petition or summons initiating any proceedings . . . . .	£0.75
4. For each service of any notice of application to the court in relation to a licence for the sale of intoxicating liquor . . . . .	£0.65
5. (a) Where in any case personal service of any document is requisite the appropriate fee as above prescribed shall be increased by two-fifths;	
(b) Service (except where personal service is requisite) on more than one defendant resident in the same premises shall count as only one service.	
6. For service of each witness summons . . . . .	£1.10
7. For each service of any document not otherwise provided for . . . . .	£0.65
8. For personal service of a summons under Rules 1(1)(i) of Order 48 for contempt or for sequestration . . . . .	£1.10
9. For personal service of a primary decree in equity (including completion of affidavit) . . . . .	£1.30

App. F F 1

APPENDIX F

FORM 1

Defendant's statements in equity suits

ORDER 7, RULE 1

[Title as in civil bill]

In answer to the plaintiff's averments in this suit, I, the undersigned defendant [or one of the defendants] state that—

I DISCLAIM all interest under the will of the said named in the civil bill (or as next-of-kin or one of the next-of-kin, of the said deceased, named in the said civil bill);

OR, I admit [or deny] [here repeat in the language of the civil bill the statements admitted or denied] and I submit that upon the true construction of the agreement or deed or will stated in the civil bill [here state question of law the defendant seeks to raise];

OR, the plaintiff has conveyed [or assigned] his interest in the said mortgage or equity of redemption to \_\_\_\_\_ of \_\_\_\_\_

OR, that I have conveyed or assigned \_\_\_\_\_ of \_\_\_\_\_ by way of further charge for securing the sum of £ \_\_\_\_\_, the equity of redemption in the property sought by the suit to be sold;

OR, the partnership in the civil bill mentioned has been dissolved, and the plaintiff has executed a deed whereby he covenanted to discharge all debts and liabilities of the firm, and to release me from all claims and accounts in respect of the partnership;

OR, as the case may be.

Signed \_\_\_\_\_

Defendant

Address \_\_\_\_\_

When filed by a solicitor add "The statement is filed by solicitor for the defendant."



APPENDIX G

FORM 1

**Requisition to Clerk of the Crown and Peace for the entry of causes, defences and appearances for third parties**

ORDER 8, RULES 2 AND 4

County Court for the Division of  
Sittings to be held at  
on the                    day of

19

Office Date Stamp

I REQUEST the Clerk of the Crown and Peace to enter the undernoted causes\*/counterclaim\*/defences\*/appearances for third parties\*—

\*Delete whichever is inapplicable.

For Official use	Number on civil bill book	Plaintiff's name	Defendant's name	Sum sued for		Cause of action
				£	p	

Signed

Solicitor

FORM 2

**General requisition to the Clerk of the Crown and Peace**

ORDER 8, RULE 8

County Court for the Division of

I REQUEST that the undernoted business be done by the clerk of the Crown and peace for the said Division:

Dated this

day of

19

Signed

Solicitor.

Plaintiff/Defendant/Solicitor  
[or as the case may be]

**App. H F 1**

**APPENDIX H**

**FORM 1**

**Interpleader summons in an action to person making adverse claim to debt or other thing in action, money or goods**

**ORDER 10, RULE 1(3)**

*[Title as in Form 1]*

WHEREAS the plaintiff has sued the defendant in this action for the recovery of [*here state amount and cause of action as in original civil bill*] and whereas the defendant has had notice that you claim the [part of] subject-matter of this action and a copy of an affidavit made by the defendant is attached:

YOU THEREFORE are hereby required to appear at the aforesaid Court to be held at \_\_\_\_\_ at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\*, when the claim between you and the plaintiff will be determined and a decree given determining the rights and claims of the plaintiff, the defendant and yourself.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_.

Signed

**Defendant/Solicitor  
for the Defendant.**

Address

\*Day for hearing as in civil bill.

FORM 2

**Interpleader summons to persons making adverse claim to debt or other thing in action, money or goods not the subject of an action**

ORDER 10, RULE 1(3)

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

Between [name, address and occupation]	}	Applicant,
and [name, address and occupation]		Claimants.
[name, address and occupation]		

The sittings at which this summons is intended to be dealt with will commence on the                    day of                    19                    and will be held at

WHEREAS I                    of                    have made an affidavit (a copy whereof is hereto annexed) stating that I have received adverse claims from                    of                    and                    of                    to [here state the debt, thing in action, money or goods to which the adverse claims are made]

YOU THEREFORE are hereby required to appear at the aforesaid Court at the hour of                    on the                    day of                    19                    \*, when the claim between you and the other claimant will be determined and a decree given determining the rights and claims of the applicant, the other claimant and yourself.

Dated this                    day of                    19                    .

Signed	Applicant/Solicitor
Address	for the Applicant.

\*Day for hearing as in court calendar.

App. H F 3

FORM 3

Notice to plaintiff where interpleader summons issued to person making adverse claim to debt or other thing in action, money or goods

ORDER 10, RULE 1(3)

[Title as in Form 1]

TAKE NOTICE that the defendant in this action in which you are plaintiff has had notice that claims of the [part of] subject-matter of this action and a copy of an affidavit made by the defendant is attached and that application will be made to this Court at the hearing of the action for the determination of the claims between you and the other claimant.

Dated this day of 19 .

Signed  
Address

Defendant/Solicitor  
for the Defendant.



App. H F 5

FORM 5

Interpleader order where there is no action

ORDER 10, RULE 3(2)

BY THE COUNTY COURT JUDGE/RECORDER

In the County Court for the Division of

Between [name, address and occupation]	}	Applicant,
and		
[name, address and occupation]		Claimants.
and		
[name, address and occupation]		

WHEREAS the applicant has applied to this Court for relief in the matter of adverse claims made upon him by the claimants in respect of [here state debt or other thing in action, money or goods to which the adverse claims were made]:

AND IT APPEARING to the Court that summonses to appear at the present sittings were duly served on the claimants;

Now upon hearing

IT IS DECREED [here set out decree determining the claim as between the applicant and any claimant who appears or, if all the claimants appear, the decree determining the rights and claims of all the parties and the order as to payment]

[If any claimant fails to appear and a decree is made barring his claim, proceed as follows:

And the claimant not appearing, it is declared that the said claimant and all persons claiming under him are for ever barred as against the applicant and all persons claiming under him];

AND IT IS FURTHER DECREED that the applicant [claimant(s)] do recover from the claimant(s) [applicant] the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated this day of 19

Clerk of the Crown and Peace

(Seal)

Applicant/Claimant/  
Solicitor for the  
Applicant/Claimant.

APPENDIX J

FORM 1

Third party notice

ORDER 11, RULE 1(1)

[Title as in Appendix A, Form 1]

TAKE NOTICE that this action has been brought by the plaintiff against the defendant for \_\_\_\_\_ and that the defendant claims against you that—

[he is entitled to contribution from you to the extent of \_\_\_\_\_ ]

[he is entitled to be indemnified by you against liability in respect of \_\_\_\_\_ ]

[or other relief, if any sought].

The grounds of the defendant's claim are \_\_\_\_\_ ;

AND TAKE NOTICE that if you dispute the plaintiff's claim against the defendant, or the defendant's claim against you, you must appear at the County Court to be held at \_\_\_\_\_ in the aforesaid Division at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ when the plaintiff's claim against the defendant and the defendant's claim against you will be heard and determined.

IN DEFAULT of your appearing on the day of hearing you will be deemed to admit—

- (a) the validity of any decree obtained in the action against the defendant and
- (b) your own liability to contribution, indemnity or other relief to the extent herein claimed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

[Solicitor for] Defendant.

To the Third Party.

App. K F 1

APPENDIX K

FORM 1

Default civil bill

ORDER 12, RULE 2

[Title as in Appendix A, Form 1]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \*, to answer plaintiff's claim set out below.

	£	P
The plaintiff claims		
<i>Debt</i> [Set out particulars of debt]		
Costs (if paid within fourteen days of the service of this civil bill)		
<b>Total</b>		

Costs and outlay if paid after fourteen days from service will be payable on a higher scale.

Warning

A Decree may be obtained against you and enforced without further notice— Unless within 14 days from the day this civil bill is served on you—

EITHER

You pay the amount claimed and the costs to the plaintiff's solicitor†,

OR

You notify both the plaintiff's solicitor† and the Clerk of the Crown and Peace using the annexed Notices that you dispute liability for the claim in whole or in part or intend to make a counterclaim against the plaintiff.

Note: If you either dispute liability for the claim in whole or in part or intend to make a counterclaim you should complete and return both the attached Notices—one to the Clerk of the Crown and Peace and one to the plaintiff's solicitor†—and you should attend the Court at the time and place stated above when you will have an opportunity of being heard on your defence or counterclaim.

If you dispute liability for the claim in whole or in part or allege a counterclaim and the Court decides against you or if you do not return the annexed Notices but appear at the hearing to dispute liability for the claim in whole or in part or make a counterclaim the costs payable by you may be increased.

Signed

Plaintiff/Plaintiff's Solicitor.

Address

Date

\*Day for hearing as in court calendar.

†Substitute "plaintiff" if plaintiff is suing in person.



## FORM 2

Notice to be posted by defendant to plaintiff or his solicitor

## Summary/Default\*

ORDER 12, RULES 3 AND 9

[Title as in Form 1]

To [name]  
of [address] Plaintiff/Solicitor for the Plaintiff.

TAKE NOTICE that I [name] the defendant herein [*strike out the one of the following lines that does not apply to your case*]

1. Dispute liability for the plaintiff's claim in whole or in part.
2. Have a counterclaim against the plaintiff for [*state particulars of amount and circumstances*].

Signed

Defendant/Defendant's  
Solicitor.

Address

Date

\*Delete whichever is inapplicable.

Note: The name and address of the plaintiff's solicitor must be stamped on this Form before it is served on the defendant together with the civil bill.

## FORM 3

Notice to be posted by defendant to Clerk of the Crown and Peace

## Summary/Default\*

ORDER 12, RULES 3 AND 9

[Title as in Form 1]

To the Clerk of the Crown and Peace  
[address\*\*]

TAKE NOTICE that I [name] the defendant herein [*strike out the one of the following lines that does not apply to your case*]

1. Dispute liability for the plaintiff's claim in whole or in part.
2. Have a counterclaim against the plaintiff for [*state particulars of amount and circumstances*].

Signed

Defendant/Defendant's  
Solicitor.

Address

Date

\*Delete whichever is inapplicable.

\*\*To be completed by plaintiff or his solicitor.

Note: The name and address of the plaintiff's solicitor must be stamped on this Form before it is served on the defendant together with the civil bill.

App. K F 4

FORM 4

Affidavit to obtain a default decree

ORDER 12, RULE 5(b)

[Title as in Form 1]

1\* [Here insert name, residence, occupation and description]

aged  
of

County of

and say: That

of

in the  
MAKE OATH

is indebted to the plaintiff in the sum of £

for [Here insert cause of action and particulars of the debt in full specifying the nature and date of each dealing from which the debt arose and state fully the consideration for the debt claimed].

I am aware, of my personal knowledge, that at least one application for payment has been made to defendant by or on behalf of the plaintiff since the debt was incurred, but without the required effect. The only or last application for payment was made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

The full sum shown above is now due and payable by the defendant to the plaintiff over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied or discharged.

THE DEFENDANT is neither a minor nor a person of unsound mind and the debt sued for is not one to which the Moneylenders Acts (Northern Ireland) 1900 to 1969 apply.

[Where plaintiff is not the deponent add the appropriate parts of the following paragraph:

THE PLAINTIFF is unable to make this affidavit because [state reason]. I am in the employment of the plaintiff as [or state other relationship] and [state means of knowledge]. And I am duly authorised by the plaintiff to make this affidavit and it is within my own knowledge that all the facts above deposed to are true.]

Sworn before me at\* \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the County \_\_\_\_\_ 19\_\_\_\_ Deponent.

Signed

Commissioner for Oaths/Justice of the Peace [or as the case may be].

This Affidavit is filed on behalf of the plaintiff by his solicitor [name and address]

\*Please state address with reasonable precision.

## FORM 5

## Default decree

## ORDER 12, RULE 6(1)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused a default civil bill together with the prescribed notices to be served upon the defendant to appear at these present sittings;

AND IT APPEARING that on the entry of this default civil bill, the prescribed documents were lodged with the Clerk of the Crown and Peace.

AND IT APPEARING that the defendant did not within fourteen days from the service of the said default civil bill give to the plaintiff or his solicitor or the Clerk of the Crown and Peace a notice disputing the claim in whole or in part or alleging a counterclaim and that the plaintiff has lodged in the office of the Clerk of the Crown and Peace an affidavit in the prescribed form made by

AND IT FURTHER APPEARING to the Court, upon reading the said affidavit so lodged as aforesaid, that the defendant is justly indebted to the plaintiff in the sum of £

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the defendant the said sum together with the sum of £ for costs

Dated this                      day of                      19 .

(Seal)

Clerk of the Crown and  
Peace.

Plaintiff/Plaintiff's  
Solicitor.

App. K. F 6

FORM 6

Summary civil bill

ORDER 12, RULE 8

[Title as in Form 1]

To the defendant

The plaintiff claims

*Debt*

[Set out particulars of debt]

Costs (if paid within fourteen days of the service of this civil bill)

Total

£	P

Costs and outlay if paid after fourteen days from service will be payable on a higher scale.

**Warning**

A Decree may be obtained against you and enforced without further notice— Unless within 14 days from the day this civil bill is served on you—

**EITHER**

You pay the amount claimed and the costs to the plaintiff's solicitor

**OR**

You notify both the plaintiff's solicitor and the Clerk of the Crown and Peace using the annexed Notices that you dispute liability for the claim in whole or in part or intend to make a counterclaim against the plaintiff.

**Note:** If you either dispute liability for the claim in whole or in part or intend to make a counterclaim you should complete and return both the attached Notices—one to the Clerk of the Crown and Peace and one to the plaintiff's solicitor—and you will in due course receive a notice of the day on which you should attend the Court where you will have an opportunity of being heard on your defence or counterclaim.

If you dispute liability for the claim in whole or in part or allege a counterclaim and the Court decides against you, the costs payable by you may be increased.

Signed  
Address  
Date

Plaintiff's Solicitor.

## FORM 7

## Affidavit to obtain a summary decree

## ORDER 12, RULE 11(b)

[Title as in Form 1]

I [Here insert name, residence, occupation and description]

aged  
of

County of

and say: That

of

in the  
MAKE OATH

is indebted to the plaintiff in the sum of £  
for [Here insert cause of action and particulars of the debt in full specifying the nature and date of each dealing from which the debt arose and state fully the consideration for the debt claimed].

I am aware, of my personal knowledge, that at least one application for payment has been made to defendant by or on behalf of the plaintiff since the debt was incurred, but without the required effect. The only or last application for payment was made on the day of

The full sum shown above is now due and payable by the defendant to the plaintiff over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied or discharged.

THE DEFENDANT is neither a minor nor a person of unsound mind and the debt sued for is not one to which the Moneylenders Acts (Northern Ireland) 1900 and 1969 apply or on foot of a hire-purchase or credit sale agreement.

[Where plaintiff is not the deponent add the appropriate parts of the following paragraph:

THE PLAINTIFF is unable to make this affidavit because [state reason].  
I am in the employment of the plaintiff as  
[or state other relationship] and [state means of knowledge].  
And I am duly authorised by the plaintiff to make this affidavit and it is with-  
in my own knowledge that all the facts above deposed to are true.]

Sworn before me at\*  
of this day of

in the County  
19

Deponent.

Signed

Commissioner for Oaths/Justice of the Peace  
[or as the case may be].

This Affidavit is filed on behalf of the plaintiff by his solicitor  
[name and address].

\*Please state address with reasonable precision.

App. K F 8-9

FORM 8

Summary decree

ORDER 12, RULES 11(d) AND 12(a)

[Title as in Form 1 substituting

CLERK OF THE CROWN AND PEACE for COUNTY COURT JUDGE]

IT APPEARING to the Clerk of the Crown and Peace that the plaintiff caused a summary civil bill together with the requisite notices to be served on the defendant ;

AND IT APPEARING that the plaintiff has lodged in the office of the Clerk of the Crown and Peace the prescribed documents for a summary decree;

AND IT APPEARING that the defendant did not within fourteen days of the service of the said summary civil bill give to the plaintiff or his solicitor or the Clerk of the Crown and Peace a notice disputing the claim in whole or in part or alleging a counterclaim and that the plaintiff has lodged in the office of the Clerk of the Crown and Peace an affidavit in the prescribed form made by ;

AND IT FURTHER APPEARING to the Clerk of the Crown and Peace, upon reading the said affidavit so lodged as aforesaid, that the defendant is justly indebted to the plaintiff in the sum of £

IT IS THEREFORE ORDERED AND DECREED by the Clerk of the Crown and Peace that the plaintiff do recover from the defendant the said sum together with the sum of

£ for costs

Dated this day of 19

(Seal)

Clerk of the Crown and Peace. Plaintiff's Solicitor.

FORM 9

Application for summary decree

ORDER 12, RULE 12

[Title as in Form 1]

I, the undersigned solicitor for the plaintiff in this action, having lodged in the office of the Clerk of the Crown and Peace the documents requisite for the issue of a summary decree, HEREBY APPLY to the Clerk of the Crown and Peace for the issue of a summary decree against the defendant.

Signed Plaintiff's Solicitor.

Address

APPENDIX L

FORM 1

Notice to plaintiffs in other actions of dismiss in favour of defendant in selected action

ORDER 13, RULE 3(2)

In the County Court Division of

BETWEEN

and

Plaintiff,

Defendant,

and

BETWEEN

and

Plaintiff,

Defendant.

WHEREAS on the day of 19 it was ordered that the above-mentioned action of

v.

should be stayed until a decision should have been given in the above-mentioned action of

v.

TAKE NOTICE that on the day of 19, a dismiss was given in the said action of

v.

in favour of the defendant.

AND FURTHER TAKE NOTICE that the said defendant will be entitled to his costs of the above-mentioned action of

up to the date of the said order of the day of 19 unless you, the said shall on or before the\* day of 19 give written notice to the Clerk of the Crown and Peace to enter the action of

v.

for hearing.

Dated this day of 19

Signed

Defendant.

To the above-named Plaintiffs.

\*See Order 13, Rule 6.

App. L F 2

FORM 2

Notice to plaintiff in other actions of decree in favour of plaintiff in selected action

ORDER 13, RULE 4(2)

[Title as in Form 1]

TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ a decree was given in the said action of

v.

in favour of the Plaintiff

AND FURTHER TAKE NOTICE that you will be at liberty to proceed with the action of

v.

for the purpose of ascertaining and recovering the debt [or damages] and costs and that if you desire so to proceed you must, on or before the\* day of \_\_\_\_\_ 19\_\_\_\_, give written notice to me to enter the action of

v.

for hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk of the Crown and Peace.

To the above-named Plaintiff.

\*See Order 13, Rule 6.



APPENDIX M

FORM 1

Notice of day fixed for hearing after general adjournment

ORDER 14, RULE 4(3)

[Title as in Appendix A, Form 1]

TAKE NOTICE that the hearing of this action which stands adjourned generally will take place at \_\_\_\_\_ on the \_\_\_\_\_ day of 19 \_\_\_\_\_ at \_\_\_\_\_ o'clock.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed \_\_\_\_\_ Clerk of the Crown and Peace.

FORM 2

Application by defendant for security for costs

ORDER 14, RULE 5(1)

[Title as in Form 1]

I, THE ABOVE-NAMED DEFENDANT, neither reside nor carry on business within the aforesaid Division, and I APPLY for an order directing the plaintiff to deposit in Court a sum of money to be fixed by the Clerk of the Crown and Peace as security for my costs of this action, on the grounds stated in my affidavit accompanying this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Defendant.

To the Clerk of the Crown and Peace.

FORM 3

Notice to defendant of refusal of application for security for costs

ORDER 14, RULE 5(3)

[Title as in Form 1]

TAKE NOTICE, that I have duly considered the allegations in your affidavit and I refuse your application for an order directing the plaintiff to deposit a sum of money as security for your costs. You must therefore attend the Court on the day fixed for the hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal)

Signed

Clerk of the Crown and Peace.

App. M. F. 4-5

FORM 4

Notice to plaintiff to deposit sum of money in court for security for costs

ORDER 14, RULE 5(4)

[Title as in Form 1]

TAKE NOTICE that the defendant, who neither resides nor carries on business within the aforesaid Division, has filed with me an affidavit showing a defence to this action on the merits, and has applied for an order directing you to deposit a sum of money as security for his costs of this action. An order has been made requiring you within three days from the date hereof to deposit in Court the sum of £ \_\_\_\_\_ to abide the event of this action;

AND FURTHER TAKE NOTICE that in default of your making such deposit as ordered the action will be struck out, and the defendant will be entitled to claim against you his costs incurred prior to the receipt by him of notice of your default.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal)

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

FORM 5

Notice to defendant of deposit of sum of money for security for costs

ORDER 14, RULE 5(5)(a)

[Title as in Form 1]

TAKE NOTICE that the plaintiff has this day deposited with me the sum of £ \_\_\_\_\_, to abide the event of this action.

You should therefore attend the Court on the day fixed for the hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal)

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

FORM 6

**Notice to defendant of failure to deposit sum of money for security for costs**

ORDER 14, RULE 5(5)(b)

[Title as in Form 1]

TAKE NOTICE that the plaintiff has been required by me to deposit in Court the sum of £ \_\_\_\_\_, to abide the event of this action, but has not deposited the same.

The action will therefore be struck out and you need not attend the Court on the day fixed for the hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal) Signed \_\_\_\_\_ Clerk of the Crown and Peace.

APPENDIX N

FORM 1

**Order for discovery of documents**

ORDER 15, RULE 1(5)

[Title as in Appendix A, Form 1]

IT IS ORDERED that on payment by the \_\_\_\_\_ of the sum of £ \_\_\_\_\_ into Court as security [or without \_\_\_\_\_ security given by the \_\_\_\_\_] the \_\_\_\_\_ do within \_\_\_\_\_ days from the service of this order [\*and a copy of the receipt for payment into Court] upon him answer on affidavit, stating what documents are or have been in the possession or power of \_\_\_\_\_ relating to the matters in question in these proceedings, and return such affidavit to me for filing, and deliver a copy thereof to the \_\_\_\_\_ and that the costs of this application be \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal) Signed \_\_\_\_\_ Clerk of the Crown and Peace.

\*Add when payment as security ordered.

App. N F 2

FORM 2

Affidavit of documents

ORDER 15, RULE 1(6)

[Title as in Form 1]

I, the above-named

MAKE OATH and say as follows—

1. I have in my possession or power the documents relating to the matters in question in these proceedings set forth in the first and second parts of the first schedule hereto.

2. I object to produce the said documents set forth in the second part of the said first schedule hereto.

3. That [here state upon what grounds the objection is made, and verify the facts as far as may be].

4. I have had, but have not now, in my possession or power the documents relating to the matters in question in these proceedings set forth in the second schedule hereto.

5. The last-mentioned documents were last in my possession or power on

6. That [here state what has become of the last-mentioned documents and in whose possession they now are].

7. According to the best of my knowledge, information, and belief, I have not now, and never had in my possession, custody, or power or in the possession, custody or power of my solicitor, or in the possession, custody or power of any other person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in these proceedings, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the said first and second schedules hereto.

FIRST SCHEDULE

PART I

PART II

SECOND SCHEDULE

## APPENDIX O

## Summons in chambers

ORDER 16, RULE 3; ORDER 17, RULE 6(1)(c)

[Title as in Appendix A, Form 1]

LET ALL PARTIES concerned attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_ o'clock, before the Judge [Clerk of the Crown and Peace] for the purpose of [here state the object for which the attendance is required].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

To:

## APPENDIX P

## FORM 1

## Primary decree in administration suit

ORDER 17, RULE 4

[Title as in Appendix A, Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [ \_\_\_\_\_ ] sittings on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, seeking to have the estate of the said \_\_\_\_\_ deceased, late of \_\_\_\_\_, in the County of \_\_\_\_\_, who died on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, administered under the order of this Court;

AND IT FURTHER APPEARING that \_\_\_\_\_ is the executor [or administrator or administrator with the will annexed] of the said deceased

AND IT FURTHER APPEARING that the personal estate to which this suit relates does not exceed £2,000, and that the annual value of the lands to which this suit relates does not exceed £500, and the said suit [having stood adjourned until the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at \_\_\_\_\_ and] having come on this day to be heard

WHEREUPON on reading the said equity civil bill dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the affidavit of \_\_\_\_\_ sworn the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the probate of the will [or letters of administration [with the will annexed] of the personal estate and effects] of the said deceased granted to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, forth of the [Principal] [District] Registry of the Queen's Bench Division (Probate) of the High Court of Justice in Northern Ireland, situate at \_\_\_\_\_; An extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

**App. P F 1 (contd.)**

AND UPON HEARING

And the oral evidence of ;

IT IS ORDERED that the [real and personal] estate of the said deceased be administered in the usual course of administration;

AND IT IS FURTHER ORDERED that it be referred to the Clerk of the Crown and Peace [*or Registrar*] to take and make the following accounts and inquiries at and certify the result of the same to the Court—

1. The funeral and testamentary expenses of the deceased.
2. The debts of the deceased.
3. The legacies and annuities given by the will of the deceased, and who are the persons entitled to receive payment of the same.
4. Who are the next-of-kin of the deceased, according to the law governing the distribution of intestates' estates, living at the death of the deceased, and whether any of them are since dead, and, if so, who are their legal personal representatives.
5. The personal estate of the deceased (not specifically bequeathed) which came to the hands of the plaintiff, defendant, or or to the hands of any other person by his, her, or their orders, or for his, her, or their use.
6. What lands the said deceased died seized or possessed of, which under the provisions of the Administration of Estates Act (Northern Ireland) 1955 or the Local Registration of Title, Ireland, Act 1891 devolved to and became vested in his personal representative, and which should be administered in the same manner as if it were personal estate, and what incumbrances affect the same and the priorities thereof, and which of such incumbrancers consent to a sale thereof, and what is due to each such incumbrancer, respectively, on foot of each incumbrance.
7. The personal estate of the said deceased (if any) outstanding or undisposed of.

AND IT IS FURTHER ORDERED that the plaintiff [*or defendant or*] do within one month from the date of this decree lodge with the Clerk of the Crown and Peace [*or Registrar*] a verified account, as accounting party under this decree, and do within the same time furnish a true copy of the same to the solicitor, and that the do within 10 days after such copy account shall have been furnished, lodge with the Clerk of the Crown and Peace [*or Registrar*] such surcharge or discharge as he shall be advised to put in (if any), and forthwith furnish a copy to the solicitor for the ;

AND IT IS FURTHER ORDERED that the defendant [*or plaintiff*] do within one week after the certificate on these inquiries shall be made up pay into Court to the credit of this suit all sums of money which shall be found to have come to hands or to the hands of any other person or persons by order, or for use;

**App. P F 1 (contd.)**

\*AND IT IS FURTHER ORDERED that if the personal estate of the deceased be found insufficient for carrying out the objects of this suit, then the following further inquiries be made and taken—

8. Who is the heir at law of the deceased.
  9. What [further] real estate was the deceased seized of or entitled to at the time of his death.
  10. What are the incumbrances (if any) affecting such real estate or any part thereof.
- \*Applicable only in case of deaths before 1st January, 1956.
11. An account of what is due to the several incumbrancers, and the priorities of each such incumbrance, and which of such incumbrancers consent to a sale of the lands affected by such incumbrance;

AND IT IS FURTHER ORDERED that for the purpose of the inquiries herein-before directed, the Clerk of the Crown and Peace or Registrar shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the plaintiff's solicitor. And that the Clerk of the Crown and Peace [or Registrar] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries.

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at                                  this                  day of                                  19 .

Clerk of the Crown and Peace.

(Seal)

Solicitor for the Plaintiff.

App. P F 2

FORM 2

Primary decree declaring a donatio mortis causa, trusts, and directing inquiries, etc.

ORDER 17, RULE 4  
[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [ ] sittings on the day of 19 , seeking ;

AND IT FURTHER APPEARING that the money to which this suit relates does not exceed £2,000, and that the annual value of the lands to which this suit relates does not exceed £500;

And the said suit [having stood adjourned until the day of 19 , at , and] having come on this day to be heard;

Whereupon on reading the said equity civil bill, dated the day of 19 , the affidavit of sworn the day of 19 , and an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

And upon hearing  
And the oral evidence of

IT IS DECLARED that there was a valid and binding donatio mortis causa by the deceased to of and that same did not form part of the personal estate of the said deceased at the time of his [or her] death, and that the said are trustees of the said and the money represented thereby for the said ;

AND IT IS ORDERED that the said do concur and do all such acts as may be necessary as of the deceased to secure the payment by to of the sum payable by upon foot of the said ;

Or IT IS DECLARED that form portion of the estate of and that is a trustee in respect of same, for and on behalf of [and is liable to pay to ];

IT IS ORDERED that do forthwith [pay to the sum of £ ] [execute to at the expense of ] a proper deed of conveyance of [transfer to the ] [such transfer or other deed as may be necessary]; and execute



**App. P F 2 (contd.), F 3**

AND IT IS DECLARED that \_\_\_\_\_ is/are entitled to the costs of this suit, and let the Clerk of the Crown and Peace [or Registrar] tax the same;

IT IS FURTHER ORDERED that \_\_\_\_\_ do pay to \_\_\_\_\_ the said costs, when so taxed and ascertained [out of the estate of the said \_\_\_\_\_ deceased];

IT IS ORDERED that it be referred to the Clerk of the Crown and Peace [or Registrar] to take and make the following accounts and inquiries, at \_\_\_\_\_, and certify the result of same to the Court, and for the purpose of such inquiries to cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion of them ordered by the \_\_\_\_\_ solicitor, and to make such inquiries in any other way which shall appear to him to give the most useful publicity to such inquiries;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 \_\_\_\_\_  
 Clerk of the Crown and Peace.  
 (Seal) \_\_\_\_\_  
 Solicitor for \_\_\_\_\_

FORM 3

Primary decree in a mortgage suit

ORDER 17, RULE 4  
 [Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [ \_\_\_\_\_ ] sittings on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, to answer the plaintiff's demand for the sum of £ \_\_\_\_\_ for principal and interest due on foot of an indenture of mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, charged on portion of the townland of \_\_\_\_\_ in the parish of \_\_\_\_\_ and barony of \_\_\_\_\_ and County of \_\_\_\_\_, containing \_\_\_\_\_ acres \_\_\_\_\_ rods and \_\_\_\_\_ perches, statute measure, or thereabouts, held by the defendant in fee simple [or as a leasehold, at yearly rent of £ \_\_\_\_\_] and that said sum should together with the costs of suit be raised by a sale of the said lands, or by a receiver, or both, as the Court might direct;

And the said suit [having stood adjourned until the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at \_\_\_\_\_, and] having come on this day to be heard;

AND IT FURTHER APPEARING that the annual value of the lands to which this suit relates does not exceed £500;

**App. P F 3 (contd.)**

And upon reading the equity civil bill dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the affidavit of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the said mortgage deed dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_; sworn

An extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing  
and the oral evidence of \_\_\_\_\_;

THE COURT DOTH DECLARE that there is due by the defendant to the plaintiff on foot of said indenture of mortgage for principal the sum of £ \_\_\_\_\_ and for interest the sum of £ \_\_\_\_\_ at the rate of £ \_\_\_\_\_ per cent. per annum, up to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and also further interest on the said principal sum at the rate aforesaid until paid;

AND IT IS FURTHER ORDERED AND DECLARED that the plaintiff is entitled to £ \_\_\_\_\_ costs of this suit with his [her or their] demand, and that the Clerk of the Crown and Peace [or Registrar] do tax the same; and that, upon the defendant paying into Court within three months from the service of a copy of this decree upon the said defendant(s), the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant(s) re-convey the said mortgaged premises free and clear from all incumbrances of the plaintiff or any person claiming by, through, or under him [her or them] and shall deliver up to the Clerk of the Crown and Peace all deeds or writings in his [her or their] custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the Clerk of the Crown and Peace shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant(s) paying into Court such sums as aforesaid, by the time aforesaid, then IT IS ORDERED that the Clerk of the Crown and Peace [or Registrar] do take and make the following accounts and inquiries at \_\_\_\_\_ and certify the result of same to the Court—

1. An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said mortgage in the civil bill mentioned, or any and what part thereof.
2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.
3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant as aforesaid, all the estate and interest of the defendant of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrances affecting the same, by public auction, by a duly qualified auctioneer, at \_\_\_\_\_ subject to the approval of the Court [or subject to a reserved bidding to be fixed by the Court] AND IT IS FURTHER ORDERED that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the Clerk of the Crown and

## App. P F 3 (contd.), F 4

Peace [*or Registrar*] who shall inquire into the title, and that if any doubt or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the Clerk of the Crown and Peace [*or Registrar*] shall direct AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at                                    this                                    day of                                    19                                    .

(Seal)

Clerk of the Crown and Peace.

Solicitor for the Plaintiff.

## FORM 4

## Primary decree in an equitable mortgage suit

## ORDER 17, RULE 4

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the sittings on the                                    day of                                    19                                    , to answer the plaintiff's demand for the sum of £                                    for principal and interest due on foot of an alleged equitable mortgage by deposit by the defendant with the plaintiff on the                                    day of                                    19                                    of the original of the lands of                                    situate in the parish of                                    and County of                                    and barony of                                    containing                                    acres                                    roods                                    perches, statute measure, or thereabouts, held by the defendant in fee simple [*or as the case may be*], and that the said sum together with the costs of suit be raised by a sale of the said lands, or by a receiver, or by both, as the Court might direct;

AND IT APPEARING that the annual value of the lands to which this suit relates does not exceed £500;

And the said suit [having stood adjourned until the                                    day of                                    19                                    , at                                    , and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the                                    day of                                    19                                    , the affidavit of                                    sworn the                                    day of                                    19                                    , and an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing  
and the oral evidence of  
And it appearing

**App. P F 4 (contd.)**

IT IS DECLARED that the sums of money advanced by to, or on behalf of, at his [her or their] request, with interest thereon secured by the said equitable mortgage by deposit of the said title deeds with the said said title deeds with the said is well charged on the said estate and interest in the said lands more particularly set forth in the respective deeds [or Land Certificates] and equity civil bill;

AND IT IS DECLARED that there is now due to the said on foot of the said equitable mortgage the sum of £ for principal and the sum of £ for interest thereon, from the day of 19 , to the day of 19 , at the rate of £ per cent. per annum, together with further interest on the said sum of £ until paid;

AND IT IS ORDERED AND DECLARED that the said is entitled to costs of this suit with demand, and that the Clerk of the Crown and Peace [or Registrar] do tax the same;

And that upon the defendant(s) paying into Court within three months from the date of the service of a copy of this decree upon the said defendant(s), the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant(s) re-convey the said mortgaged premises free and clear from all incumbrances of the plaintiff or any person claiming by, through, or under him [her or them] and do deliver up to the Clerk of the Crown and Peace all deeds or writings in his [her or their] custody or power relating thereto, and that upon such re-conveyance being made and deeds and writings being delivered up, the Clerk of the Crown and Peace shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant(s) paying into Court such sums as aforesaid, by the time aforesaid, then IT IS ORDERED that the Clerk of the Crown and Peace [or Registrar] do take and make the following accounts and enquiries, at and certify the result of same to the Court—

1. An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said mortgage in the civil bill mentioned, or any and what part thereof.
2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.
3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant(s) as aforesaid all the estate and interest of the defendant(s) of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrances affecting the same, by public auction, by a duly qualified auctioneer, at , subject to the approval of the Court [or subject to a reserved bidding fixed by the Court];

**App. P F 4 (contd.), F 5**

AND IT IS FURTHER ORDERED that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the Clerk of the Crown and Peace [or Registrar], who shall inquire into the title, and that if any doubts or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the Clerk of the Crown and Peace [or Registrar] shall direct.

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at                      this                      day of                      19 .

Clerk of the Crown and Peace.

(Seal)

Solicitor for the Plaintiff.

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FORM 5

Primary decree in a local registration of title charge suit

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [                      ] sittings on the                      day of                      19                      , to answer the plaintiff's demand for the sum of £                      , principal and interest due on foot of a certain deed of charge which the plaintiff caused to be registered on the                      day of                      19                      , against a certain part of the townland of                      , in the parish of                      and barony of                      , and County of                      containing                      acres                      roods                      perches, statute measure, or thereabouts, held by the defendant in fee simple [or as a leasehold] on Folio                      of the County                      Land Registry subject to a Land Purchase Annuity of £                      [or at the rent of £                      ], and that said sum should, together with the costs of suit, be raised by a sale of the said lands, or by a receiver, or by both, as the Court might direct. And the said suit [having stood adjourned until the                      day of                      19                      , at                      , and] having come on this day to be heard

AND IT FURTHER APPEARING that the annual value of the lands to which this suit relates does not exceed £500;

Upon reading the equity civil bill, dated the                      day of                      19                      , the affidavit of                      sworn the                      day of                      19                      , [the Local Registration of Title certificate of charge of the                      day of                      19                      ,] [[a certified copy of] the Land Certificate relating to] Folio                      of the Register of the County of                      pursuant to the Local Registration of Title, Ireland, Act 1891 and an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing  
and the oral evidence of

**App. P F 5 (contd.)**

THE COURT DOETH DECLARE that the said instrument of charge is well charged on the said defendant's estate and interest in the lands and premises before mentioned, and that there is now due by the defendant to the plaintiff on foot thereof for principal the sum of £                      and for interest the sum of £                      at the rate of £                      per cent. per annum up to the                      day of                      19                      , together with further interest on the said principal sum at the rate aforesaid until paid [also the sum of £                      costs of registering said instrument of charge].

AND IT IS FURTHER ORDERED AND DECLARED that the plaintiff is entitled to his costs of this suit, with                      demand, and that the Clerk of the Crown and Peace [or Registrar] do tax the same. And that upon the defendant paying into Court within three months from the date of the service of a copy of this decree upon the defendant the said sums so declared to be due for principal and interest including such further interest as aforesaid, together with the amount of such costs, then the plaintiff shall at the cost of the defendant re-convey the said charged premises free and clear from all incumbrances of the plaintiff or any person claiming by, through, or under him, and do deliver up to the Clerk of the Crown and Peace all deeds or writings in his custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the Clerk of the Crown and Peace shall pay out to the plaintiff the said sums so paid in as aforesaid for principal, interest, and costs. But in default of the defendant paying into Court such sum as aforesaid, by the time aforesaid, then IT IS ORDERED that the Clerk of the Crown and Peace [or Registrar] do take and make the following accounts and inquiries at                      and certify the result of same to the Court—

- 1. An inquiry as to what incumbrances affect the lands and premises comprised in the plaintiff's said charge in the civil bill mentioned, or any and what part thereof.
- 2. An inquiry as to what are the priorities of the several incumbrances affecting the said lands.
- 3. An account of what is due to the several incumbrancers respectively in respect of their respective incumbrances.

AND IT IS ORDERED that upon default being made by the said defendant as aforesaid, all the estate and interest of the defendant of and in the lands and premises in the civil bill mentioned, and as hereinbefore specified, be sold for the discharge of the incumbrances affecting the same, by public auction, at                      , by a duly qualified auctioneer subject to the approval of the Court [or subject to a reserved bidding to be fixed by the Court] AND IT IS FURTHER ORDERED that the plaintiff's solicitor shall have the carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the Clerk of the Crown and Peace [or Registrar] who shall inquire into the title, and that if any doubt or difficulty shall arise on the title, the said abstract and conditions shall be advised upon and settled by counsel as the Clerk of the Crown and Peace [or Registrar] shall direct AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at                      this                      day of                      19                      .

Clerk of the Crown and Peace.

Solicitor for the Plaintiff.

(Seal)

## FORM 6

## Primary decree in a partition suit

## ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the sittings on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, seeking

AND IT FURTHER APPEARING that the annual value of the lands to which this suit relates does not exceed £500;

And the said suit [having stood adjourned until the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_, and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the affidavit of \_\_\_\_\_ sworn the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and an extract, under the hand of the proper officer, certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing and the oral evidence of \_\_\_\_\_ ;

IT IS ORDERED that it be referred to the Clerk of the Crown and Peace [or Registrar] to take the following accounts and inquiries at and certify the result of same to the Court, viz.—

1. Who are the parties interested in the lands and premises in the said equity civil bill mentioned, and in what shares and proportions, and for what estates and interests respectively.
2. Whether they are parties to this suit, and whether any of the said persons are under any disability.
3. Whether the said lands and premises, or any part thereof are held subject to any statute prohibiting sub-division without the consent of the Department of Finance and if so whether the consent in writing of the said Department that the said lands may be partitioned as the Court may direct, has been obtained.
4. Whether the said lands or any part thereof are charged with any advance repayable by Land Purchase Annuity to the Department of Finance.
5. What are the incumbrances, if any, affecting the lands in the said equity civil bill mentioned or any part thereof.
6. An account of what is due to the several incumbrancers and the priorities of each such incumbrance.
7. What rent or annuity, if any, is payable out of the said lands and to whom.

App. P F 6 (contd.)

AND IT IS FURTHER ORDERED that for the purpose of the inquiries hereinbefore directed, the Clerk of the Crown and Peace [or Registrar] shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the solicitor. And that the Clerk of the Crown and Peace [or Registrar] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries;

[AND IT IS FURTHER ORDERED that he be and is hereby appointed to survey the said lands and premises, and to make maps thereof, and to divide the same into equal parts, having regard to quantity and quality, and to report thereon to the Court in the manner provided by Order 33, Rule 4 of the County Court Rules (Northern Ireland) 1976; on or before the day of 19 ;

AND IT IS FURTHER ORDERED that the said report and maps of the said shall be lodged by him in the office of the Clerk of the Crown and Peace, on or before the day of 19 ;

And let copies of said report, accompanied by tracings of said maps, be furnished by the said to the solicitors of the respective parties to this suit, on or before the day of 19 ]

[AND IT APPEARING that the plaintiff is entitled to have the said lands and premises partitioned, and it is more convenient and beneficial for all the owners for this purpose that the whole of the said lands and premises be sold, and that the proceeds of same be distributed among those entitled, if it shall be certified that all the parties interested are parties to this suit, then—

IT IS ORDERED that the lands and premises in the equity civil bill in this suit mentioned, be forthwith sold by public auction, at by , auctioneer, subject to the approval of the Court [or to a reserved bidding fixed by the Court] and that the solicitor shall have carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the Clerk of the Crown and Peace [or Registrar], who shall inquire into the title, and, if any doubt or difficulty shall arise on the title, the abstract and conditions of sale shall be advised upon and settled by counsel as the Clerk of the Crown and Peace [or Registrar] shall direct] [And that all the parties to this suit have liberty to bid at such sale. But if it shall be certified that any of the parties interested are not parties to the suit or that there is a restraint on subdivision and that no consent thereto has been procured, IT IS ORDERED that any of the parties to this suit be at liberty to apply to the Court for a sale, when it shall have been certified that all persons who are not parties and who ought to have been served with notice of this decree have been so served] And the Court doth reserve the costs of this suit;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 19 .

Clerk of the Crown and Peace.

Solicitor for

(Seal)



## FORM 7

## Primary decree for redemption and account

## ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [ ] sittings on the day of 19 , seeking ;

AND IT FURTHER APPEARING that the annual value of the lands to which this suit relates does not exceed £500;

And the said suit [having stood adjourned until the day of 19 , at , and] having come on this day to be heard

Upon reading the said equity civil bill dated the day of 19 , the affidavit of sworn the day of 19 and an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing and the oral evidence of ;

## AND IT APPEARING

IT IS DECLARED that the right of redemption of in the premises is still subsisting, and that the defendant is entitled to his costs of this suit.

IT IS ORDERED that the following accounts and inquiries be taken at by the Clerk of the Crown and Peace [or Registrar], and the result of same certified to the Court—

1. An account of what is due to the defendant under and by virtue of the mortgage in the equity civil bill mentioned and for his costs of this suit, such costs to be taxed by the Clerk of the Crown and Peace [or Registrar].
2. An account of the rents and profits of said lands and premises received by the defendant or any other person or persons by his order or for his use, or which, without his or their wilful default, might have been so received.

AND IT IS ORDERED that what shall appear due on such last mentioned account be deducted from what shall appear due to the defendant for principal, interest and costs in account No. 1;

AND IT IS FURTHER ORDERED that upon the plaintiff paying to the defendant what shall be certified to be due to him as aforesaid, within [three] calendar months from the date of the order confirming the certificate of the Clerk of the Crown and Peace [or Registrar] the defendant re-convey unto the plaintiff the mortgaged lands and premises free and clear from all incum-

**App. P F 7 (contd.), F 8**

branches of the defendant or any person claiming through or under him, and deliver up to the plaintiff all deeds or documents or writings in the possession or control of the defendant relating to the said lands and premises; but in default of the plaintiff paying to the defendant by the time aforesaid what shall be certified to be due for such principal, interest and costs, after such deduction as aforesaid.

IT IS ORDERED that the plaintiff's suit do, from thenceforth, stand dismissed out of the Court with costs, to be taxed by the Clerk of the Crown and Peace [or Registrar] and to be paid by the plaintiff to the defendant;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries, with liberty to either of said parties to apply.

Dated at                      this                      day of                      19                      .

(Seal)

Clerk of the Crown and Peace  
Solicitor for

FORM 8

**Primary decree in partnership suit**

ORDER 17, RULE 4

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the sittings on the                      day of                      19                      , seeking                      ;

AND IT FURTHER APPEARING that the whole assets of the partnership to which this suit relates do not exceed £2,000 in amount or value                      ;

And the said suit [having stood adjourned until the                      day of 19                      , at                      , and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the                      day of 19                      , the affidavit of                      sworn the                      day of 19                      ;

Upon hearing                      and the oral evidence of                      ;

IT IS DECLARED that the partnership set forth in the plaintiff's equity civil bill was [validly entered into between the plaintiff and the defendant and that the same was] dissolved                      [or ought to stand dissolved] as from the                      day of                      19                      ;

## App. P F 8 (contd.)

AND IT IS ORDERED that the dissolution thereof as from that date be advertised

AND IT IS FURTHER ORDERED for the preservation of the assets of the partnership that be and is hereby appointed receiver (without being required to enter into any security) over the partnership assets and premises at and that the said receiver do forthwith enter into possession of the said partnership assets, and do forthwith take all necessary steps to sell the good will of the partnership business, and the interest of the partnership in the business premises at , and also to sell in lots or otherwise the stock-in-trade, trade utensils and all other property of the partnership, and that the said sales be advertised, and that the plaintiff and defendant be at liberty to bid at such sales, and that have carriage of the sales, and that the conditions of sale be subject to the approval of the Clerk of the Crown and Peace [or Registrar], and that the said receiver, out of the proceeds arising from such sales, do pay the rent, taxes, and all other necessary outgoings, and do forthwith lodge in Court, to the credit of this suit, the balance of such proceeds, and account to the Court in the usual course;

AND IT IS FURTHER ORDERED that it be referred to the Clerk of the Crown and Peace [or Registrar] to take and make the following accounts and inquiries at and to certify the result of same to the Court—

1. An account of the debts and liabilities of the said partnership.
2. An account of the credits, property, and effects now belonging to the said partnership.
3. An account of all dealings and transactions between the plaintiff and defendant from the day of 19 , to the day of 19 .

AND IT IS FURTHER ORDERED that for the purpose of the inquiries herein-before directed, the Clerk of the Crown and Peace [or Registrar] shall cause the usual advertisements to be prepared and the insertion thereof ordered by the plaintiff's solicitor. And that the Clerk of the Crown and Peace [or Registrar] shall make the inquiries hereby directed in any other way which shall appear to him to give the most useful publicity to such inquiries. And the Court doth reserve the question of costs;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 19 .

(Seal)

Clerk of the Crown and Peace,

Solicitor for

App. P F 9

FORM 9

Primary decree for specific performance

ORDER 17, RULE 4  
[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the [ ] sittings on the day of 19, seeking

And it further appearing that the money to which this suit relates does not exceed £2,000 [that the annual value of the lands to which this suit relates does not exceed £500];

And the said suit [having stood adjourned until the day of 19, at and] having come on this day to be heard

Upon reading the said equity civil bill dated the day of 19, the affidavit of sworn the day of 19

[and an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500];

Upon hearing and the oral evidence of ;

THE COURT DOETH DECLARE that the plaintiff is entitled to specific performance of the said agreement dated and doth decree the same accordingly [or that the said constitute a binding agreement between the plaintiff and the defendant and ought to be specifically performed and doth decree the same accordingly] [or ought not to be specifically performed and doth accordingly refuse such relief but in lieu doth declare that the plaintiff is entitled to the sum of £ assessed damages against the defendant by reason of his non-performance of the said agreement] [that the plaintiff is entitled to compensation in the sum of £ in respect of and that he be at liberty to deduct the same out of the purchase money];

AND IT IS FURTHER DECLARED that the said do forthwith take all necessary steps under the said ;

AND IT IS FURTHER DECLARED ;

AND IT IS DECLARED that the plaintiff is entitled to the costs of this suit, and that the Clerk of the Crown and Peace [or Registrar] do tax the same;

AND IT IS ORDERED that it be referred to the Clerk of the Crown and Peace [or Registrar] to take the following accounts and inquiries at and certify the result of same to the Court—

- 1. What sum is due by the in respect of purchase money and interest thereon, under the said agreement of the day of 19, from the day of 19, to the day of 19.

App. P F 9 (contd.), F 10

2. An account of the rents and profits of the said premises comprised in the said agreement received by the or by any other person by their order or for their use, from the day of 19 to the day of 19 ;

AND IT IS FURTHER ORDERED that the amount of such rents and profits, when ascertained, shall be deducted from the amount of such purchase money and interest, and that the balance, when ascertained and certified to be due, shall be lodged in Court by the to the credit of this suit;

AND IT IS FURTHER ORDERED that upon the said so lodging in Court such balance to the credit of this suit, the do execute a proper conveyance of the premises comprised in the said agreement to the or to whom he shall appoint;

AND IT IS FURTHER ORDERED that the do deliver to the all deeds and writings in their custody or power relating to the said premises; and in the event of disagreement, It IS ORDERED that the draft of such conveyance be submitted to the Judge for settling;

AND IT IS FURTHER ORDERED that for the purposes of the inquiries hereinbefore directed the Clerk of the Crown and Peace [or Registrar] shall cause the usual advertisements to be inserted in such newspapers as he shall direct, such advertisements to be prepared and the insertion thereof ordered by the solicitor;

AND IT IS FURTHER ORDERED that this suit do stand adjourned until the return of the certificate on the foregoing inquiries.

Dated at this day of 19 .

Clerk of the Crown and Peace.

(Seal)

Solicitor for

FORM 10

Notice to creditor to prove his claim

ORDER 17, RULE 10(1)

[Title as in Form 1]

YOU ARE HEREBY REQUIRED to prove the claim sent in by you against the estate of deceased, by filing such affidavit as you may be advised in support thereof, and by giving notice thereof to me on or before the day of next, and by attending at my office at the hour of o'clock on the day of 19 , being the time appointed for adjudicating on the claim and there producing the following deeds and documents in support of your claim—

Dated this day of 19 .

Signed Clerk of the Crown and Peace.

To

App. P F 11-12

FORM 11

Notice to creditor of disallowance of claim

ORDER 17, RULE 10(4)

[Title as in Form 1]

TAKE NOTICE that the claim sent in by you against the estate of deceased has been disallowed.

Signed

Clerk of the Crown and Peace

(Date)



FORM 12

Certificate of the Clerk of the Crown and Peace in an administration suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree [order] made in this suit on the day of 19 , is as follows—

appeared for the plaintiff  
and  
for the defendant

ADVERTISEMENTS

Advertisements for creditors appeared in the following newspapers—

NOTICE OF DECREE

Notice of the decree [order] of the day of 19 , has been served upon , being the parties directed by the said decree [order] to be served, and upon ;

## DEBTS

The debts of the said deceased which have been allowed, are set forth in Part I of the Schedule hereto, and with interest thereon, and the costs set forth in the said Schedule, are due to the persons named therein, and amount altogether to £ . No other person has been allowed or has come in and proved any debt against the estate of the said deceased, save and the time fixed by advertisement for that purpose has expired.

Such of the debts as are specialty debts are set forth in Part 1A of the Schedule hereto, and amount to £ and such as are simple contract debts are set forth in Part IB of the Schedule hereto, and amount to £ .

Interest on the said debts is computed down to the date of this certificate after the rate of £4 per cent. per annum from the day of 19 , the date of said order, unless otherwise specified.

I disallowed, in full, the claims of the persons set forth in Part II of the Schedule hereto, and I disallowed in part the claims of the persons set forth in Part III of the Schedule hereto, as therein more particularly set forth.

Notice of the disallowance of their claims, in whole or in part, has been given to each of the persons set forth in the said Parts II and III.

## FUNERAL AND TESTAMENTARY EXPENSES

The funeral expenses of the deceased, amounting to the sum of £ are due to the persons set forth in Part IV of the Schedule hereto [or were paid by and have been allowed credit for in the personal estate account "A" filed in this suit in items ].

The testamentary expenses of the deceased, amounting to the sum of £ are due to the persons set forth in Part V of the Schedule hereto [or were paid by and have been allowed credit for in the personal estate account "A" filed in this suit in items ].

## LEGACIES AND ANNUITIES

The pecuniary legacies given by the testator, other than annuities, are set forth in Part VI of the Schedule hereto, and, with the interest therein mentioned, remain due to the persons therein named, and amount altogether to £ .

The legacies, other than pecuniary, so given are set forth in Part VII of the said Schedule.

The annuities given by the testator, with the arrears due thereon, are set forth in Part VIII of the said Schedule.

Such arrears amount to £ .

The interest on such legacies is computed down to the date of this certificate at the rate of £4 per cent. per annum, from the day of being the end of the year after the testator's death, unless otherwise specified in the said Part VI.

The arrears of the annuities are computed to the date of this certificate, and from the testator's death, unless otherwise specified in the said Part VIII.

**App. P F 12. (contd.)****NEXT-OF-KIN**

The next-of-kin, according to the law governing the distribution of the effects of intestates, of the said the intestate named in the said decree, living at the time of his death, are set forth in Part IX of the Schedule hereto.

The legal personal representatives of those of the said next-of-kin who have since died are set forth in Part X of the Schedule hereto.

**PERSONAL ESTATE ACCOUNT**

as executor(s) or administrator(s) of the said deceased has, or have, received personal estate to the amount of £                      and has, or have, paid, or are entitled to be allowed credit in respect thereof, sums to the amount of £                      leaving a balance of £                      due to, or by, him, her, or them on that account. The particulars of the above receipts and payments appear in the account marked "A" verified by the affidavit(s) of                      filed the                      day of                      19                      .

**VARIATIONS FROM ACCOUNTS**

In addition to the sums appearing in such account to have been received, the said has, or have, been charged with the sums set forth in Part XI of the Schedule hereto amounting to £                      .

In respect of the disbursements in said account, I have disallowed, in full, the sums set forth in Part XII of the said Schedule, and I have disallowed, in part, the sums set forth in Part XIII of the said Schedule, and I have allowed credit for and added to the disbursements in such account the sums set forth in Part XIV of the said Schedule which were not set out in the said disbursements.

**NO PERSONAL ESTATE RECEIVED**

the executor(s), or administrator(s), of the deceased has, or have, not, nor has, nor have, either of them, or any person, or persons, by his, her, or their, order, or by the order of either of them, for his, her, or their, use, or for the use of either of them, received any part of the personal estate of the said deceased.

**OUTSTANDING ESTATE**

The personal estate of the said deceased (not specifically bequeathed), outstanding or undisposed of, consists of the particulars set forth in Part XV of the Schedule hereto.

**REAL ESTATE**

The real estate which the said deceased was seized of, or entitled to, at the time of his decease, consists of the particulars set forth in Part XVI of the Schedule hereto.



### INCUMBRANCES ON REAL ESTATE

The incumbrances affecting the said real estate are specified in Part XVII of the Schedule hereto.

### RENTS AND PROFITS ACCOUNT

The person or persons named in Part XVIII of the Schedule hereto has or have received rents and profits of the deceased's real estate to the amount of £            and have paid, or are entitled to be allowed credit on account thereof sums to the amount of £            leaving a balance due to or by him, her, or them of £            on that account as set forth in the said Schedule.

### NO RENTS AND PROFITS RECEIVED

the executor(s), or administrator(s), of the said deceased has, or have, not, nor has, nor have, either of them, or any person, or persons, by his, her, or their, order, or by the order of either of them, for his, her, or their use, or for the use of either of them, received any sum or sums of money on account of the rents and profits of the real estate of the deceased.

### HEIR-AT-LAW, ETC.

The heir-at-law of the said deceased is:

The residuary legatee(s) of the said deceased is, or are,

### SPECIAL INQUIRY

### EVIDENCE

The evidence produced before me was as follows—

Dated at                            this                            day of                            19                            .

Clerk of the Crown and Peace.

App. P F 12, Sch. Pts. I-II

SCHEDULE

PART I

CREDITORS OF THE TESTATOR

A—SPECIALITY DEBTS

No.	Name and address	Particulars of debt	Amount		Total	
			£	p	£	p

B—SIMPLE CONTRACT DEBTS

No.	Name and address	Particulars of debt	Amount		Total	
			£	p	£	p

PART II

CLAIMS AGAINST THE TESTATOR'S ESTATE DISALLOWED IN FULL

No.	Name and address	Particulars of debt claimed	Amount of claim		Amount disallowed	
			£	p	£	p

PART III

CLAIMS AGAINST THE TESTATOR'S ESTATE DISALLOWED  
IN PART

No.	Name and address	Particulars of debt	Amount of claim		Amount allowed		Amount disallowed	
			£	p	£	p	£	p

PART IV

FUNERAL EXPENSES

No.	Name and address	Particulars	Amount	
			£	p

PART V

TESTAMENTARY EXPENSES

No.	Name and address	Particulars	Amount	
			£	p

App. P F 12, Sch. Pts. VI-VIII

PART VI  
PECUNIARY LEGACIES

No.	Name and address of legatee	Nature of legacy	Amount		Total	
			£	p	£	p

PART VII  
LEGACIES OTHER THAN PECUNIARY

No.	Name and address of legatee	Nature of legacy

PART VIII  
ANNUITIES

No.	Name and address of annuitant	Nature of annuity	Amount		Arrears	
			£	p	£	p

App. P F 12, Sch. Pts. IX-XI

PART IX

NEXT-OF-KIN

<i>No.</i>	<i>Name and address</i>	<i>Observations</i>

PART X

LEGAL PERSONAL REPRESENTATIVE OF DECEASED NEXT-OF-KIN

<i>No.</i>	<i>Name and address</i>	<i>Observations</i>

PART XI

VARIATION FROM ACCOUNTS  
SUMS CHARGED IN ADDITION TO RECEIPTS

<i>No.</i>	<i>Name and address</i>	<i>Particulars</i>	<i>Amount</i>	
			£	p

App. P F 12, Sch. Pts. XII-XIV

PART XII

DISALLOWANCES, IN FULL, OF DISBURSEMENTS

No.	Name and address	Particulars	Amount	
			£	p

PART XIII

DISALLOWANCES IN PART OF DISBURSEMENTS

No.	Name and address	Particulars	Amount claimed		Amount allowed	
			£	p	£	p

PART XIV

AMOUNTS ALLOWED AND ADDED TO DISBURSEMENTS IN ACCOUNT

No.	Name and address	Particulars	Amount	
			£	p

App. P E 12, Sch. Pts. XV-XVIII

PART XV

PERSONAL ESTATE OUTSTANDING

PART XVI

REAL ESTATE

PART XVII

INCUMBRANCES

No.	Name and address of incumbrancer	Particulars	Amount		Total	
			£	p	£	p

PART XVIII

RENTS AND PROFITS

No.	Name and address	Particulars	Amount		Total	
			£	p	£	p

App. P F 13

FORM 13

Certificate of the Clerk of the Crown and Peace in a mortgage suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree made in this suit on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, is as follows—

appeared for the plaintiff  
and  
for the defendant \_\_\_\_\_ ;

Advertisements for incumbrancers appeared in the following newspapers—

Notice of the decree of the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
has been served upon \_\_\_\_\_ ;

No other person has been served. [All necessary parties to the proceedings have been served save those who are parties to the suit, or who have appeared by solicitor, and except \_\_\_\_\_.]

The incumbrances affecting the lands in the said equity civil bill and decree mentioned, or any part thereof, and the amounts due in respect thereof, are set forth in their priorities in the Schedule hereto, and save those so set forth, no claims in respect of incumbrances were sent in, nor did any other person attend to prove any charge or incumbrance and the time fixed by the advertisement for such purpose has expired.

SPECIAL INQUIRY

EVIDENCE

The evidence produced before me was as follows—

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Clerk of the Crown and Peace.



App. P F 13 (contd.), F 14

SCHEDULE  
OF  
INCUMBRANCES

No.	Incumbrancers	Particulars	Amounts		Total	
			£	p	£	p

FORM 14

Certificate of the Clerk of the Crown and Peace in a partition suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me, in pursuance of the decree made in this suit, on the            day of            19            , is as follows—

appeared for the plaintiff  
and  
for the defendant            ;

Advertisements for incumbrancers appeared in the following newspapers—

Notice of the decree of the            day of            19            ,  
has been served upon

No other person has been served. [All necessary parties to the proceedings have been served, save those who are parties to the suit, or who have appeared by solicitor, and except            .]

The names of all persons who are interested in the lands and premises set forth in the equity civil bill in this suit, and their shares, proportions, estates and interests therein respectively, are set forth in the First Schedule hereto.

The names of all persons who are parties to this suit, and who are under any disability, are set forth in the Second Schedule hereto.

**App. P F 14 (contd.)**

The lands, or any part thereof, which are charged with any advance made in the manner provided by any statute authorising the advance of public monies to tenants upon the security of their holdings, are set forth in the Third Schedule hereto.

The lands, or any part thereof, now held subject to any prohibition against sub-division without the consent of the Department of Finance, are set forth in the Fourth Schedule hereto, with the consent (if any) in writing of the said Department that the said lands may be partitioned as the Court may direct.

The incumbrances affecting the lands in the said equity civil bill and decree mentioned, or any part thereof, and the amounts due in respect thereof, are set forth in their priorities in the Fifth Schedule hereto, and save those set forth, no claims in respect of incumbrances were sent in, nor did any other person attend to prove any charge or incumbrance and the time fixed by the advertisement for such purpose has expired.

The rents or annuities payable out of the said lands, and the names of persons to whom same are payable, are set forth in the Sixth Schedule hereto.

**SPECIAL INQUIRY****EVIDENCE**

The evidence produced before me was as follows—

Dated at                      this                      day of                      19

Clerk of the Crown and Peace.

**1ST SCHEDULE****PERSONS INTERESTED**

App. P F 14 (contd.)

## 2ND SCHEDULE

## PERSONS UNDER DISABILITY

## 3RD SCHEDULE

## LANDS SUBJECT TO PUBLIC CHARGES

## 4TH SCHEDULE

## LANDS PROHIBITED FROM SUB-DIVISION

## 5TH SCHEDULE

## INCUMBRANCERS WITH THEIR PRIORITIES AND AMOUNTS

No.	Incumbrancers	Particulars	Amount		Total	
			£	p	£	p

App. P F 14 (contd.), F 15

6TH SCHEDULE

RENTS OR ANNUITIES PAYABLE OUT OF THE LANDS

No.	Name of Owner	Lands	Amount	
			£	p

FORM 15

Certificate of the Clerk of the Crown and Peace in a partnership suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me in pursuance of the decree made in this suit on the day of 19 , is as follows—

appeared for the plaintiff  
and  
for the defendant

Advertisements for creditors appeared in the following newspapers—

Notice of the decree of the day of 19 , has been served upon

No other person has been served. [All necessary parties to the proceedings have been served save those who are parties to the suit, or who have appeared by solicitor, and except ]

## App. P F 15 (contd.)

An account of the debts and liabilities of the partnership is set forth in the First Schedule hereto.

An account of the credits, property and effects of the partnership is set forth in the Second Schedule hereto.

An account of all dealings and transactions between  
and                      from the                      day of                      19  
to the                      day of                      19                      , is set forth in the Third  
Schedule hereto.

## SPECIAL INQUIRY

## EVIDENCE

The evidence produced before me was as follows—

Dated at                      this                      day of                      19

Clerk of the Crown and Peace.

## 1ST SCHEDULE

## PARTNERSHIP DEBTS AND LIABILITIES

No.	Names and addresses	Particulars	Amounts		Total	
			£	p	£	p

App. P F 15 (contd.), F 16

2ND SCHEDULE

PARTNERSHIP PROPERTY

No.	Names and addresses	Particulars	Amounts		Total	
			£	p	£	p

3RD SCHEDULE

PARTNERSHIP DEALINGS

No.	Names and addresses	Particulars	Amounts		Total	
			£	p	£	p

FORM 16

Certificate of the Clerk of the Crown and Peace in a specific performance suit

ORDER 17, RULE 12(1)

[Title as in Form 1]

I HEREBY CERTIFY that the result of the accounts and inquiries which have been taken and made by me in pursuance of the decree made in this suit on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, is as follows—

appeared for the plaintiff  
and  
for the defendant

Advertisements for creditors appeared in the following newspapers—

Notice of the decree of the                    day of                    19                    , has  
been served upon

No other person has been served. [All necessary parties to the proceedings  
have been served save those who are parties to the suit, or who have appeared  
by solicitor and except                    .]

The title to the premises, the subject matter of this suit, is set forth in  
the 1st Schedule hereto.

The particulars in regard to the purchase money are set forth in the  
2nd Schedule hereto.

The particulars in regard to the rents and profits of the premises, the  
subject matter of this suit, are set forth in the 3rd Schedule hereto.

#### SPECIAL INQUIRY

#### EVIDENCE

The evidence produced before me was as follows—

Dated at                    this                    day of                    19                    .

Clerk of the Crown and Peace.

App. P F 16 (contd.), F 17

1ST SCHEDULE

TITLE

2ND SCHEDULE

PURCHASE MONEY

3RD SCHEDULE

RENTS AND PROFITS

---

FORM 17

**Notice that the certificate of the Clerk of the Crown and Peace  
may be inspected**

ORDER 17, RULE 12(2)

*[Title as in Form 1]*

TAKE NOTICE that the certificate of the result of the accounts and inquiries taken and made by the Clerk of the Crown and Peace under the decree of this Court made on the            day of            19            , in this suit lies in his office and can be inspected by you up to and inclusive of the            day of            19            .

Dated this            day of            19            .

(Signed)

To



## FORM 18

## Notice of intention to apply to vary certificate

ORDER 17, RULE 12(3)(b)

[Title as in Form 1]

TAKE NOTICE that I intend to apply to the Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, when the Clerk of the Crown and Peace's certificate in this suit is presented to the Court for confirmation, for an order that the said certificate be varied, by having the claim of \_\_\_\_\_ as a creditor against the estate of the deceased in this suit disallowed [or as the case may be] \_\_\_\_\_ which notice will be grounded on [here state evidence or document relied on].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Signed)

To

## FORM 19

## Order on further consideration in an administration suit

ORDER 17, RULE 12(4)

[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of the \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. And upon reading the notice of motion for further consideration dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the said certificate;

And upon hearing \_\_\_\_\_ and the oral evidence of \_\_\_\_\_

[IT IS ORDERED that the motion of \_\_\_\_\_ to vary the said certificate be and the same is hereby refused with £ \_\_\_\_\_ taxed costs to be paid by \_\_\_\_\_ to \_\_\_\_\_];

[IT IS ORDERED that the said certificate be varied to the extent of ordering \_\_\_\_\_ ]

[AND] IT IS ORDERED that [subject to the foregoing variations] the said certificate be and the same is hereby confirmed

IT IS DECLARED that the

\_\_\_\_\_ are respectively entitled to their costs of this suit, and let the Clerk of the Crown and Peace [or Registrar] tax the same, and that the costs be taxed as \_\_\_\_\_ costs with \_\_\_\_\_ miscellaneous costs and be taxed accordingly.

**App. P F 19 (contd.), F 20**

IT IS ORDERED that the said \_\_\_\_\_ do forthwith lodge in  
 Court to the credit of this suit the sum of £ \_\_\_\_\_, being the  
 balance of the personal estate of the said \_\_\_\_\_  
 deceased, received by \_\_\_\_\_ as found by the said  
 certificate, and that \_\_\_\_\_ be at liberty to sue for or  
 otherwise collect the outstanding estate of the said \_\_\_\_\_  
 as found by the said certificate, and do account to the Court therefor in the  
 usual course.

IT IS DECLARED that the incumbrances set forth in the \_\_\_\_\_ Schedule  
 to the said certificate are well charged on the lands more particularly set forth  
 in the respective instruments of charge and that \_\_\_\_\_  
 is the heir-at-law of the said deceased.

AND IT IS ORDERED that the outstanding estate of the said \_\_\_\_\_  
 as found by the said certificate, consisting of \_\_\_\_\_  
 be sold free from the incumbrances of such of the incumbrancers (if any) as  
 shall consent to the sale but subject to the incumbrances of such as do not so  
 consent, by public auction by \_\_\_\_\_ auctioneer,  
 at \_\_\_\_\_, subject to the approval of the Court, or subject to a  
 reserved bidding fixed by the Court, and that \_\_\_\_\_  
 have carriage of the sale, and shall prepare the abstract of title and conditions  
 of sale, subject to the approval of the Clerk of the Crown and Peace [or  
 Registrar], who shall inquire into the title, and if any doubt or difficulty shall  
 arise on the title the said abstract and conditions shall be advised upon and  
 settled by counsel as the Clerk of the Crown and Peace [or Registrar] shall  
 direct [And let \_\_\_\_\_ have liberty to bid at the said sale];

And the Court doth reserve all questions as to the allocation of the pro-  
 ceeds to be derived from the sale of the said lands.

IT IS ORDERED that \_\_\_\_\_ be given immediately quiet and  
 peaceable possession of the lands at \_\_\_\_\_ with all  
 and singular the appurtenances thereon.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 \_\_\_\_\_ Clerk of the Crown and Peace.  
 (Seal) \_\_\_\_\_ Solicitor for \_\_\_\_\_

**FORM 20**

**Order on further consideration in a mortgage suit**

ORDER 17, RULE 12(4)  
 [Title as in Form 1]

This suit coming on this day in further consideration on the certificate of  
 the \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

And upon reading the notice of motion for further consideration, dated  
 the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ ;

And upon hearing  
and the oral evidence of

[IT IS ORDERED that the motion of  
to vary the said certificate be and the same is hereby refused with £  
taxed costs, to be paid by to ];

[IT IS ORDERED that the said certificate be varied to the extent of  
ordering ];

AND IT IS FURTHER ORDERED that, [subject to the foregoing variations,]  
the said certificate be and the same is hereby confirmed.

[IT IS DECLARED that the incumbrancers set forth in the Schedule  
to the said certificate  
are entitled to their costs of proving their claims in the same priorities as their  
said claims are certified and that the Clerk of the Crown and Peace [or  
Registrar] do tax the same].

[AND IT IS FURTHER ORDERED that the plaintiff is entitled to the costs of  
this suit, with his demand, to be taxed and ascertained by the Clerk of the  
Crown and Peace [or Registrar], and let the same be taxed accordingly].

And that  
is entitled to the costs of the sale of the lands directed to be sold in this suit,  
to be paid in priority to all other charges.

Dated at this day of 19

Clerk of the Crown and Peace.

(Seal)

Solicitor for

---

FORM 21

Order on further consideration in a partition suit

ORDER 17, RULE 12(4)

[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of  
the day of 19 ;

And upon reading the notice of motion for further consideration, dated  
the day of 19 ;  
the said certificate, the maps and report;

And upon hearing  
and the oral evidence of

[IT IS ORDERED that the motion of  
to vary the said certificate be and the same is hereby refused with £  
taxed costs to be paid by to ];

**App. P F 21 (contd.)**

[IT IS ORDERED that the said certificate be varied to the extent of ordering ]

AND IT IS FURTHER ORDERED that, [subject to the foregoing variations], the said certificate be and the same is hereby confirmed.

IT IS DECLARED that the incumbrances in the Schedule to the said certificate set forth are well charged on the lands and premises therein.

[IT IS ORDERED

that a partition be and the same is hereby made of the lands and premises set forth in the said equity civil bill filed in this suit in respect of the division thereof into equal parts in value, in manner following—

AND IT IS FURTHER ORDERED that the said do execute mutual conveyances to be settled by the Court in case the parties differ.

AND IT IS FURTHER ORDERED that such deeds and writings or other evidences of title relating to the said lands in the custody or power of any of the parties as exclusively relate to the respective portion allotted to each of the said respectively, be delivered to each of the said respectively, and that such of the same as relate as well to the lands and premises that are allotted to any other or others of them be delivered over to the said he undertaking to produce same on all necessary occasions, and to enter into a covenant for that purpose, and to deliver attested copies thereof at the expense of any other or others of the said parties requiring the same, and the said several parties so desiring.]

[IT IS ORDERED that the said

do attend on the lands and premises, and mark out the boundaries of each allotment with suitable fixed marks, and do have his costs and expenses of so doing, to be paid by the parties in equal shares].

[AND IT APPEARING to the Court that requests a sale of the lands and premises herein and a distribution of the proceeds instead of a division of the said lands and premises among the persons interested. And it appearing that by reason of the nature of the property and the number of the parties interested, such sale and distribution will be more beneficial to the persons interested than a division of the property between or among them.

**App. P F 21 (contd.), F 22**

IT IS ORDERED that the lands and premises in the equity civil bill in this suit mentioned be forthwith sold by public auction at \_\_\_\_\_ by \_\_\_\_\_, auctioneer, subject to the approval of this Court (or to a reserved bidding fixed by the Court) and that the \_\_\_\_\_ solicitor shall have carriage of the sale, and shall prepare the abstract of title and conditions of sale, subject to the approval of the Clerk of the Crown and Peace [or Registrar], who shall inquire into the title, and if any doubt or difficulty shall arise on the title, the abstract and conditions of sale shall be advised upon and settled by counsel as the Clerk of the Crown and Peace [or Registrar] shall direct] [And let all the parties to this suit have liberty to bid at such sale];

AND IT IS DECLARED that the parties to this suit are entitled to their costs, and IT IS ORDERED that the Clerk of the Crown and Peace [or Registrar] do tax the same, and that, when so taxed, the amount of said costs be added together and be borne and paid by the said parties to this suit in equal shares, and that the costs and expenses of the said \_\_\_\_\_ in respect of the said maps, report and attendances, be paid in the first instance by the said \_\_\_\_\_ and be charged for and allowed in the costs of the said \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Seal) \_\_\_\_\_ Clerk of the Crown and Peace.  
Solicitor for \_\_\_\_\_

FORM 22

**Order on further consideration in a suit for redemption and account**

ORDER 17, RULE 12(4)  
[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of the \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

And upon reading the notice of motion for further consideration, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the said certificate;

AND UPON HEARING and the oral evidence of \_\_\_\_\_;

[It IS ORDERED that the motion of \_\_\_\_\_ to vary the said certificate be and the same is hereby refused with £ \_\_\_\_\_ taxed costs, to be paid by \_\_\_\_\_ to \_\_\_\_\_].

[It IS ORDERED that the said certificate be varied to the extent of \_\_\_\_\_ ordering \_\_\_\_\_].

**App. P F 22 (contd.)**

AND IT IS [FURTHER] ORDERED that [, subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

And it appearing

IT IS DECLARED that

AND IT IS ORDERED

Dated at . . . . . this . . . . . day of . . . . . 19 . . . . .

Clerk of the Crown and Peace.

Solicitor for

(Seal)

## FORM 23

**Order on further consideration on a partnership suit\***

## ORDER 17, RULE 12(4)

[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of the \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_; and upon reading the notice of motion for further consideration, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and the said certificate.

AND UPON HEARING  
and the oral evidence of \_\_\_\_\_;

[IT IS ORDERED that the motion of \_\_\_\_\_ to vary the said certificate be and the same is hereby refused with £ \_\_\_\_\_ taxed costs, to be paid by \_\_\_\_\_ to \_\_\_\_\_].

[IT IS ORDERED that the said certificate be varied to the extent of ordering \_\_\_\_\_].

AND IT IS FURTHER ORDERED that [; subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

IT IS DECLARED that

IT IS ORDERED that the \_\_\_\_\_ do forthwith pay to the \_\_\_\_\_ the said sum of £ \_\_\_\_\_ together with £ \_\_\_\_\_ costs and let the Clerk of the Crown and Peace [or Registrar] tax the same.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal)

Clerk of the Crown and Peace.

Solicitor for

\*[See alternative Form 24.]

App. P F 24

FORM 24

Final decree in partnership suit\*

ORDER 17, RULE 12(4)

[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 ; and upon reading the notice of motion for further consideration, dated the day of 19 , and the said certificate

AND UPON HEARING and the oral evidence of ;

IT IS ORDERED that the funds now in Court, amounting to the sum of £ , be applied as follows—

1. In payment of the debts due by the partnership, set forth in the certificate of the Clerk of the Crown and Peace, amounting in the whole to £

2. In payment of the costs of all parties to this action, amounting to £ . [These costs must be ascertained before the decree is drawn up.]

3. In payment of the sum of £ to the plaintiff as his share of the partnership assets, and the sum of £ being the residue of the sum now in Court, to the defendant as his share of the partnership assets [or that the remainder of the said sum of £ be paid to the said plaintiff [or defendant] in part payment of the sum of £ certified to be due to him in respect of the partnership accounts].

And that the defendant [plaintiff] do, on or before the day of 19 , pay to the plaintiff [or defendant] the sum of £ , being the outstanding balance of the said sum of £ due to him.

Dated this day of 19 .

Clerk of the Crown and Peace.

(Seal)

Solicitor for

\*[This form, which is an order on further consideration where the costs have been taxed in anticipation of the whole matter being disposed of, will be suitable in simple cases. For alternative form see Form 23.]



FORM 25

Order on further consideration in a specific performance suit

ORDER 17, RULE 12(4)

[Title as in Form 1]

This suit coming on this day for further consideration on the certificate of the dated the day of 19 And upon reading the notice of motion for further consideration, dated the day of 19 and the said certificate;

AND UPON HEARING and the oral evidence of

[IT IS ORDERED that the motion of to vary the said certificate be and the same is hereby refused, with £ taxed costs, to be paid by to ]

[IT IS ORDERED that the said certificate be varied to the extent of ordering ]

AND IT IS FURTHER ORDERED that [, subject to the foregoing variations,] the said certificate be and the same is hereby confirmed.

IT IS ORDERED.

AND IT IS FURTHER ORDERED that the funds in Court to the credit of this suit be allocated amongst and paid out and transferred to the separate credit of the persons and suit named in the Payment Schedule hereto annexed, in the amounts set forth opposite the names, respectively, in the fourth column of the said Schedule.

Dated at this day of 19

Clerk of the Crown and Peace.

(Seal)

Solicitor for

App. P F 25 (contd.)

PAYMENT SCHEDULE

Funds in Court, £

Ledger No.

No.	Names and addresses of payees	Particulars of amount	Amount		Total	
			£	p	£	p

FORM 26

Final order allocating funds in Court

ORDER 17, RULE 12(4)

[Title as in Form 1]

UPON MOTION by ;

AND UPON READING the  
dated the day of  
attached thereto;

notice of motion for allocation  
19 , with the Schedule

AND UPON HEARING  
And the oral evidence of ;

AND IT APPEARING

AND IT FURTHER APPEARING that there is in Court to the credit of this suit  
the sum of £ ;

IT IS ORDERED that the funds in Court to the credit of this suit be allocated  
amongst [and] paid out to [, and transferred to the separate credit of,] the  
persons [and suit] named in the Payment Schedule hereto annexed, in the  
amounts set forth opposite their names respectively in the fourth column of the  
said Schedule.

Dated at this day of 19

Clerk of the Crown and Peace.

(Seal)

Solicitor for

PAYMENT SCHEDULE Funds in Court, £  
Ledger No.

No.	Names and addresses of payees	Particulars of amount	Amount		Total	
			£	p	£	p

App. Q F 1-2

APPENDIX Q

FORM 1

Notice of payment into Court

ORDER 21, RULE 2(1)

[Title as in Appendix A, Form 1]

TAKE NOTICE that the defendant has paid into Court the sum of £ in satisfaction of the plaintiff's claim for and that in the event of the plaintiff accepting the amount so paid the defendant undertakes to pay to the plaintiff the amount of costs and other expenses reasonably incurred by him as may be agreed between the plaintiff and the defendant or in default of agreement as may be settled by the Clerk of the Crown and Peace or by the Judge on appeal.

Signed

Defendant/Solicitor  
for the Defendant.

(Date)

FORM 2

Notice of acceptance of sum lodged in Court

ORDER 21, RULE 3(1)

[Title as in Form 1]

TAKE NOTICE that the plaintiff accepts the sum of £ paid into Court by the defendant in satisfaction of his claim for without prejudice to his rights on foot of the defendant's undertaking regarding costs and expenses.

Signed

Plaintiff/Solicitor  
for the Plaintiff.

(Date)

## FORM 3

**Application to Clerk of the Crown and Peace to settle costs  
and expenses where money has been paid into Court**

ORDER 21, RULE 2(1)

[Title as in Form 1]

The amount paid into Court in settlement of the claim in this action having been accepted and the parties not having agreed the amount of costs and other expenses payable in accordance with the undertaking lodged with the payment into Court;

I/WE HEREBY APPLY to the Clerk of the Crown and Peace for the Division of \_\_\_\_\_ for the settlement by him of the amount of such costs and expenses.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed \_\_\_\_\_

Plaintiff/Defendant/Solicitor  
for the Plaintiff/ Solicitor for  
the Defendant.

I HEREBY CERTIFY that I have settled the foregoing costs and expenses at  
£ \_\_\_\_\_

Signed \_\_\_\_\_

Clerk of the Crown  
and Peace

(Date)

**App. Q. F. 4**

**FORM 4**

**Decree for payment of costs and expenses reasonably incurred by plaintiff before date of payment of money into Court**

**ORDER 21, RULE 3(3)**

*[Title as in Form 1, substituting Clerk of the Crown and Peace for County Court Judge]*

IT APPEARING to the Clerk of the Crown and Peace that the defendant on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, paid money into Court in settlement of the claim in these proceedings and undertook to pay to the plaintiff the costs and expenses reasonably incurred by the plaintiff up to the date of such payment as might be agreed between the parties or in default of agreement as might be settled by the Clerk of the Crown and Peace or by the Judge on appeal;

AND IT APPEARING that the sum to be paid under the said undertaking amounts to £ \_\_\_\_\_ and that default has been made in the payment of that sum;

IT IS THEREFORE ORDERED AND DECREED that the plaintiff do recover from the defendant the said sum of £ \_\_\_\_\_ together with the sum of £ \_\_\_\_\_ for costs of the application for this decree and of this decree and the sum of £ \_\_\_\_\_ for witnesses' expenses, making a total of £ \_\_\_\_\_.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

(Seal)

Signed \_\_\_\_\_

Plaintiff/Solicitor for the Plaintiff.

FORM 5

**Decree, with order for payment out of Court in part satisfaction,  
of funds lodged by defendant**

**ORDER 21, RULE 6**  
*[Title as in Form 1]*

IT APPEARING TO THE COURT that process to appear at this present sittings  
was duly served on the defendant and that  
the defendant is justly indebted to the plaintiff  
in the sum of £ for ;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff  
do recover from the defendant  
the said sum together with the sum of £ for costs and the  
sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the sum of £ lodged  
in Court by the defendant be forthwith paid out to the plaintiff in part  
satisfaction of the amount decreed, costs and expenses.

Dated at this day of 19

Signed

Clerk of the Crown  
and Peace.

(Seal)

Signed

Solicitor for  
the Plaintiff.

App. Q F 6

FORM 6

Decree for sum not greater than defendant's lodgment, with directions as to application of funds in Court

ORDER 21, RULE 6  
[Title as in Form 1]

IT APPEARING TO THE COURT that process to appear at this present sittings was duly served on the defendant and that the said defendant is justly indebted to the plaintiff in the sum of £ damages for ;

AND IT FURTHER APPEARING TO THE COURT that the defendant did on the day of 19 , pay into Court the sum of £ in satisfaction of the plaintiff's claim for £ , which said sum so lodged is not less than the amount recovered by the plaintiff as recited above.

IT IS THEREFORE ORDERED AND DECREED by the Court that there be paid out of the said sum so lodged in Court as aforesaid (1) To the defendant the sum of £ being costs for the payment of which the plaintiff is liable under Rule 4 of Order 21 based on the amount lodged, and (2) To the plaintiff the sum of £ \* in satisfaction of his claim.

AND IT IS FURTHER ORDERED that the balance of the said sum so lodged in Court, namely £ , be paid out to the defendant.

Dated at this day of 19 .

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Solicitor for the Plaintiff.

\*Amount decreed less defendant's costs.



FORM 7

**Decree approving acceptance by minor, in satisfaction,  
of funds lodged by defendant**

**ORDER 21, RULE 6**  
*[Title as in Form 1]*

IT APPEARING TO THE COURT that process to appear at this present sittings was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ \_\_\_\_\_ for damages for \_\_\_\_\_ ;

IT IS THEREFORE ORDERED that the Clerk of the Crown and Peace do transfer the sum of £ \_\_\_\_\_ lodged in Court by the defendant in satisfaction of this claim from the Civil Bill Account to the separate credit of \_\_\_\_\_ a minor, without prejudice to the plaintiff's rights on foot of the defendant's undertaking regarding costs and expenses, to which there shall be added the sum of £ \_\_\_\_\_ costs of this application and decree.

AND IT IS FURTHER ORDERED that the said sum when so transferred be invested in \_\_\_\_\_ to abide further order.

AND IT APPEARING TO THE COURT that the said \_\_\_\_\_ is a minor having been born on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and that it is necessary to appoint for him a guardian of his fortune and that \_\_\_\_\_ his \_\_\_\_\_ is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor and consents to be so appointed.

IT IS ORDERED that the said \_\_\_\_\_ be and he is hereby appointed guardian of the fortune of the said minor during his minority or until further order.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Signed \_\_\_\_\_ Clerk of the Crown and Peace.  
(Seal) Signed \_\_\_\_\_ Solicitor for the Plaintiff.

App. Q F 8

FORM 8

**Decree for sum not greater than defendant's lodgment  
where plaintiff is a minor**

**ORDER 21, RULE 6  
[Title as in Form 1]**

IT APPEARING TO THE COURT that process to appear at this present sittings was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ \_\_\_\_\_ for damages for \_\_\_\_\_ and that the defendant had lodged in Court the sum of £ \_\_\_\_\_ in satisfaction of the plaintiff's claim for £ \_\_\_\_\_ ;

IT IS THEREFORE ORDERED AND DECREED BY THE COURT that the plaintiff, a minor, by \_\_\_\_\_ his \_\_\_\_\_ and next friend do recover from the defendant the said sum of £ \_\_\_\_\_ [less the sum of £ \_\_\_\_\_ costs and the sum of £ \_\_\_\_\_ for witnesses' expenses hereby ordered to be paid to defendant]

AND IT IS FURTHER ORDERED that the Clerk of the Crown and Peace do out of the sum lodged in Court by the defendant on foot of this claim pay thereout [the sum of †£ \_\_\_\_\_ to the defendant] the sum of £ \_\_\_\_\_ costs and the sum of £ \_\_\_\_\_ for witnesses' expenses to \_\_\_\_\_ plaintiff's solicitor and do transfer the balance namely £ \_\_\_\_\_ from the Civil Bill Account to the separate credit of \_\_\_\_\_ a minor.

AND IT IS FURTHER ORDERED that the said sum when so transferred be invested in \_\_\_\_\_ ;

AND IT APPEARING TO THE COURT that the plaintiff is a minor having been born on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and that it is necessary to appoint for him a guardian of his fortune and that \_\_\_\_\_ his \_\_\_\_\_ is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED that the said \_\_\_\_\_ be and he is hereby appointed guardian of the fortune of the plaintiff during his minority or until further order.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Signed \_\_\_\_\_ Clerk of the Crown and Peace.

(Seal) \_\_\_\_\_ Signed \_\_\_\_\_ Solicitor for the Plaintiff.

\*If so directed by the Judge.  
†Amount lodged less net amount awarded to plaintiff.

FORM 9

Decree with order for payment to the credit of minor, in part satisfaction, of funds lodged by defendant

ORDER 21, RULE 6  
[Title as in Form 1]

IT APPEARING TO THE COURT that process to appear at this present sittings was duly served on the defendant and that the defendant is justly indebted to the plaintiff in the sum of £ for damages for ;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff , a minor, by his and next friend, do recover from the defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the Clerk of the Crown and Peace do transfer the sum of £ lodged in Court by the defendant on foot of this claim from the Civil Bill Account to the separate credit of , a minor;

AND IT IS FURTHER ORDERED that the defendant do forthwith upon the privity of the Clerk of the Crown and Peace lodge the sum of £ being the balance of the sum due to the plaintiff, in Court to the credit of this matter and to the separate credit of ;

AND IT IS FURTHER ORDERED that the said sums transferred and lodged in Court as aforesaid be invested in to abide further order;

AND IT APPEARING TO THE COURT that the said is a minor, having been born on the day of 19 , and that it is necessary to appoint for him a guardian of his fortune and that his is a fit and proper person to be appointed such guardian, has no interest in this matter adverse to the said minor and consents to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed guardian of the fortune of the said minor during his minority or until further order.

Dated at this day of 19 .  
Signed Clerk of the Crown and Peace.  
(Seal) Signed Solicitor for the Plaintiff.

**App. R F 1-2**

**APPENDIX R**

**FORM 1**

**Order for transfer of proceedings**

**ORDER 22, RULE 5**

*[Title as in Appendix A, Form 1]*

IT IS ORDERED that the above action [*or matter*] be transferred to the County Court for the Division of

Dated this                      day of    19 .

(Seal)

Signed

Clerk of the  
Crown and Peace.

**FORM 2**

**Notice of day of hearing by Court to which action  
has been transferred**

**ORDER 22, RULE 6**

*[Title as in Form 1]*

TAKE NOTICE that the above action [*or matter*] has been transferred to this Court and will be heard at the                      day of    , 19                      , at                      on                      o'clock.

Dated this                      day of    19 .

Signed

Clerk of the  
Crown and Peace

## FORM 3

**Notice to person interested in money received for  
administration on order of High Court**

ORDER 22, RULE 10(1)

[Title as in Form 1]

In the County Court for the Division of

IN THE MATTER OF a sum of money received for administration pursuant to an order of the High Court of Justice in the action  
19 , No. between plaintiff  
and defendant.

TAKE NOTICE that pursuant to an order of  
dated the day of , 19 , the sum of £  
[invested in ] has been transferred to [or paid into]  
this Court to be invested, applied or otherwise dealt with for the benefit of  
as this Court in its discretion  
thinks fit.

Application as to the mode of dealing with the said sum may be made to this Court by or on behalf of the said at any time on notice of the application being given to the Clerk of the Crown and Peace.

[And failing any such application within one month the said sum will be invested in such manner as the Judge shall direct.]

Dated this day of 19

Signed

Clerk of the Crown  
and Peace.

App. S

APPENDIX S

Form of order for reference to European Court

ORDER 23, RULE 3(1)

[Title as in Appendix A, Form 1]

IT IS ORDERED that the question(s) set out in the Schedule hereto concerning the interpretation [or validity] of [specify Treaty provision or community instrument or act concerned] be referred to the Court of Justice of the European Communities for a preliminary ruling in accordance with Article 177 of the Treaty establishing the European Economic Community [or Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community, as the case may be];

AND IT IS ORDERED that all further proceedings in the above-named action or matter be stayed until the said Court of Justice has given its ruling on the said question(s) or until further order.

SCHEDULE

Request for preliminary ruling of the Court of Justice of the European Communities

[Here set out a brief statement of the case giving rise to the request for the ruling of the European Court, giving particulars of the parties and the proceedings, indicating the nature of the issues between the parties, and specifying the Treaty provisions or other acts, instruments or rules of Community law concerned.]

The preliminary ruling of the Court of Justice of the European Communities is accordingly requested on the following questions—

1., 2., & etc. [here set out the question on which the ruling is sought].

Dated this                    day of                    19

## APPENDIX T

## FORM 1

## Summons to witness

ORDER 24, RULE 9(1)

[Title as in Civil Bill]

YOU ARE HEREBY SUMMONED to attend at \_\_\_\_\_ on  
 the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_  
 in the \_\_\_\_\_ noon, and so from day to day, until the above action or  
 proceeding is disposed of, to give evidence in the above action or proceeding.  
 \*And to bring with you and produce to the Court the documents specified  
 hereunder—

If you fail to attend or to give evidence or to produce the documents  
 required by this summons, or, unless duly excused, fail to remain in attend-  
 ance throughout the hearing of the action or proceeding, you will be liable to  
 a fine not exceeding fifty pounds and in addition or alternatively to imprison-  
 ment for a term not exceeding one month.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed

Clerk of the  
Crown and Peace.

\*Delete if not required.

To \_\_\_\_\_  
 of \_\_\_\_\_

This summons is served on behalf of the plaintiff/defendant whose solicitors  
 are \_\_\_\_\_

Sum to be paid or tendered to the witness— £ \_\_\_\_\_

## FORM 2

## Service endorsement on summons to witness

ORDER 24, RULE 9(8)

A true copy of this summons was served by me on the within-named  
 \_\_\_\_\_ personally, at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and the sum of  
 £ \_\_\_\_\_ was at the same time paid/tendered by me to the  
 said \_\_\_\_\_ for his/her expenses.

Signed

App. T F 3-4

FORM 3

Order to bring up prisoner to give evidence

ORDER 24, RULE 10

[Title as in Form 1]

To the Governor of Her Majesty's Prison at

WHEREAS the plaintiff/defendant in the above-mentioned action [suit or matter] has made application to me for an order to bring up before this Court who, it is said, is detained as a prisoner in your custody, in order that he/she may be examined as a witness on behalf of the said plaintiff [or defendant] in the above-mentioned action [suit or matter] pending in this Court;

YOU ARE THEREFORE HEREBY REQUIRED, on tender to you of a reasonable sum for the conveyance and maintenance of any proper officers and of the prisoner in going to, remaining at and returning from the Court, to cause the said prisoner to be brought before this Court at on the day of 19 , at the hour of o'clock in the noon, then and there to be examined as a witness on behalf of the said plaintiff [or defendant] and immediately after the said prisoner has given his testimony to conduct him safely to the prison from which he has been brought under this warrant.

Given under my hand this day of 19

Signed

County Court Judge.

FORM 4

Notice to admit facts

ORDER 24, RULE 11(1)

[Title as in Form 1]

TAKE NOTICE that the plaintiff [or defendant] in this action [or matter] requires the defendant [or plaintiff] to admit, for the purposes of this action [or matter] only, the several facts respectively hereunder specified;

AND THE DEFENDANT [or PLAINTIFF] is hereby required, within three days after receiving this notice, to admit the same several facts, saving all just exceptions to their admissibility, as evidence in this action [or matter].

Dated this day of 19

Signed

Solicitor for the



FORM 5

Admission of facts pursuant to notice

ORDER 24, RULE 11(2)

[Title as in Form 1]

THE DEFENDANT [*or* PLAINTIFF] in this action [*or matter*] for the purposes of this action [*or matter*] only hereby admits the several facts hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in these proceedings.

Dated this                      day of    19

Signed

Solicitor for  
the

<i>Facts admitted</i>	<i>Qualifications or limitations, if any, subject to which they are admitted</i>
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

FORM 6

Notice to produce documents at hearing

ORDER 24, RULE 13

[Title as in Form 1]

TAKE NOTICE that you are hereby required to produce and show to the Court on the hearing of this action [*or matter*] all books, papers, letters, copies of letters, and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this action [*or matter*] and particularly [*specify them*].

Dated this                      day of    19

Signed

Solicitor for  
the

App. T F 7-8

FORM 7

Order for examination of witness out of Court

ORDER 24, RULE 20(4)

[Title as in Form 1]

UPON HEARING and upon reading the affidavit
of sworn the day of 19
and filed on behalf of

IT IS ORDERED that the evidence of , a witness
on behalf of the , be taken orally on oath before
and the said is hereby
required to attend at the place and time appointed to give evidence and to
produce the several documents hereunder specified—

AND IT IS FURTHER ORDERED that the examination so taken be filed in the
office of the Clerk of the Crown and Peace.

Dated this day of 19
(Seal) Signed Clerk of the Crown
and Peace.

FORM 8

Notice by Clerk of the Crown and Peace rejecting affidavit

ORDER 24, RULE 21(9)

[Title as in Form 1]

I HEREBY GIVE YOU NOTICE that I reject the affidavit of
sworn the day of 19
and refuse to file the same for the following reasons—

Dated this day of 19
Signed Clerk of the Crown
and Peace.

App. T F 9-10

## FORM 9

**Notice of intention in reliance on section 7 [or 8] of the Civil Evidence Act (Northern Ireland) 1971 to adduce evidence of conviction [or finding of adultery or adjudication of paternity]**

ORDER 24, RULE 8

[Title as in Form 1]

TAKE NOTICE that the plaintiff [*or applicant or (state description of other party initiating proceedings)*] in this action [*or (state nature of other proceedings)*] [*or defendant*] [*or (state other party serving notice)*] intends in reliance on section 7 [or 8] of the Civil Evidence Act (Northern Ireland) 1971 to adduce evidence that the defendant [*or (state description of other party)*] was [convicted on the                      day of                      19                      , by  
(name of court) of                      (state particulars of conviction, etc.)].

The said conviction (*or as the case may be*) is relevant to the plaintiff's (*or state description of other party*) claim for (*give particulars of the relevant issue*).

Dated this                      day of                      19

Signed

Plaintiff [*or Defendant*]  
[*or other party*]  
Solicitor for the

## FORM 10

**Counter-notice denying conviction, etc. [or alleging that conviction, etc., was erroneous] [or denying that conviction, etc., is relevant]**

ORDER 24, RULE 8

[Title as in Form 1]

TAKE NOTICE that the defendant [*or plaintiff*] (*or as the case may be*) denies [*or admits*] that he was convicted of the offence [*or finding or adjudication, etc.*] as alleged in the notice served on him by                      on the                      day of                      19                      , [but says that the said conviction (*or as the case may be*) was erroneous] [*or denies that the said conviction (or as the case may be) is relevant to any issue in the proceedings*].

Dated this                      day of                      19

Signed

Defendant [*or respondent*]  
[*or other party*]  
Solicitor for the

App. T F 11

FORM 11

Notice of intention to give in evidence statement admissible under section 1 of the Civil Evidence Act (Northern Ireland) 1971

ORDER 24, RULE 25  
[Title as in Form 1]

TAKE NOTICE that the plaintiff [or defendant] (or description of other party serving the notice) intends to give in evidence at the hearing of the action [or matter] (or state nature of other proceeding) by virtue of section 1 of the Civil Evidence Act (Northern Ireland) 1971 a statement contained in a document which is [or forms part of] a record compiled by acting in the course of his duty as

(state office or other capacity in which statement was recorded under a duty) from information supplied to him by

(state name of person who supplied information directly and add those of any other persons through whom the information was supplied to the compiler of the record and description of duty under which such latter intermediary was acting) which statement was made on the day of 19 at (add place and circumstances in which statement was made) and a copy [or transcript] whereof is annexed hereto.

[AND FURTHER TAKE NOTICE that the said (compiler of the record) cannot [or should not] be called as a witness, by reason of the fact that he is dead [or that he is living in , i.e. beyond the seas] [or that he is suffering from and is unfit to attend as a witness] [or that despite the exercise of reasonable diligence it has not been possible to identify him] [or to find him] [or that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy of the statement].]

Dated this day of 19

Plaintiff [or Defendant]  
Solicitor for the

To the Clerk of the Crown and Peace for the above-named Division and to the (other party to the proceedings).



App. T F 13

FORM 13

Counter-notice requiring person to be called as witness where named in notice of intention to give statement in evidence

ORDER 24, RULE 28

[Title as in Form 1]

TAKE NOTICE that the defendant [or plaintiff] (or description of other party who received the notice under Rule 24) requires the plaintiff [or defendant] (or description of party serving notice) to call

(name of person to be called) as a witness at the hearing of the above proceedings.

[AND FURTHER TAKE NOTICE that the defendant [or plaintiff] (or as the case may be) contends that the said can [or should be] called as a witness and he disputes that the said is dead [or is living beyond the seas] [or is suffering from and is unfit to attend as a witness] [or cannot by the exercise of reasonable diligence be identified] [or found] [or that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy of the statement referred to in the notice served under Rule 24 of Order 24 of the County Court Rules (Northern Ireland) 1976].]

Dated this day of 19

Defendant [or Plaintiff]
Solicitor for the

To the Clerk of the Crown and Peace for the above-named Division and to the (other party to the proceedings).

FORM 14

Notice of application to determine whether person can or should be called as witness

ORDER 24, RULE 29

[Title as in Form 1]

TAKE NOTICE that the above-named plaintiff [or defendant] (or as the case may be) intends to apply to the above-named court sitting at (courthouse) on the day of 19 , at o'clock in the noon to determine that

(name of person desired to be called as witness) can [or should] be called as a witness at the hearing of the above proceedings.

Dated this day of 19 .

Plaintiff [or Defendant]  
Solicitor for the

To the Clerk of the Crown and Peace for the above-named Division and to the (other party to the proceedings).

## App. T F 15

## FORM 15

Notice of intention to give in evidence under section 4(1)(b) of the Civil Evidence Act (Northern Ireland) 1971 certain inconsistent statements of person whose documentary statement sought to be put in evidence under section 1

ORDER 24, RULE 33

[Title as in Form 1]

TAKE NOTICE that the above-named plaintiff [or defendant] (or as the case may be) intends to adduce in relation to (name of person concerned) evidence under section 4(1)(b) of the Civil Evidence Act (Northern Ireland) 1971 to prove that the said made on the day of 19, another statement inconsistent with the statement referred to in the defendant's [or plaintiff's] notice dated the day of 19.

AND FURTHER TAKE NOTICE that the said statement inconsistent with the statement referred to in the defendant's [plaintiff's] said notice was made by the said on the day of 19, at (state place and add circumstances in which statement was made) and which said statement was made by the said to (name of person to whom inconsistent statement made), the words used [or the substance of the statement] being (set out); [or if made in a document was made on the day of 19, at (state place and add circumstances in which the statement was made) and which said statement was made by the said to (name of person to whom inconsistent statement was made) and a copy [or transcript] whereof is annexed hereto].

Dated this day of 19

Plaintiff [or Defendant]  
Solicitor for the

To the Clerk of the Crown and Peace for the above-named Division and to the (other party to the proceedings).



APPENDIX U

FORM 1

Endorsement to be put on civil bill intended to be entered for hearing by the Registrar for Belfast

ORDER 25, RULE 15(1)(b)

THIS CASE will be heard by the Registrar at on the . . . day of . . . 19 . . . , at the hour of . . . when if you admit the claim you may offer to pay the amount due by instalments.

If you dispute the claim you must give notice in writing of your intention to do so to the Clerk of the Crown and Peace at within fourteen days from the receipt of this civil bill. The civil bill will then be heard by the Judge on another day, notice of which will be sent to you. If you give notice of intention to dispute later than the time stated above or if, having failed to give such notice, you dispute the claim at the hearing you may be ordered to pay any costs or expenses properly incurred by the plaintiff in consequence of your failure to give such notice within the time allowed.

Costs and outlay if paid within fourteen days from date of service £

Note: Costs and outlay if paid after fourteen days from service will be payable on a higher scale.

FORM 2

Form of notice of application for a review by the Judge of a determination by the Clerk of the Crown and Peace or Registrar

ORDER 25, RULE 24(1)

Plaintiff
Defendant

TAKE NOTICE that I hereby apply for a review by the Judge of the determination by the Clerk of the Crown and Peace [or Registrar] made in the above action on the . . . day of . . . 19 . . .

Dated this . . . day of . . . 19 . . .

Signed

Applicant or his Solicitor.

To the Clerk of the Crown and Peace.

App. V F 1

APPENDIX V

FORM 1

Notice of motion

ORDER 26, RULE 5(2)

[Title of Action]

TAKE NOTICE that at the sittings of the Court for the above-named Division to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ an application will be made to the Court under the Hire-Purchase Act (Northern Ireland) 1966 section \_\_\_\_\_ sub-section \_\_\_\_\_ on behalf of the plaintiff [or defendant] for an order [specify remedy applied for].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed \_\_\_\_\_ Applicant.

Signed \_\_\_\_\_ Solicitor for the Applicant.

To the above-named defendant [or plaintiff] and the Clerk of the Crown and Peace for the County of \_\_\_\_\_

## FORM 2

**Decree for delivery of goods under section 35(4)(a)**  
 [with additions if Order made also for a sum of money claimed in the action]

ORDER 26, RULE 7  
 [Title as in Form 1]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought at the present sittings against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a hire-purchase agreement dated                      day of                      19                      , and made between                      and                      , did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement and that the value of the said goods is £                      ;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant, that is to say [*specify the goods which the Court decides to have been detained*] and that the defendant do return the said goods to the plaintiff on or before the                      day of                      19                      .

[AND IT ALSO APPEARING TO THE COURT that the defendant is justly indebted to the plaintiff in the sum of £                      due on foot of the said hire-purchase agreement];

IT IS FURTHER ORDERED that the defendant [*insert name*] do pay to the plaintiff the [said sum together with the] sum of £                      for costs and the sum of £                      for witnesses' expenses.

Dated at                      this                      day of                      19                      .

(Seal)

Signed

Clerk of the Crown and Peace.

Signed

Solicitor for the Plaintiff.

App. V F 3

FORM 3

**Decree for delivery of goods under section 35(4)(b)**

[with additions if Order made also for a sum of money claimed in the action]

**ORDER 26, RULE 7**

[Title as in Form 1]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought at the present sittings against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a hire-purchase agreement dated \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and made between \_\_\_\_\_ and \_\_\_\_\_ did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement and that the value of the said goods is £ \_\_\_\_\_ ;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant, that is to say [*specify the goods which the Court decides to have been detained*].

AND IT IS ORDERED that, unless the defendant fulfils the conditions of the postponement hereinafter imposed, the defendant do return the said goods to the plaintiff on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

[AND IT ALSO APPEARING TO THE COURT that the defendant is justly indebted to the plaintiff in the sum of £ \_\_\_\_\_ due on foot of the said hire-purchase agreement];

IT IS FURTHER ORDERED that the defendant [*insert name*] do pay to the plaintiff [*the said sum together with*] the sum of £ \_\_\_\_\_ for costs and the sum of £ \_\_\_\_\_ for witnesses' expenses;

AND IT IS ORDERED that the operation of this Order be postponed *on condition* that the [said sum of £ \_\_\_\_\_ together with the further] *unpaid balance of hire-purchase price, namely* £ \_\_\_\_\_ is paid to the plaintiff by instalments of £ \_\_\_\_\_ for every month, the first instalment to be paid on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, [*add any further conditions imposed by the Court*];

AND IT IS ORDERED that the above-mentioned agreement be modified in the following respects—

No sum except the instalments aforesaid shall be payable to the plaintiff in respect of the said agreement during the said postponement.  
 [*State any other respect in which the agreement is to be modified.*]

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal)

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

Signed \_\_\_\_\_

Solicitor for the Plaintiff.

FORM 4

Decree for delivery of goods under section 35(4)(c)

ORDER 26, RULE 7

[Title as in Form 1]

IT APPEARING TO THE COURT that the plaintiff duly caused a civil bill to be brought at the present sittings against the defendant for the recovery of goods of the plaintiff alleged to have been wrongfully detained by the defendant, and that the civil bill was duly served on the defendant;

AND IT APPEARING TO THE COURT that the defendant being in default under a hire-purchase agreement dated the day of 19 and made between and did wrongfully detain the goods of the plaintiff hereinafter mentioned being goods subject to the said agreement and that the value of the said goods is £ ;

IT IS ORDERED AND DECREED BY THE COURT that the plaintiff do recover against the defendant the following goods of the plaintiff so wrongfully detained by the defendant that is to say [specify the goods which the Court decides to have been detained];

AND IT IS ORDERED that the defendant do return the said goods to the plaintiff on or before the day of 19 ;

AND IT IS FURTHER ORDERED that the plaintiff's title to the following goods be transferred to the defendant, that is to say [specify remainder of the goods to which the agreement relates];

AND IT IS ORDERED that the defendant do pay to the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

(Seal)

Signed

Clerk of the Crown and Peace.

App. V F 5

FORM 5

Order on application under section 39

ORDER 26, RULE 7

[Title of Action]

UPON AN APPLICATION made the [date] by the plaintiff/defendant under Section 39(1) of the Hire-Purchase Act (Northern Ireland) 1966.

AND UPON READING the notice of application:

AND UPON HEARING

IT IS ORDERED that in lieu of the conditions mentioned in the decree made in this action on the day of 19, the operation therein shall be postponed on the following conditions, that is to say [state the varied conditions].

AND IT IS ORDERED that the terms of the hire-purchase agreement referred to in the said decree be further modified in the following respects [state respects in which the agreement is to be modified];

Or IT IS ORDERED that the postponement of the operation of the Order in the decree in this action dated the day of 19, be revoked, and that the defendant do return the goods specified in the decree namely [specify the goods] on or before the day of 19

AND IT IS ORDERED that the do pay the sum of £ for costs and the sum of £ witnesses' expenses;

Or IT IS ORDERED that the defendant do return the following goods to the plaintiff on or before the day of 19, the value thereof being £ [specify the goods of which the Court decides to order the return].

AND IT IS ORDERED that the do pay to the the sum of £ for costs and the sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the plaintiff's title to the following goods be transferred to the defendant [specify the remainder of the goods to which the agreement relates].

Dated at this day of 19

(Seal)

Signed

Clerk of the Crown and Peace.

## APPENDIX W

Affidavit on payment into Court under section 63  
of the Trustee Act (Northern Ireland) 1958.

## FORM 1

## ORDER 27, RULE 1(1)

In the County Court for the Division of

IN THE MATTER OF the Trustee Act (Northern Ireland) 1958 and the County Courts Act (Northern Ireland) 1959.

IN THE MATTER OF [*add the title of the particular trust*].

I, \_\_\_\_\_ of \_\_\_\_\_ aged \_\_\_\_\_ years and upwards MAKE OATH and say as follows—

1. My place of residence \_\_\_\_\_ [*state it*] is the place where I am to be served with any notice or application relating to the trust fund hereinafter mentioned.

2. [*Set out a short description of the trust and the instrument creating it stating the amount of the money or stock proposed to be paid or transferred, or security deposited, in trust to attend the order of the Court.*]

3. Under the provisions of the above-mentioned Act I desire to pay into Court, in trust to attend the orders of the Court, the above-mentioned sum of £ \_\_\_\_\_ after retaining out of the said sum the sum of £ \_\_\_\_\_ for costs incurred in paying the said sum into Court.

4. To the best of my knowledge and belief the only persons interested in, or entitled to, the said sum are [*state the names and addresses of the persons interested in, or entitled to, the money [or securities] to the best of the trustee's knowledge and belief*].

5. I submit to answer to the best of my ability all such inquiries relating to the application of the said money [*or securities*] as the Court may think proper to make or direct.

Sworn, etc.

To be endorsed on affidavit—

Leave to pay [*or transfer fund*] into Court upon privity.

Clerk of the Crown and Peace.

App. W.F. 2

FORM 2

Notice to person beneficially interested of payment into Court under section 63 of the Trustee Act (Northern Ireland) 1958

ORDER 27, RULE 1(5)

In the County Court for the Division of

No.

IN THE MATTER OF the Trustee Act (Northern Ireland) 1958 and the County Courts Act (Northern Ireland) 1959 and in the matter of [add the title of the particular Trust].

TAKE NOTICE that on the day of 19 [state name, address and occupation of Trustee] under the above-mentioned Act paid into Court [give particulars of money or securities paid into Court] to attend the orders of the Court, and in his affidavit sworn on the day of 19, shortly described the instrument creating the trust, and stated the names of the persons interested in or entitled to the said money [or securities] to the best of his knowledge and belief, as follows, that is to say: [state from the affidavit the paragraph containing the names of the persons interested or entitled].

AND FURTHER TAKE NOTICE that any person interested in or entitled to the said money [or securities] may apply to this Court respecting the investment, payment out, or mode of dealing with the said money [or securities] or of the income thereof.

Dated this

day of

19

Clerk of the Crown and Peace.



FORM 3

Certificate of Clerk of the Crown and Peace in case of money

ORDER 27, RULE 1(6)

County Court for the Division of

IN THE MATTER OF the Trustee Act (Northern Ireland) 1958 and the County Courts Act (Northern Ireland) 1959.

IN THE MATTER OF THE TRUSTS OF

I HEREBY CERTIFY that has on the day of 19, filed with me, the Clerk of the Crown and Peace of this Court, an affidavit entitled as above-mentioned, with reference to a trust fund or sum of £ therein mentioned, which sum, as therein stated, he duly paid into the County Court Bank under the provisions of the above Acts on the day of 19

Dated this day of 19

Signed Clerk of the Crown and Peace.

To

**Apps. X & Y**

**APPENDIX X**

**Summons**

**Married Women's Property Act 1882**

ORDER 28, RULE 1(1)

[Title as in Appendix A, Form 1]

The sittings at which this summons is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and will be held at \_\_\_\_\_

YOU ARE HEREBY SUMMONED at the instance of \_\_\_\_\_ of \_\_\_\_\_, to appear before the County Court Judge at the equity sittings of the aforesaid Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_, when the Court will proceed to consider the question hereunto annexed, and to make an order with respect to the property in dispute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed \_\_\_\_\_ Clerk of the Crown and Peace.

Signed \_\_\_\_\_ Solicitor for \_\_\_\_\_

\*Day for hearing as in court calendar.

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**APPENDIX Y**

**Certificate to expedite hearing of appeal**

ORDER 29, RULE 7(3)

[Title as in Decree]

To the Registrar of the Supreme Court.

The [plaintiff] [defendant] desires to appeal against a [dismiss] [decree] given by me at \_\_\_\_\_ on \_\_\_\_\_ in an action brought [nature of claim].

I AM OF OPINION that it would be just that the hearing should be expedited and that the appeal is fit and proper to be heard in Belfast by a Judge of the High Court and I certify accordingly.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal) Signed \_\_\_\_\_ County Court Judge.

APPENDIX Z

FORM 1

Ordinary decree

ORDER 30, RULE 7(1)

[Title as in Civil Bill]

IT APPEARING to the Court that process to appear at the sittings was duly served on the defendant, and that the said defendant is justly indebted to the plaintiff in the sum of £, for [here state cause of action from the civil bill];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plaintiff do recover from the said defendant the said sum together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19

Signed Clerk of the Crown and Peace.

(Seal) Signed Plaintiff/Solicitor for the Plaintiff.

App. Z F 2

FORM 2

Decree where counterclaim has been established

ORDER 25, RULE 8; ORDER 30, RULE 7(2)

[Title as in Form 1]

IT APPEARING to the Court that process to appear at the sittings was duly served on the defendant [and that the said defendant is justly indebted to the plaintiff in the sum of £ for [here state cause of action from the civil bill]] and that the plaintiff is indebted to the defendant under a counterclaim in the sum of £ for [here state ground of counterclaim];

[IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of £ for debt [or damages] and the sum of £ for costs and the sum of £ for witnesses' expenses and that the defendant do recover against the plaintiff the sum of £ for debt [or damages] and the sum of £ for costs and the sum of £ for witnesses' expenses].

IT IS THEREFORE ORDERED AND DECREED by the Court that the do recover from the the sum of £ [being the balance in favour of deducting the amount adjudged to the as aforesaid] together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Plaintiff/ Defendant/Solicitor for the Plaintiff/ Defendant.



App. Z F 4

FORM 4

Order on petition appointing guardians of minors and approving settlement of claims

ORDER 30, RULE 7(3)

[Title as in Form 1]

IT APPEARING to the Court that the said duly filed a petition dated the day of 19 seeking at the sittings on the day of 19, that may be appointed guardian of the [person and] estate of the said minor during his minority or until further order; and that the guardian when appointed be given liberty to accept the offer of £ for damages together with £ for costs and expenses in full settlement of all claims for damages arising out of on the day of 19, sustained by the said minor and that the guardian be authorised to sign a receipt or discharge for the minor's said claim; and that the said sum of £ when paid be lodged in Court to the credit of this matter;

AND IT FURTHER APPEARING that the property to which this matter relates so far as it consists of property other than land does not exceed £2,000 in amount or value and so far as it consists of lands does not exceed £500 in annual value.

And the said matter [having stood adjourned until the day of 19, at , and] having come on this day to be heard. And upon reading the said petition, dated the day of 19, and the documents therein referred to, the affidavit of sworn the day of 19, the consent of dated the day of 19, and the affidavit of sworn the day of 19 ;

AND IT FURTHER APPEARING that is a minor having been born on the day of 19, and that it is necessary and expedient that a guardian of the [person and] property of the said minor should be appointed, and that is a fit and proper person to be appointed such guardian, and has no interest in this matter adverse to the interests of the said minor, and has consented to be so appointed;

IT IS ORDERED that the said be and he is hereby appointed guardian of the [person and] property of the said minor \*[under the provisions of section 2 of the Guardianship of Infants Act 1886] without security being required from him/her;

AND IT IS FURTHER ORDERED that the settlement of the claims of the said minor as aforesaid against for the sum of £ for damages together with £ for costs and expenses [including the costs of this petition and order thereon and all costs of and incident to the settlement of the said claims] be and the same is hereby approved; and the said guardian is hereby authorised and directed to execute or sign a release, receipt or discharge in full settlement of the said claims upon payment of the said sums;

**App. Z F 4 (contd.), F 5**

AND IT IS FURTHER ORDERED that the said guardian do, on receipt thereof, upon the privity of the Clerk of the Crown and Peace, lodge in Court to the credit of this matter the said sum of £ \_\_\_\_\_ ;

AND IT IS FURTHER ORDERED that [out of the said lodgment] the Clerk of the Crown and Peace do [pay to \_\_\_\_\_ the sum of £ \_\_\_\_\_] for the use and benefit of the said minor and do [invest the [balance of the] said lodgment in the joint names of the County Court Judge/Recorder for the aforesaid Division and Clerk of the Crown and Peace for the County of \_\_\_\_\_ in [the purchase of] \_\_\_\_\_ to be held until further order for the benefit of the said minor.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Signed \_\_\_\_\_ Clerk of the Crown  
and Peace.

(Seal)

Signed \_\_\_\_\_ Solicitor for

\*To be included where mother is appointed guardian.

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FORM 5

**Ordinary dismiss**

ORDER 30, RULE 7(5)

[*Title as in Form 1*]

IT APPEARING to the Court that the plaintiff caused the defendant to be served with a civil bill process to appear at the \_\_\_\_\_ sittings for the recovery of the sum of £ \_\_\_\_\_ alleged to be due for [*here insert the cause of action*] and that the plaintiff failed to prove the said [debt] or any part thereof;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff's bill be and the same is hereby dismissed without prejudice [*or on the merits, as the case may be*];

AND IT IS FURTHER ORDERED AND DECREED that the defendant do recover against the plaintiff the sum of £ \_\_\_\_\_ for costs and the sum of £ \_\_\_\_\_ for witnesses' expenses.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Signed \_\_\_\_\_ Clerk of the Crown  
and Peace.

(Seal)

Signed \_\_\_\_\_ Defendant/  
Solicitor for the  
Defendant.

App. Z F 6

FORM 6

**Decree for recovery of land (other than in ejectment for non-payment of rent) [and arrears of rent]**

ORDER 30, RULE 8(1)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought at the sittings against the defendant for the recovery of [here describe the [property] [premises] and tenure thereof as in civil bill] [and arrears of rent (if claimed)];

AND IT APPEARING that the said civil bill was duly served upon the defendant and upon \* and that the plaintiff is entitled to the possession of the said [property] [premises] [and is entitled to recover arrears of rent due and owing to the day of 19 , amounting to £ ];

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the defendant the said [property] [premises] [and the said sum for arrears of rent];

AND IT IS FURTHER ORDERED AND DECREED that the plaintiff do recover from the said defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Plaintiff/Solicitor for the Plaintiff.

\*Persons requiring to be served under Order 6, Rule 4.



FORM 7

Decree in ejectment for non-payment of rent

ORDER 30, RULE 8(1)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought at the sittings against the defendant for the recovery of [here describe the [property] [premises] as in civil bill];

AND IT APPEARING that the said civil bill was duly served upon \* requiring the defendant and all persons claiming any interest in the said [property] [premises] to appear at the said sittings to answer the said bill, and that no other person was in actual possession of the said [property] [premises] as tenant or under-tenant and that the plaintiff is entitled to the possession of the said [property] [premises];

AND IT APPEARING that the said [property was] [premises were] held by the said defendant as tenant thereof to the plaintiff at the yearly rent of £ and that the sum of £ , being the amount of one year's rent and arrears of rent up to the day of 19 , was due and owing to the said plaintiff by the said defendant in respect of the said tenancy at the time of service of the said civil bill, after all just and fair allowances;

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff be put into possession of the said [property] [premises];

AND IT IS FURTHER ORDERED AND DECREED that the plaintiff do recover from the said defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19 .

Signed Clerk of the Crown and Peace.
(Seal) Signed Plaintiff/Solicitor for the Plaintiff.

\*Being person in actual possession as tenant [or under-tenant].

CERTIFICATE OF RENT DUE

I CERTIFY that the sum of £ , being year's rent and arrears, was ascertained to be due and owing in the above decree by the County Court Judge for rent up to the day of 19 .

Signed Clerk of the Crown and Peace.

**App. Z F 8**

**FORM 8**

**Ejectment dismiss**

**ORDER 30, RULE 7(2)**

*[Title as in Form 1]*

IT APPEARING to the Court that the plaintiff caused the defendant to be served with civil bill process to appear at the sittings for the recovery of *[here describe the [property] [premises] and tenure thereof as in civil bill]*, and that the plaintiff has failed to prove his case;

IT IS THEREFORE DECREED by the Court that the said plaintiff's bill be and the same is hereby dismissed and that the said defendant do recover against the said plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Defendant/Solicitor for the Defendant.

## FORM 9

**Decree for balance of rent and costs under section 61 of the  
Landlord and Tenant Law Amendment Act, Ireland, 1860**

**ORDER 30, RULE 10**

*[Title as in Form 1]*

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought at the sittings against the defendant praying to be put in possession of [here describe the [property] [premises] and tenure thereof as in the civil bill] situate in the County of and in the Division aforesaid which civil bill was brought on the ground that . . . year's rent of the said premises was in arrear and unpaid; and the plaintiff claimed by the said civil bill the sum of £ . . . as and for rent due and owing to him at the time of service thereof. And whereas the defendant disputed that the said sum was due for rent at the time of the service of the said civil bill, and did, in pursuance of the statute, deposit with the Clerk of the Crown and Peace for the said County the sum of £ . . . for rent, and the sum of £ . . . mentioned in the civil bill process for costs, and obtained a certificate of such lodgment;

AND IT APPEARING upon the hearing of the said civil bill that the sum of £ . . . was actually due to the plaintiff for rent of the said premises in the said civil bill mentioned at the time of the service thereof, and that the sum so deposited by the defendant was not sufficient to pay the same;

AND THE PLAINTIFF having in open Court elected to take the sum of money so deposited with the Clerk of the Crown and Peace in lieu of the possession of the said [property] [premises];

IT IS HEREBY ORDERED AND DECREED that the said sum of money so deposited by the said defendant be paid over to the plaintiff. And it further appearing to the Court that the sum of £ . . . over and above the said sum of £ . . . so deposited in Court is due and owing to the plaintiff as the balance of rent of said [property] [premises], due at the time of service of the said civil bill.

IT IS THEREFORE ORDERED AND DECREED by the Court that the plaintiff do recover from the said defendant the said sum of £ . . . balance of rent, together with the sum of £ . . . costs and the sum of £ . . . for witnesses' expenses.

Dated at . . . this . . . day of . . . 19 . . .

Signed . . . Clerk of the Crown and Peace.

(Seal) Signed . . . Plaintiff/Solicitor for the Plaintiff.

**App. Z F 10**

FORM 10

**Decree for payment of a legacy**

ORDER 30, RULE 12

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff  
duly caused a civil bill to be brought at the sittings against  
the defendant , as executor of  
for recovery of the sum of £ in respect of [*here state cause*  
*of action as in civil bill*];

AND IT APPEARING that £ is due to the plaintiff for his  
legacy, and that the defendant ought to pay the same [*or part of the same, as*  
*the case may be*];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plaintiff  
do recover from the said defendant the said sum of £ together  
with the sum of £ for costs and the sum of £  
for witnesses' expenses.

Dated at this day of 19 .

Signed

Clerk of the Crown  
and Peace.

(Seal)

Signed

Plaintiff/Solicitor  
for the Plaintiff.

App. Z F 11

FORM 11

**Decree for payment of a distributive portion of the assets  
of an intestate**

ORDER 30, RULE 12

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff  
duly caused a civil bill to be brought at the sittings against  
the defendant for the recovery of the sum of  
£ for the distributive portion, as one of the next-of-kin, of  
the assets of of who died  
intestate;

AND IT APPEARING that the said plaintiff is one of the next-of-kin of the  
said deceased and entitled to £ and that the said defendant is  
the administrator of the said deceased and that the said defendant has in his  
hands, of the assets of the said deceased, a sum sufficient to pay the said plain-  
tiff's demand [or part of the same as the case may be];

IT IS THEREFORE ORDERED AND DECREED by the Court that the said plain-  
tiff do recover from the said defendant the said sum of £ together  
with the sum of £ for costs and the sum of £  
for witnesses' expenses.

Dated at this day of 19

Signed

Clerk of the Crown  
and Peace.

(Seal)

Signed

Plaintiff/Solicitor  
for the Plaintiff.

App. Z F 12

FORM 12

Decree in detinue

ORDER 30, RULE 13(a)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought at the sittings against the defendant for recovery of chattels of the plaintiff alleged to have been improperly detained by the defendant, and for damages for their detention;

AND IT APPEARING to the Court that the defendant did improperly detain the chattels of the plaintiff hereinafter mentioned;

IT IS ORDERED AND DECREED by the Court that the plaintiff do recover against the defendant the sum of £ assessed by the Court to be the value of the following chattels of the plaintiff so wrongfully detained by the defendant that is to say [here enumerate the chattels found to have been detained] and a further sum of £ for damages for the detention of the said chattels, and the sum of £ for costs and the sum of £ for witnesses' expenses.

[BUT IT IS FURTHER ORDERED that if defendant on or before the day of 19 , pays to the plaintiff the sum of £ for damages and the sum of £ for costs, and witnesses' expenses, and also return to the plaintiff the said chattels, and if the plaintiff accepts the same, then this decree shall not issue].

Dated at this day of 19

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Plaintiff/Solicitor for the Plaintiff.

## FORM 13

**Decree in detinue for return of goods**

## ORDER 30, RULE 13(b)

[Title as in Form I]

IT APPEARING to the Court that the plaintiff duly caused a civil bill to be brought at the sittings against the defendant for the recovery of chattels of the plaintiff alleged to have been improperly detained by the defendant, and for damages for their detention;

AND IT APPEARING to the Court that the defendant did improperly detain the chattels of the plaintiff hereinafter mentioned;

IT IS ORDERED AND DECREED by the Court that without delay the defendant cause the following chattels, that is to say [*here enumerate the chattels found to have been detained*] to be returned to the plaintiff;

AND IT IS FURTHER ORDERED that the plaintiff do recover against the defendant the sum of £ for damages for the detention of the said chattels and the sum of £ for costs and the sum of £ for witnesses' expenses.

Dated at this day of 19

Signed

Clerk of the Crown  
and Peace.

(Seal)

Signed

Plaintiff/Solicitor  
for the Plaintiff.

App. Z F 14

FORM 14

Decree rectifying a deed

ORDER 30, RULE 14

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the \_\_\_\_\_ sittings, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, seeking \_\_\_\_\_ ;

AND IT FURTHER APPEARING that the damage sustained [or the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed £2,000, and the annual value of the subject-matter of this suit so far as it consists of land does not exceed £500;

And the said suit [having stood adjourned until the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ and] having come on this day to be heard

Upon reading the said equity civil bill, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the affidavit of \_\_\_\_\_ sworn the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

And an extract under the hand of the proper officer certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing \_\_\_\_\_ and the oral evidence of \_\_\_\_\_ ;

AND IT APPEARING

IT IS DECLARED that the said deeds of the \_\_\_\_\_ were prepared in their existing form by mistake;

AND THIS COURT DOTH DECREE that the same ought to be rectified by substituting [amending] [adding] [deleting] \_\_\_\_\_ ;

And, consequential upon such decree, IT IS ORDERED that an extract from the operative part of this decree be endorsed by the Clerk of the Crown and Peace upon the said \_\_\_\_\_ [and that the Register of Freeholders for the County of \_\_\_\_\_ relating to the registration of the dealing registered on the \_\_\_\_\_ be rectified by substituting [amending] [adding] [deleting] or in such other words conveying the same sense and meaning as may be necessary to conform with existing Land Registry entries and map references];



App. Z F 14 (contd.)

AND IT IS FURTHER ORDERED that do pay to  
the costs of this suit, or that the parties do abide  
their own costs, and let the Clerk of the Crown and Peace [or Registrar] tax  
the same.

Dated at this day of 19

Signed Clerk of the Crown  
and Peace.

(Seal) Signed Solicitor for

I CERTIFY that I have taxed the costs in the above decree at the sum of  
£

Signed Clerk of the Crown  
and Peace.

App. Z F 15

FORM 15

Decree setting aside a deed

ORDER 30, RULE 14

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused the defendant to be duly served with an equity civil bill to appear at the sittings, on the day of 19 , seeking ;

AND IT FURTHER APPEARING that the damage sustained [or the value of the subject-matter of this suit so far as it consists of property other than land] does not exceed £2,000, and the annual value of the subject-matter of this suit so far as it consists of land does not exceed £500;

And the said suit [having stood adjourned until the day of 19 , at and] having come on this day to be heard;

Upon reading the said equity civil bill, dated the day of 19 , the affidavit of , sworn the day of 19 , and an extract, under the hand of the proper officer, certifying that the annual value of the lands to which this suit relates does not exceed £500;

Upon hearing and the oral evidence of

AND IT APPEARING

IT IS DECLARED that the said , the defendant, is a trustee for the said , the plaintiff of the property comprised in and assured by the said deed of the day of 19 , and situate at in the Parish of Barony of and County of and that the said deed of the day of 19 , in the said equity civil bill mentioned is not binding [on ];

IT IS DECLARED that the said deed be and the same is hereby declared fraudulent and void, and set aside on the grounds [IT IS DECLARED that the deed made by is within the provisions of Section 2 of the Conveyancing Act, Ireland, 1634 and is fraudulent and void as against the said the plaintiff and all the other creditors of the said on the ground that the said deed was executed by for the purpose of defeating and delaying the said plaintiff and all the other creditors of the said the contrary to the Statute];

AND IT IS ORDERED that the said deed be forthwith delivered up by the said defendant to the Clerk of the Crown and Peace to be cancelled;

App. Z F 15 (contd.)

AND IT IS FURTHER ORDERED that the said defendants or any of them, their servants or agents, be and are hereby restrained from further interfering with the said lands set forth in the said deed and that the said defendants do forthwith deliver up to the said plaintiff the possession of the said lands and premises particularly set forth in the said deed;

And let there be a stay of execution of this Order for ;

AND IT IS ORDERED that , the said defendant, do convey, assign and assure to the said , the plaintiff, the lands comprised in the said deed, and do forthwith deliver up to the said , the plaintiff, all deeds and writings in his power, custody, or procurement relating to the said lands;

AND IT IS FURTHER ORDERED that the said defendant do forthwith pay to the said plaintiff the costs of this suit, and let the Clerk of the Crown and Peace [or Registrar] tax the same.

Dated at this day of 19

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Solicitor for

I CERTIFY that I have taxed the costs in the above decree at the sum of £

Signed

Clerk of the Crown and Peace.

## App. ZA F 1

## APPENDIX ZA

## FORM 1

## Particulars and conditions of sale of land

## ORDER 31, RULE 5(1)(c)

[Title as in Appendix A, Form 1]

## PARTICULARS

Of property to be sold by public auction on the \_\_\_\_\_ day of  
 19\_\_\_\_, at \_\_\_\_\_ in the aforesaid Division at the  
 hour of \_\_\_\_\_ in pursuance of an Order of His Honour the County  
 Court Judge/Recorder of \_\_\_\_\_ made in the above suit on  
 the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ —

All the estate and interest of the defendant  
 in all that [*set out full descriptive particulars and tenure of each lot, mention-  
 ing all tenancies, charges, incumbrances, restrictions, easements and appur-  
 tenances, exceptions and reservations*].

## CONDITIONS OF SALE

1. No person is to advance less than £ \_\_\_\_\_ or such greater sum as shall  
 be fixed by the auctioneer at each bidding, and no bidding shall be retracted.

2. The sale is subject to a reserved price which is fixed by the Court and,  
 subject to such reserve and confirmation by the Clerk of the Crown and Peace,  
 the highest bidder shall be the purchaser [or the highest bidder shall be the  
 purchaser subject to the approval of the Judge].

3. [The right is reserved of offering the property in the first instance in the  
 separate lots specified in the particulars or as one lot, as the auctioneer may  
 determine at the sale; also to withdraw the property or any lot at any time  
 before it has actually been knocked down and without declaring the reserved  
 price.] The bidding shall be regulated by the auctioneer who may, without  
 giving any reason therefor, refuse any bidding. If any dispute shall arise  
 concerning a bidding the property shall be put up again at the last undisputed  
 bid.

4. The purchaser is, at the time of the sale, to subscribe his name and  
 address to the bidding paper, and all documents of title, notices, summonses  
 and other communications are deemed duly delivered to and served on the  
 purchaser by being left for him at such address, unless or until he is  
 represented by a solicitor, when all such documents and communications may  
 be delivered to or served on such solicitor at his office.

5. The purchaser shall at the time of sale pay to  
 the solicitor for \_\_\_\_\_ who has the carriage of the sale  
 a deposit of such sum as the Clerk of the Crown and Peace may determine  
 being not less than one-tenth of the amount of his bid, and the said solicitor  
 shall, upon the certificate of the Clerk of the Crown and Peace becoming  
 binding according to the practice of the Court, lodge such deposit in the County  
 Court Bank for the Division aforesaid to the credit of the said suit on a privity

## App. ZA F 1 (contd.)

to be obtained from the Clerk of the Crown and Peace [; but in the event of the Clerk of the Crown and Peace certifying that such sale has not been confirmed, the said solicitor shall return to the highest bidder the amount of his deposit].

6. The Clerk of the Crown and Peace will after the sale proceed to certify the result, and                    day the                    day of                    next at                    o'clock in the                    noon is appointed as the time at which the purchaser may, if he thinks fit, attend personally or by his solicitor at the office of the Clerk of the Crown and Peace, the Courthouse at

to settle such certificate. [*Where the sale is subject to the approval of the Judge add*—Upon such certificate being signed and filed the solicitor having carriage of the sale shall upon notice to the purchaser make application to the Judge for confirmation of the sale, and the Judge may thereupon either confirm the sale or make such orders thereon as he deems right.]

7. The solicitor having carriage of the sale shall within one week after the certificate of the Clerk of the Crown and Peace confirming the sale has become binding [*or* after the date of approval of the sale by the Judge] deliver to the purchaser or his solicitor an abstract [and/or copies documents] of the title to the property purchased by him, subject to the stipulations contained in these Conditions, and such purchaser shall within ten days after the delivery of such title deliver at the office of the said solicitor a statement in writing of his objections and requisitions (if any) on the title as deduced, and upon the expiration of such last mentioned time (and in this respect time is to be deemed to be of the essence of the contract) the title is to be taken as approved and accepted by the purchaser, subject only to such objections and requisitions, if any.

8. If the purchaser insists upon any valid objection or requisition which the solicitor having carriage may deem inadvisable or is unable to comply with, or if any prejudicial act or matter appears on search which he may be unable to remove or explain, such purchaser may be discharged from being the purchaser by an order from the said Court notwithstanding any intermediate negotiations in respect of such objection, requisition or search, and such purchaser shall be entitled to a return of his deposit, but shall not be entitled (unless the Judge otherwise directs) to any interest, costs or other compensation whatsoever, and the purchaser shall thereupon return all documents furnished.

9. The purchaser shall on the                    day of                    next or on such other date as may be fixed by the Clerk of the Crown and Peace (hereinafter called the "completion date") lodge in the said County Court Bank the residue of his purchase money to the credit of this suit on a privity to be obtained from the Clerk of the Crown and Peace, and if such lodgment is not made on or before the said completion date then the purchaser shall pay interest on the said residue of the said purchase money at the rate of £                    per cent. per annum from the said completion date up to the day on which the same is actually paid. Upon payment of the purchase money in manner aforesaid the purchaser will be entitled to be put into possession of the premises, or into the receipt of the rents and profits thereof (as the case may be), and such rents and profits may for the purposes of these Conditions, be apportioned. [Provided that as the said defendant is in occupation of the said lands and the dwelling house situate on lot                    completion of the sale shall

**App. ZA F 1 (contd.)**

not be delayed if vacant possession of the said lands and dwelling house is not obtainable before the said completion date but the solicitor having carriage of the sale shall take such proceedings as may be necessary to obtain vacant possession and will be responsible for the costs of such proceedings, and no claim shall be made by the purchaser by reason of any delay after the said completion date in delivering over vacant possession of the said premises, nor shall the purchaser be entitled to any compensation or damages whatsoever in respect thereof.]

10. Any rent, instalment or annuity payable to the Department of Finance, rates, taxes and other outgoings will be paid up to the completion date out of the purchase money, but all such outgoings shall be borne by the purchaser as from that date, and the same shall be considered as accruing from day to day and, if necessary, shall be apportioned.

11. The property is believed to be and shall be taken to be correctly described in the Particulars as to quantity and otherwise and is sold subject to all ground rent, rates, taxes, rights-of-way and other easements or quasi-easements and profits a prendre (if any) charged or subsisting thereon or usually enjoyed therewith; and if any error, mis-statement or omission appears to have been made in the foregoing Particulars or in the advertisement for sale or in these Conditions, the same shall not annul the sale or entitle the purchaser to be discharged from his purchase, but compensation may (if the Court deems that such error, mis-statement or omission entitles the purchaser to compensation) be made to the purchaser out of the purchase money, the amount of such compensation to be fixed by the Court.

12. The purchaser shall be deemed to buy the property purchased by him with full notice of the actual state and condition thereof in all respects, whether as to quantity, boundaries, measurements, party walls and mearings, state of repair, means of approach, and the manner in which it is or may be affected by any planning or development scheme, and he shall take the property purchased as it is.

13. The property shall be at the sole risk of the purchaser from the time of confirmation of the sale and no claim shall be made or objection taken by him to the contract by reason of any loss, damage, deterioration or dilapidation from any cause whatever (other than such as may be attributable to any wrongful act or default on the part of the plaintiff in the above-mentioned suit) or by reason of requisition or restriction of user by any competent authority which may occur after the said time of confirmation.

14. If any dispute arises as to title or any objection thereto or to the form of the purchase deed, or otherwise howsoever in respect of the completion of the purchase, the same shall be decided and settled by the Court.

15. The purchaser shall pay all the costs of and incidental to the preparation of his purchase deed; and the certificate of the Clerk of the Crown and Peace of any fact, matter or thing in the above-mentioned suit shall be deemed and taken to be conclusive evidence thereof.

*[Here insert all special conditions as regards title]*

16. The title shall commence with

17. The evidence of the title shall consist of

## App. ZA F 1 (contd.)

18. [*Here include any special conditions peculiar to this transaction such as possession subject to tenancies, purchaser's rights regarding Rent Acts, Public Health Acts, etc., and evidence as to discharge of death duties.*]

19. [Save as otherwise provided in these Conditions or as appears in the land certificate(s) no evidence shall be required of the existence or non-existence of any of the burdens which, under section 38 of and Schedule 5 to The Land Registration Act (Northern Ireland) 1970, affect registered land without registration.]

20. The purchaser shall be entitled to be supplied with the following searches

but all other searches required by the purchaser shall be at his own expense.

21. [Each lot offered for sale which is held under fee farm grant or lease as the case may be is sold subject to the head rent reserved by the fee farm grant or lease under which same is held and to the covenants, conditions, and agreement therein and in all superior fee farm grants or leases (if any) contained so far as the same relate to the said lot or lots; and the production of the last receipt for rent accrued prior to the completion date shall be conclusive evidence that all the covenants, conditions and agreements contained in the fee farm grant or lease and in every superior grant or lease (if any) have been complied with or that any breaches thereof (including breaches of a continuing nature) have been effectually waived up to the completion date, without the necessity of proving the right and title of the person giving or purporting to give such receipt.]

22. If the purchaser fails to pay the balance purchase money on the completion date or otherwise fails to perform any of these conditions, an order may be made by the Court for the re-sale of the premises, and for payment by the purchaser of the deficiency (if any) in the price which may be obtained upon such re-sale, and of all costs and expenses occasioned by such default and for the forfeiture of such purchaser's deposit as and for liquidated damages.

---

AGREEMENT

I \_\_\_\_\_ of  
DO HEREBY ACKNOWLEDGE MYSELF to be the purchaser of the property  
described in the foregoing particulars [as lot \_\_\_\_\_] [at the sum of £  
and having paid £ \_\_\_\_\_ as a deposit to  
I hereby agree to complete the purchase  
thereof in accordance with the foregoing Conditions of Sale.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_\_

Witness Present:

**App. ZA F 2-3**

FORM 2

**Affidavit by Court valuer of land being sold by the Court**

ORDER 31, RULE 7(a)(i)

[Title as in Form 1]

I \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_  
 Valuer, aged \_\_\_\_\_ years and upwards  
 MAKE OATH and say as follows—

1. I have carefully examined the hereditaments or premises particularly described in the advertisement for sale marked "A" now produced and shown to me in order to form an opinion as to the value thereof and the amount which the same ought to realise on the sale thereof advertised to take place on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.
2. I have in the paper writing marked "B" now produced and shown to me set forth in the first column the denomination or description of same and in the second column opposite the same the full value thereof and in the third column the amount which in my judgment and belief should be fixed as the reserved bidding for the same on the said sale.

[As in Appendix A, Form 2]

FORM 3

**Reserved bidding report for land being sold by the Court**

ORDER 31, RULE 7(a)(ii)

[Title as in Form 1]

Exhibit "B" referred to in affidavit of \_\_\_\_\_ of \_\_\_\_\_  
 sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed \_\_\_\_\_

Commissioner for Oaths  
 [or as the case may be].

<i>Denomination or description of lands</i>	<i>Full value thereof</i>	<i>Reserved price</i>
Part of the lands of in the Barony of _____ and County of _____ containing _____ acres _____ roods and _____ perches or thereabouts statute measure [, being the lands comprised in Folio No. _____ of the Land Registry, County of _____, all which said lands are held in fee simple subject to the payment of a terminable annuity of £ to the Department of Finance for Northern Ireland].		



## FORM 4

## Auctioneer's affidavit of biddings

ORDER 31, RULE 7(a)(iv)

[Title as in Form 1]

I  
of  
the person appointed by the Judge of the County Court for the Division  
of to sell the lands comprised in the particulars hereinafter  
mentioned, aged MAKE OATH and say as follows—

1. I did at the time and place and subject to the conditions specified in the particulars and conditions of sale now produced and shown to me, and marked with the letter "A", put up for sale by auction the lands described in such particulars; and the result of such sale is truly set forth in the bidding paper marked with the letter "B" now produced and shown to me.

2. The said sale was conducted by me in a fair, open, and candid manner, and according to the best of my skill and judgment *ladd any other statements that are material, such as that the amount is a fair price for the property, etc.*

3. *[If any deposit paid, add]* The sum *[or sums]* set forth in the fourth column of the schedule hereto has *[have]* been paid as a deposit from the purchaser whose name is *[or as deposits from the respective purchasers whose names are]* set forth in the second column of such schedule opposite the said sum *[or respective sums]* in respect of his *[or their respective]* purchase money *[or moneys]* set forth in the third column of the said schedule opposite such name *[or names]* for the lot *[or respective lots the numbers of which are set forth]* in the first column of such schedule opposite to the said name *[or respective names]*, leaving due in respect of the purchase money *[or moneys]* set forth in the third column the sum *[or respective sums]* set forth in the fifth column of the said schedule.

The schedule above referred to—

No. of lot	Name of purchaser	Amount of purchase money		Amount of deposit paid		Amount remaining unpaid	
		£	p	£	p	£	p

[As in Appendix A, Form 2]

App. ZA F 5

FORM 5

Bidding paper

ORDER 31, RULE 7(a)(v)

[Title as in Form 1]

THIS BIDDING PAPER marked "B" was produced and shown to (Auctioneer), and is the same as is referred to in his affidavit sworn this day of 19 .

Before me, , a Commissioner/Justice of the Peace, etc.

I [or We] whose name is [or names are] hereunder subscribed BID at the sale by auction in the above suit on the day of 19 , the sums set opposite to my name [or our names respectively] for, and became the purchaser [or purchasers] of the property [or of lot No. of the property] specified in the particulars produced at such sale opposite to my name [or our names respectively], subject to the conditions also produced at such sale.

<i>No. of lot</i>	<i>Purchase-money, or highest bid</i>	<i>Purchaser's signature</i>	<i>Purchaser's address and description</i>

App. ZA F 6-7

## FORM 6

**Certificate of Clerk of the Crown and Peace of the result  
of a sale subject to approval of the judge**

ORDER 31, RULE 9(a)

[Title as in Form 1]

IN PURSUANCE of the directions given me by His Honour the County Court Judge for the above-named Division, I hereby certify that the result of the sale which has been held in pursuance of the decree [or order] made in this suit dated the            day of            19            , is as follows—

THE PLAINTIFF and            have attended by their respective solicitors. The property            directed to be sold has been offered for sale in one lot [or as the case may be] by public auction, subject to the approval of the said Judge and according to certain particulars and conditions of sale, and A.B. of, etc., was [or A.B. of and C.D. of            , were] the highest bidder(s) for the said            at the price or sum of £            and has [or have] paid a deposit of £            to the solicitor having carriage, which deposit I have directed to be paid into Court to the credit of this suit, to await the Judge's Order on motion to approve the said sale.

The evidence produced, etc.

## FORM 7

**Notice of motion for an Order confirming a sale**

ORDER 31, RULE 9(b)

[Title as in Form 1]

TAKE NOTICE that on the            day of            19            or on the first opportunity thereafter, an application will be made on behalf of            to His Honour the County Court Judge of the County Court for the Division of            at            in the said Division for an Order that the sale to            of the lands of            , by a decree in the above-named suit ordered to be sold, be approved and confirmed by the said County Court Judge, and directing that all necessary steps be taken for completing the said sale to            , or for such other Order as to the Judge may seem right, which application will be grounded on the said decree for sale dated the            day of            19            , a copy of the conditions of the said sale, the affidavit of the auctioneer, the certificate of the Clerk of the Crown and Peace dated the            day of            19            of the result of the said sale, the affidavit of            , the nature of the case, and the reasons to be offered.

Dated this            day of            19            .

Signed

Solicitor having carriage of the sale, or Solicitor for the purchaser [as the case may be].

App. ZA F. 8

FORM 8

Order confirming a sale

ORDER 31, RULE 9(b)

[Title as in Form 11

UPON READING the notice of motion [an affidavit of the service of the notice of this application on \_\_\_\_\_], the order for sale dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the conditions of the said sale, the affidavit of \_\_\_\_\_, the auctioneer appointed to conduct the said sale, of the result of the said sale, the certificate of the Clerk of the Crown and Peace of the result of the said sale dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, [and upon the application of \_\_\_\_\_ for the purchaser,] and upon hearing \_\_\_\_\_ for the \_\_\_\_\_ and \_\_\_\_\_ for \_\_\_\_\_ ;

IT IS ORDERED that the sale of the premises to \_\_\_\_\_ by the said Order for sale directed to be sold be confirmed and that the said \_\_\_\_\_ do within \_\_\_\_\_ days after the date of this Order [follow conditions of sale] lodge in Court upon the privity of the Clerk of the Crown and Peace the balance of the purchase-money, and that thereupon all proper and necessary parties do join in and execute a proper assurance of the said premises to the said \_\_\_\_\_, and in case the parties differ as to the form of the said assurance, that it be referred to \_\_\_\_\_ to settle, and that all necessary and proper deeds and documents relating to the said premises in the custody, possession, or power of any of the parties to this suit be delivered to the said \_\_\_\_\_, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, possession of the said premises be delivered to the said \_\_\_\_\_

Adjourned with liberty to apply.

## FORM 9

**Certificate of the Clerk of the Crown and Peace confirming  
sale of land**

ORDER 31, RULE 10(2)

[Title as in Form 1]

I HEREBY CERTIFY that the premises more particularly set forth in the conditions of sale and advertisement filed in Court in this suit [*or matter*], and ordered to be sold by order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, were valued by \_\_\_\_\_ the valuer appointed by this Court, at the sum of £ \_\_\_\_\_ and that the reserved price was fixed at the sum of £ \_\_\_\_\_; that \_\_\_\_\_ of \_\_\_\_\_ the highest bidder at the public auction held in pursuance of the said order bid the sum of £ \_\_\_\_\_; and signed the said conditions of sale, and lodged thereupon with \_\_\_\_\_ the sum of £ \_\_\_\_\_ being the deposit required by the said conditions of sale; and that having considered the matters relating to this sale and having heard the several parties interested therein; and it appearing that by an order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, liberty to bid at such sale had been given to \_\_\_\_\_ I THEREFORE CONFIRMED the said sale to the said \_\_\_\_\_ subject to the said conditions of sale at the said sum of £ \_\_\_\_\_;

AND I DIRECTED \_\_\_\_\_ forthwith to lodge in Court to the credit of this suit [*or matter*] the said deposit of £ \_\_\_\_\_ and that upon lodgment of the balance purchase money in accordance with the conditions of sale all proper and necessary parties do join in and execute a proper assurance of the said premises to the said \_\_\_\_\_, and in case the parties differ as to the form of the said assurance, that it be referred to \_\_\_\_\_ to settle, and that all necessary and proper deeds and documents relating to the said premises in the custody, possession or power of any of the parties to this suit be delivered to the said \_\_\_\_\_ and that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, possession of the said premises be delivered to the said \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Clerk of the Crown and Peace.

App. ZA F 10

FORM 10

**Certificate of the Clerk of the Crown and Peace refusing  
to confirm sale of land**

ORDER 31, RULE 10(3)

*[Title as in Form 1]*

I HEREBY CERTIFY that the premises more particularly set forth in the conditions of sale and advertisement filed in Court in this suit [or matter] and ordered to be sold by order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, were valued by \_\_\_\_\_, the valuer appointed by this Court; and that a reserved price was fixed, and that \_\_\_\_\_ of \_\_\_\_\_, the highest bidder at the public auction held in pursuance of the said order, bid the sum of £ \_\_\_\_\_; and lodged thereupon with the sum of £ \_\_\_\_\_ being the deposit required by the said conditions of sale; and that having considered the matters relating to this sale; and having heard the several parties interested therein, I THEREFORE REFUSED to confirm such sale on the grounds of undervalue, and I directed to forthwith return to the said \_\_\_\_\_ the said deposit of £ \_\_\_\_\_ so paid to him by the said \_\_\_\_\_

And I further directed that the plaintiff be at liberty to advertise the said property for re-sale by tender, subject to the approval of the Judge; sealed tenders to be submitted to me on or before \_\_\_\_\_ for submission to the Judge at the Equity Sittings for the said Division to be held on \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk of the Crown and Peace.

FORM 11

Notice of motion for delivery of documents and/or for execution of an assurance and/or for an order for possession

ORDER 31, RULE 11 [Title as in Form 11]

YOU ARE REQUIRED to take notice that on the day of 19 , an application will be made to His Honour the County Court Judge/Recorder of on the part of the plaintiff/purchaser that—

- (a) the defendant be ordered to deliver to the plaintiff/purchaser all deeds and writings in the custody and power of the defendant relating to all that and those [set out the lands] on or before the day of 19 ;
(b) it may be declared that the defendant who has neglected or refused to obey the order of the Court dated the day of 19 , providing that the defendant do execute a proper assurance to the purchaser of the said lands is a trustee of the said premises within the meaning of the Trustee Act (Northern Ireland) 1958. And that of , or such other person as the Judge may nominate, may be appointed to execute a proper assurance of the said lands to the purchaser for all the estate of the defendant therein and that the said or such other nominee as aforesaid, may be ordered to execute the said assurance accordingly, which application is made under section 43 of the Trustee Act (Northern Ireland) 1958;
(c) an order be made ordering that the purchaser be put into possession of the said lands;
(d) the defendant may be ordered to pay the cost of this application;

which application will be grounded on the said order of the Court dated , the affidavit of sworn the day of 19 , the nature of the case and the reasons to be offered.

Dated this day of 19 .

Signed

Plaintiff/purchaser/ Solicitor for the Plaintiff/purchaser.

App. ZA F 12

FORM 12

Order appointing person to execute an assurance and/or order for possession

ORDER 31, RULE 11 [Title as in Form 1]

UPON THE MOTION of [Name] solicitor for the plaintiff/purchaser, and upon reading the said notice of motion dated the [Day] day of [Month] 19 [Year], the affidavit of [Name] sworn on the [Day] day of [Month] 19 [Year], and the Order/Certificate of [Name] confirming the sale of all that and those [set out the lands and premises];

AND UPON HEARING [Name];

IT APPEARING that [Name] purchased the said lands and premises for the sum of £ [Amount] and that such sale was duly confirmed, and that he has lodged in Court the said purchase money, and that [on the confirmation of said sale] it was ordered that the defendant should execute a proper assurance of said lands and premises so sold to the said purchaser and that the purchaser has tendered to the defendant a deed of assurance of the said lands and premises for execution by the defendant and that the defendant has neglected or refused to execute the said deed, and that the defendant is a trustee for the purchaser within the meaning of the Trustee Act (Northern Ireland) 1958 in respect of the said lands and premises, and that it is necessary and expedient for the purpose of carrying the said sale into effect that a person should be appointed to execute the said deed to the said purchaser on behalf of the said defendant;

IT IS DECLARED that the said defendant [Name] is a trustee for the said purchaser [Name] within the meaning of the Trustee Act (Northern Ireland) 1958 in respect of the said lands and premises.

AND IT IS ORDERED that [Name] be and he is hereby appointed by virtue of the provisions of the Trustee Act (Northern Ireland) 1958 to execute the said deed of assurance of the said lands and premises to the said [Name] in the name of, and instead of, and for and on behalf of the said [Name] and to assure to the said [Name] all the estate and interest of the said [Name] of and in the said lands and premises so sold;

AND IT IS DECLARED that the said plaintiff/purchaser is entitled to the costs of this motion and order, and let the Clerk of the Crown and Peace tax the same, and let same, when so taxed, be paid [out of the said purchase money lodged in Court to the credit of this suit];

[And it further appearing that [Name] is or are in possession of the said lands and premises and refuses to give up possession thereof to the said [Name] although required to do so.

IT IS ORDERED that the said [Name] be given immediately the full, quiet and peaceable possession of the said lands and premises, with all and singular the appurtenances thereof.]



App. ZA F 12 (contd.), F 13

FINALLY IT IS ORDERED that this suit do stand adjourned with liberty to apply.

Dated at this day of 19 .

(Seal) Signed Clerk of the Crown and Peace.
Signed Solicitors for Plaintiff.

FORM 13

Sale—Order to put a purchaser in possession

ORDER 31, RULE 11
[Title as in Form 1]

UPON THE MOTION OF , solicitor for
of , the plaintiff/purchaser, and upon reading an order
confirming the sale of the lands hereinafter mentioned to the said
, and directing that after the execution of a proper assurance
of the said lands, possession of the said lands should be delivered to the said
, and upon reading such assurance executed in pursuance
of the said order, being a [conveyance] of all that and those [set out land] to
the said and the affidavit of
sworn the day of 19 , and it appearing that
, a party to this suit, is in possession of the said lands,
and refuses to give possession thereof to the said
although required to do so, and it appearing that no other person save the
said is in possession of the said lands or any part thereof,

IT IS ORDERED that the said be given immediately
the full, quiet, and peaceable possession of the said lands and premises, with
all and singular the appurtenances thereof.

(Seal) Signed Clerk of the Crown and Peace.

To the Chief Enforcement Officer

App. ZB F 1

APPENDIX ZB

FORM 1

Notice of application for restitution to the possession of lands evicted for non-payment of rent.

ORDER 32, RULE 4(1)

[Title as in Appendix A, Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 , and will be held at

WHEREAS by a decree of the Court for the aforesaid Division held at on the day of 19 , it was decreed that the above-mentioned plaintiff be put into possession of [describe the lands] situate at held by the defendant [or by ] as tenant thereof to the plaintiff under at the yearly rent of . And by the said decree the sum of £ was reckoned to be due and owing for rent of the said premises, the sum of £ for costs and the sum of £ for witnesses' expenses and such sum of £ was endorsed on the decree as due for rent;

AND WHEREAS the said plaintiff did on the day of 19 duly obtain the possession of the said premises under the said decree and is now in the possession of the same under and by virtue thereof; and whereas I am one of the defendants in the said decree [or I am interested in the lease [or other contract of tenancy] of the lands in the said ejection decree as [state how]];

AND WHEREAS the rent and arrears of rent and full costs so ascertained by the said decree have been and now are lodged with the Clerk of the Crown and Peace;

YOU, THEREFORE, ARE HEREBY REQUIRED to appear at the aforesaid Court at the hour of on the day of 19 \*, when and where I shall apply that an order of restitution shall issue to restore me to the possession of the lands and premises in the said decree mentioned and of which you have taken possession under and by virtue of the same.

AND YOU ARE HEREBY REQUIRED to show cause, if you can, why such order of restitution should not issue and why I should not be restored to the possession of the said premises.

Dated this day of 19 .

Signed

Party applying or his solicitor.

\*Day for hearing as in court calendar.

FORM 2

Order of restitution restoring a party to the possession of lands for non-payment of rent

ORDER 32, RULE 4(3)

[Title as in Form 1]

WHEREAS the aforesaid plaintiff on the ... day of ... 19 ... did obtain a decree for possession of [describe the lands] and situate at ... and which said premises were held by ... as tenant to the plaintiff under ... at the yearly rent of £ ... and by the said decree the sum of £ ... was ascertained to be due and owing for rent, £ ... for costs and £ ... for witnesses' expenses;

AND WHEREAS on the ... day of ... 19 ... the said plaintiff duly executed the said decree and entered into possession of the premises in the said decree mentioned;

AND WHEREAS the defendant [or ...] who has satisfactorily shown to the Court that he has an interest in the said lands or premises as [state how] has, within six months after the execution of the said decree, lodged all rent and arrears of rent and full costs with the Clerk of the Crown and Peace; and it further appearing to the Court that the defendant [or as the case may be] duly caused notice to be served on the said plaintiff that he would apply to the Court to be restored to the possession of the said premises;

IT IS HEREBY DECLARED by the Court that the aforesaid decree for possession bearing date the ... day of ... 19 ... is hereby vacated and that the said defendant [or as the case may be] and all other parties interested in the said premises be restored to his or their former interest therein and that the said defendant [or as the case may be] be put in possession of the same.

Dated at ... this ... day of ... 19 ...

(Seal) Signed ... Signed ...

Clerk of the Crown and Peace. Applicant or his Solicitor.

App: ZC F 1-2

APPENDIX ZC

FORM 1

Notice of application to annul or vary a precept, order or conviction under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 34, RULE 1

WHEREAS \_\_\_\_\_, a Justice of the Peace for the County of \_\_\_\_\_, by precept under his hand and seal bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ [here set out the subject-matter of the precept];

AND WHEREAS such precept has been obtained by you upon the affidavit of \_\_\_\_\_, and the same has been duly served upon me, and I feel aggrieved by such precept [state how];

NOW I HEREBY GIVE YOU NOTICE that I shall apply to the Judge at the County Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, that such precept shall be annulled or varied [stating how and in what respect to be varied]; and take further notice that I shall apply for the costs of annulling [or varying] the said precept.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signed

To

FORM 2

Notice of application to annul an order of Court of Summary Jurisdiction made under section 37 of the Landlord and Tenant Law Amendment Act, Ireland, 1860

ORDER 34, RULE 1

WHEREAS \_\_\_\_\_, a Justice of the Peace for the County of \_\_\_\_\_, issued his precept under his hand and seal bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ whereby [set out precept] and whereas I am interested in the services and in the work which the said precept commanded me to desist from doing [state how];

AND WHEREAS after the service of the said precept, the subject-matter of such precept was brought before a Court of Summary Jurisdiction for the purpose of having the precept rescinded [or varied, stating in what manner] and whereas the said Court rescinded [or refused, as the case may be, stating the order];

App. ZC F 3

NOW, TAKE NOTICE that I shall apply to the Judge of the County Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ that such order may be annulled [or varied, and how] and I shall apply for the costs of such application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed

To

FORM 3

Notice of application to annul or vary a precept or order under section 37 of the Landlord and Tenant Amendment Act, Ireland, 1860 and claiming compensation for loss and damage by reason of the procuring of such precept or order

ORDER 34, RULE 2

WHEREAS you caused to be issued and to be served upon me a precept under the hand and seal of \_\_\_\_\_, a Justice of the Peace for the County of \_\_\_\_\_, and bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ commanding [set out the precept accurately] [or obtained at a court of summary jurisdiction an order [stating it]];

AND WHEREAS by reason of the issuing of such precept [or by the making of such order] I have sustained loss and damage [state how];

NOW, TAKE NOTICE that I shall apply to the Judge of the County Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ that such precept [or order] may be annulled [or varied], and I shall seek to obtain the sum of £ \_\_\_\_\_ being reasonable compensation for loss and damage caused by the procuring of such precept to be issued [or causing such order to be made] [or preventing the same from being varied] and I shall apply for the costs of annulling or varying such precept.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed

To

App. ZD F. 1

APPENDIX ZD

FORM 1

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

Enforcement civil bill

ORDER 37, RULE 4(1)

[Title as in Appendix A, Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at ;

WHEREAS the plaintiff alleges that the sum of £ is now due to him from the defendant in pursuance of a decree [or judgment or order] obtained by him against the defendant in the above-named Court [or in the County Court for the Division of ] [or in the High Court of Justice] on the day of 19 ;

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 \*, to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the said decree [or judgment or order] to satisfy the sum payable in pursuance of the said decree [or judgment or order]; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or, in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the Court shall direct.

Dated this day of 19 .

Plaintiff/Solicitor for the Plaintiff.

\*Day for hearing as in court calendar.

## FORM 2

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

## Enforcement Order

ORDER 37, RULE 4(2)(a)

[Title as in Form 1]

IT APPEARING to the Court that a civil bill was duly served on the defendant requiring him personally, to appear at the sitting, and to show cause why an order should not issue against the defendant for payment by him, either by instalments or otherwise, as the Court should direct, of £ , due by him in pursuance of a decree of the County Court for the Division of [or judgment of the High Court of Justice] bearing date the day of 19 had and obtained by the said plaintiff against the said defendant;

And the said defendant having failed to show cause and there being no attachment of earnings order in force in respect of the said sum;

IT IS THEREFORE ORDERED AND DECREED by the Court that the defendant shall pay to the plaintiff the said sum, together with the sum of £ for costs and the sum of £ for witnesses' expenses, the said sums amounting together to the sum of £ payable by [quarterly] instalments as follows—

First instalment of £ to be paid on the day of 19 and the remaining instalments to be for the sum of £ each and to be paid on the day of each succeeding [quarter], and so to continue until said debt and costs and witnesses' expenses be fully paid and satisfied;

And the plaintiff's alternative application in the said civil bill for the committal of the defendant is accordingly dismissed without prejudice to the same being renewed in the case of the defendant's default.

Dated at this day of 19 .

(Seal) Signed Clerk of the Crown and Peace.  
Signed Solicitor for the Plaintiff.

App. ZD F 3

FORM 3

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

Committal civil bill

ORDER 37, RULE 5(2)

[Title as in Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

WHEREAS the plaintiff obtained an enforcement order against the defendant in the above-named Court [or obtained an instalment order against the defendant under section 31 of the above-mentioned Act of 1969 from the Enforcement of Judgments Office] on the day of 19, for the payment of the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses, by [quarterly] instalments of £

AND WHEREAS the plaintiff alleges that default has been made in payment of the sum of £ being the instalment due on the day of 19 payable in pursuance of the said order;

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 †, to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum or in the alternative for such other order as the court has power to make either under section 75 or section 88 of the said Act.

Dated this day of 19

Signed Plaintiff/Solicitor for the Plaintiff.

\*As in enforcement order or instalment order. †Day for hearing as in court calendar.



## FORM 4

## JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

## Committal Order

ORDER 37, RULE 7(1)(a)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought against the defendant at the sittings of this Court held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, requiring him to appear to show cause why an order of committal should not issue against the person of the defendant for default made by the defendant in payment of the sum of £ \_\_\_\_\_ [being one of the instalments by which the defendant was, by order of the said Judge [or of the Enforcement of Judgments Office under Section 31 of the above Act of 1969], bearing date the \_\_\_\_\_ day of 19\_\_\_\_ directed to pay the sum of £ \_\_\_\_\_ ] then due from him in pursuance of a \_\_\_\_\_ of the Court of \_\_\_\_\_ bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, had and obtained by the said plaintiff against the said defendant;

AND IT APPEARING at the hearing of the said committal civil bill that no attachment of earnings order is in force in respect of the said sum and that default has been made by the defendant in payment of the said sum of £ \_\_\_\_\_ [being the \_\_\_\_\_ instalment due on the \_\_\_\_\_ day of 19\_\_\_\_ under the said order] and that the defendant has [or has had or but for his act or default would have had since the date of the decree, judgment or order] the means to pay the sum then due in pursuance of the said order, and had refused or neglected to pay the same, and has shown no cause why he should not be committed to prison;

IT IS THEREFORE ORDERED by the Court that for such default as aforesaid the said defendant shall be committed to the Prison at \_\_\_\_\_ for \_\_\_\_\_ weeks from the date of his arrest including the day of such date unless he shall sooner pay to the plaintiff the sum of £ \_\_\_\_\_ [being the amount of the said instalment] and the sum of £ \_\_\_\_\_ costs and the sum of £ \_\_\_\_\_ for witnesses' expenses making in all the sum of £ \_\_\_\_\_ upon payment of which sum he shall be discharged;

And for this the present Order shall be a sufficient authority to all whom it may concern.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal) \_\_\_\_\_ Signed \_\_\_\_\_ Clerk of the Crown and Peace.  
Signed \_\_\_\_\_ Solicitor for the Plaintiff.

To the Chief Superintendent of the \_\_\_\_\_ Constabulary Division.

App. ZD F 5

FORM 5

THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

Certificate of discharge of debt

ORDER 37, RULE 8

[Title as in Form 1]

I CERTIFY that the debt of £ \_\_\_\_\_ for default in respect of  
which \_\_\_\_\_ is now in custody upon the order of the  
County Court for the Division of \_\_\_\_\_ at the suit  
of \_\_\_\_\_ has been satisfied, together with the costs and  
witnesses' expenses mentioned in such order.

Signed \_\_\_\_\_ Solicitor for the said  
(address) \_\_\_\_\_  
[or]

Signed \_\_\_\_\_  
(address) \_\_\_\_\_

Witness to the signature  
of Justice of the Peace  
for

(address) \_\_\_\_\_

[or Commissioner for  
Oaths]

FORM 6

Certificate under the Inferior Courts Judgments Extension Act 1882

ORDER 37, RULE 13

I \_\_\_\_\_, CERTIFY that [here state name, business, or occupation and address of person obtaining decree or dismiss, and whether plaintiff or defendant] on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, obtained [a decree or dismiss] against [here state name, business, or occupation and address of person against whom decree or dismiss was obtained, and whether plaintiff or defendant] in the County Court for the Division of \_\_\_\_\_ held at \_\_\_\_\_, for payment of the sum of £ \_\_\_\_\_ for [here state shortly the nature of the claim with the amount of costs (if any) for which decree or dismiss was obtained].

Signed

Clerk of the Crown and Peace.

(Date)

ENDORSEMENT TO BE MADE ON CERTIFICATE GRANTED BY A COUNTY COURT

	£	p
Amount for which decree or dismiss was obtained		
Paid on account		
Remaining due on decree or dismiss		
Fee and costs for obtaining certificate of the decree or dismiss		
<b>Total</b>		

FORM 7

Note of presentation to be appended to a certificate sought to be registered in a County Court

ORDER 37, RULE 17

The above certificate is presented by me for registration in the County Court for the Division of \_\_\_\_\_ in accordance with the provisions of the Inferior Courts Judgments Extension Act 1882.

[Here insert place, etc., in which the goods are.]

Solicitor [or Creditor].

(Address)

(Date)



## FORM 3

**Notice of objection to proposed sureties**

ORDER 39, RULE 3(2)

[Title as in Form 1]

TAKE NOTICE that I  
a party to the above action object to  
proposed as surety/sureties in the above action by  
on the following grounds—

(Signed)  
(Address)  
(Description)

## FORM 4

**Notice of hearing of objection to proposed sureties**

ORDER 39, RULE 3(3)

[Title as in Form 1]

TAKE NOTICE that objection has been taken to  
proposed as surety/sureties in the above action on the following grounds—

You are therefore requested to attend at the office of the Clerk of the Crown  
and Peace at \_\_\_\_\_ at \_\_\_\_\_ o'clock  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, when the Clerk of  
the Crown and Peace will hear the objection and give such directions as he  
thinks fit.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed \_\_\_\_\_ Clerk of the Crown and Peace.

App. ZF F 1

APPENDIX ZF

Lodgment of money

FORM 1

ORDER 42, RULE 3(5)(6)

PART I

Counterfoil of authority to lodge money

COUNTY COURTS ACT (NORTHERN IRELAND) 1959

County Court for the Division of

No.

Plaintiff

Defendant

AUTHORITY to lodge on the day of 19, to  
[Name] of Bank  
Sum to be lodged £ in the Bank

PART II

Authority to lodge money

COUNTY COURTS ACT (NORTHERN IRELAND) 1959

No.

County Court for the Division of

Plaintiff

Defendant

To the Bank  
LET of the  
in this matter, lodge in the Bank, the  
sum of pounds and pence, to  
the credit of the County Court Account of this Court.

The said sum of £, being the amount of  
is lodged pursuant to an Order of [or affidavit sworn on] the  
day of 19

Dated at this day of 19

Signed Clerk of the Crown and Peace.

Note: This authority must be returned with the bank book to the Clerk of the  
Crown and Peace at

PART III

Receipt of lodgment of money

COUNTY COURTS ACT (NORTHERN IRELAND) 1959

County Court for the Division of

Bank

Plaintiff

Defendant

PURSUANT to the authority to lodge issued in this matter, bearing date the day of 19, of Bank has lodged in the , the sum of pounds and pence, which has been placed to the credit of the County Court Account of the County Court for the Division of

Dated this day of 19

Signed

To the Clerk of the Crown and Peace, Courthouse,

County Court for the Division of

FORM 2

Civil bill ledger account

ORDER 42, RULE 13(1)

No. 374  
App. ZF F 2

County Courts

2077

<i>Date</i>	<i>Proceeding</i>	<i>County Court Bank</i>			
		<i>Lodged</i>		<i>Paid</i>	
		£	p	£	p





FORM 4

County Court for the Division of

Security for costs ledger account

ORDER 42, RULE 13(1)

No. 374  
App. ZF F 4

County Courts

2019

<i>Date</i>	<i>Proceeding</i>	<i>County Court Bank</i>				
		<i>Lodged</i>	<i>Paid</i>			
		£	p	£	p	



App. ZG F 1

APPENDIX ZG

FORM 1

Civil bill for grant of probate

ORDER 43, RULE 1

[Title as in Appendix A, Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and will be held at \_\_\_\_\_

WHEREAS \_\_\_\_\_ late of \_\_\_\_\_ was at the time of his death on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, ordinarily resident at \_\_\_\_\_ in the Division of \_\_\_\_\_, and had, prior to his death, made and published his last will and testament in writing [state date], whereof he appointed the plaintiff his executor.

AND WHEREAS the plaintiff on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, lodged in the Principal Probate Registry [or in the District Probate Registry] of \_\_\_\_\_ as the case may be] the said original will of the said deceased and has applied for probate thereof but has been required to make application for such probate to the County Court [or if a caveat has been entered, and the said defendant has lodged a caveat in the Principal Probate Registry] [or in the said District Probate Registry of \_\_\_\_\_ as the case may be] against the granting of probate of the said will to the said plaintiff.

AND WHEREAS it appears by affidavit lodged in the Principal Probate Registry that the Judge for the above County Court Division has jurisdiction to grant probate of the said will.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\*, to answer this, the plaintiff's bill, brought by him to obtain the decree and order of the Judge of the said Court that probate of the last will and testament of the said deceased may be granted to him, the said plaintiff, forth of the Principal Probate Registry [or the said District Probate Registry as the case may be] or, in default thereof, the said Judge will proceed as justice shall require.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

## FORM 2

## Civil bill for grant of letters of administration

ORDER 43, RULE 1  
 [Title as in Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the                    day of                    19                    , and will be held at

WHEREAS                    of                    was at the time of his death ordinarily resident at                    in the above Division and died on or about the                    day of                    19                    , intestate, leaving the plaintiff [*state relationship of the plaintiff to deceased and if other next-of-kin, state names of them, if made defendants*] next-of-kin him surviving.

AND WHEREAS the said plaintiff has applied in the Principal Probate Registry [*or in the District Registry of                    as the case may be*] for a grant of letters of administration and the said plaintiff has been required to make application for the grant to the County Court [*or if a caveat has been entered, and the said defendant has lodged a caveat against the grant to the said plaintiff*].

AND WHEREAS by affidavit lodged in the Principal Probate Registry it appears that the Judge of the County Court for the above Division has jurisdiction to grant the said letters of administration.

AND WHEREAS the said                    are next-of-kin to the said                    deceased.

THE DEFENDANTS therefore are hereby required to appear at the aforesaid Court at the hour of                    on the                    day of                    19                    \*, to answer this the said plaintiff's bill brought by him to obtain letters of administration of the estate of the said deceased who died intestate, forth of the Principal Probate Registry [*or the District Registry of                    as the case may be*] or in default thereof the Judge of the said Court will proceed as justice shall require.

Dated this                    day of                    19                    .

Signed

Plaintiff/Solicitor  
for the Plaintiff.

Address

\*Day for hearing as in court calendar.

App. ZG F 3

FORM 3

Civil bill for grant of letters of administration with the will annexed

ORDER 43, RULE 1

[Title as in Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 , and will be held at

WHEREAS of was at the time of his death ordinarily resident at in the above Division and died on or about the day of 19 , having first made and published his last will and testament in writing [state date] which has been and is now deposited in the Principal Probate Registry [or in the District Probate Registry of as the case may be] but no executor has been named therein nor can probate thereof be granted to anyone by the tenor thereof [or the executor has renounced or died or has not proved, as the case may be].

AND WHEREAS the said plaintiff as one of the [or sole] next-of-kin of the said deceased [or a residuary legatee or stating interest, as the case may be] has claimed to have administration with the will annexed, granted to him forth of the Principal Probate Registry [or the said District Probate Registry of as the case may be] and he has been required to make application to the County Court [or if a caveat has been entered, and the said defendant has entered a caveat against such letters of administration being granted to the same plaintiff].

AND WHEREAS by affidavit lodged in the Principal Probate Registry it appears that the Judge of the County Court for the above Division has jurisdiction in the matter.

THE DEFENDANTS therefore are hereby required to appear at the aforesaid Court at the hour of on the day of 19 \*, to answer this, the said plaintiff's bill, brought by him to obtain letters of administration, with the will annexed, of the said deceased, forth of the Principal Probate Registry [or of the said District Probate Registry of as the case may be] or, in default thereof, the Judge of the said Court will proceed as justice may require.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

Address

\*Day for hearing as in court calendar.

FORM 4

Civil bill for revocation of probate or letters of administration with the will annexed

ORDER 43, RULE 1

[Title as in Form 1]

WHEREAS of was at the time of his death on or about the day of 19 ordinarily resident at in the above Division and probate of the last alleged will and testament [if with codicils, state this and their dates or letters of administration with the will annexed, as the case may be] of him, the said deceased, was, on or about the day of 19, granted to the said defendant out of the Court of

AND WHEREAS the plaintiff is one of the lawful brothers [or other relation, or in what right he applies] of the said deceased.

AND WHEREAS the said deceased died without leaving any parent, spouse or children [as the case may be] him surviving and the said plaintiff is, as such brother [sole, or one, or state relationship or in what right he applies, as the case may be] next-of-kin of the said deceased, and has alleged that the said probate [or letters of administration, with the will annexed, as the case may be] has been improvidently issued and ought to be called in, revoked and declared null and void.

AND WHEREAS by affidavit lodged in the Principal Probate Registry it appears that the Judge of the County Court for the above Division has jurisdiction in the matter.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19\*, to answer this, the plaintiff's bill, and show cause why the said probate [or letters of administration with the will annexed, as the case may be] should not be called in, revoked and declared null and void; or in default thereof, the said Judge will proceed as justice may require.

Dated this day of 19

Signed

Plaintiff/Solicitor for the Plaintiff.

\*Day for hearing as in court calendar.

App. ZG F 5

FORM 5

Civil bill for revocation of grant of letters of administration

ORDER 43, RULE 1

[Title as in Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 , and will be held at

WHEREAS of was at the time of his death ordinarily resident at Division and died on or about the day of 19 , intestate. in the above

AND WHEREAS administration of the estate of the said deceased was, after the death of the said deceased, granted forth of the Registry to the defendant.

AND WHEREAS the said plaintiff is [state relationship of the plaintiff to the deceased or, if interested in his assets, how].

AND WHEREAS the said plaintiff has alleged that the said grant of letters of administration of the estate of the said deceased, to the said defendant, ought to be called in, revoked and declared null and void.

AND WHEREAS by affidavit lodged in the Principal Probate Registry it appears that the Judge of the County Court for the Division of has jurisdiction in the matter.

THE DEFENDANT therefore is hereby required to appear at the aforesaid Court at the hour of on the day of 19 \* to answer this, the plaintiff's bill, and show cause why the said letters of administration so heretofore granted to the said defendant should not be called in, revoked and annulled; or, in default thereof, the said Judge will proceed as justice shall require.

Dated this day of 19 .

Signed Plaintiff/Solicitor for the Plaintiff. Address

\*Day for hearing as in court calendar.



FORM 6

Affidavit giving County Court jurisdiction to grant or revoke probate or letters of administration

ORDER 43, RULE 7(1)(a)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
QUEEN'S BENCH DIVISION (PROBATE)—PRINCIPAL REGISTRY

IN THE GOODS OF \_\_\_\_\_ of \_\_\_\_\_ deceased.

I/WE \_\_\_\_\_ [and] \_\_\_\_\_  
of \_\_\_\_\_ [address and occupation] \_\_\_\_\_ aged \_\_\_\_\_ years  
and upwards MAKE OATH and say as follows—

1. \_\_\_\_\_ deceased, late of \_\_\_\_\_  
in the County of \_\_\_\_\_, died on or about the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, [having duly made his/her last will  
on \_\_\_\_\_] [intestate].

2. The said deceased was at the time of his/her death ordinarily resident  
at \_\_\_\_\_ in the County of \_\_\_\_\_, and within  
the County Court Division of \_\_\_\_\_

3. The gross value of the estate of the said deceased, exclusive of what  
the said deceased was entitled to at the time of his/her decease as a trustee  
and not beneficially, so far as it consists of property other than land does  
not exceed £3,000 in amount or value and so far as it consists of land does  
not exceed £500 in annual value.

[4. If the contemplated proceeding is to revoke a grant of probate or  
administration, state the date of the making of the grant.]

5. We therefore desire that the contentious business of and respecting  
the granting of the [probate] [letters of administration] [with the will  
annexed] may be had in the County Court for the Division of \_\_\_\_\_

Sworn, etc.

App. ZG F 7-8

FORM 7

Certificate of decree in probate or letters of administration suit from Clerk of the Crown and Peace

ORDER 43, RULE 9(1)
[Title as in Form 1]

I, [Name], Clerk of the Crown and Peace, for the above-mentioned Court HEREBY CERTIFY that the plaintiff caused a civil bill to be brought against the defendant for [here state the purport of the civil bill] and that the civil bill came on for hearing on the [day] day of [Month] 19 [Year].

AND I FURTHER CERTIFY that the following decree was made in the suit— [Here set out decree.]

Certified by me this [day] day of [Month] 19 [Year]. Signed [Name] Clerk of the Crown and Peace.

FORM 8

Decree granting probate or letters of administration

ORDER 43, RULE 9(2)
[Title as in Form 1]

UPON THE HEARING of the above civil bill, IT IS DECREED that [here set out decree, which may be as follows, as the case may be] the paper writing bearing date the [day] day of [Month] 19 [Year], in the said civil bill mentioned and in respect of which the said plaintiff [Name] seeks to obtain probate [or letters of administration with the will annexed] is the last will and testament of [Name] deceased, late of [Address] who died on the [day] day of [Month] 19 [Year], and that probate thereof [or administration with the said will annexed, as the case may be] be granted.

IT IS ORDERED that \*

Dated at [City] this [day] day of [Month] 19 [Year]. (Seal) Signed [Name] Clerk of the Crown and Peace.

\*Insert provision as to costs and witnesses' expenses.

## FORM 9

## Decree recalling probate or letters of administration

## ORDER 43, RULE 9(2)

[Title as in Form 1]

UPON THE HEARING of the above civil bill, IT IS DECREED that [here set out decree, which may be as follows, as the case may be] the alleged will of the said deceased, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the said civil bill mentioned and in respect of which \_\_\_\_\_ obtained probate [or letters of administration with the will annexed] on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, forth of the Principal Probate Registry/District Probate Registry of \_\_\_\_\_ be and the same is hereby condemned [and that the said deceased has died intestate] and that the said grant of probate [or letters of administration with the will annexed, as the case may be] be and the same are hereby revoked, cancelled and annulled.

IT IS ORDERED that\*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal)

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

\*Insert provision as to costs and witnesses' expenses.

## FORM 10

## Decree and order for costs where probate or letters of administration suit stopped for want of jurisdiction

## ORDER 43, RULE 9(2)

[Title as in Form 1]

IT APPEARING to the Court that the plaintiff caused a civil bill to be brought against the defendant, returnable to the sittings of this Court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and thereby praying [state purport of civil bill].

AND IT APPEARING to the Court upon the hearing of the said civil bill that the affidavit referred to therein was inaccurate and that the Court has not jurisdiction in the matter.

IT IS HEREBY DECREED that all further proceedings in the matter in this Court be stayed.

AND IT IS ORDERED that\*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Seal)

Signed \_\_\_\_\_

Clerk of the Crown and Peace.

\*Insert provision as to costs and witnesses' expenses.

App. ZH

APPENDIX ZH

Equity civil bill for construction of deeds, wills, etc., and determination of rights of persons thereunder

ORDER 44, RULE 1(2)

[Title as in Appendix A, Form 1]

THE SITTINGS at which this civil bill is intended to be dealt with will commence on the day of 19 , and will be held at

THE PLAINTIFF AVERS THAT

1. [State particulars of the written instrument.]
2. [State the interest of the plaintiff and defendant under the instrument.]
3. [State the relevant provisions of the instrument.]
4. [State the circumstances under which the question has arisen.]
5. The property to which this application relates so far as it consists of property other than land does not exceed £2,000 in amount or value and so far as it consists of land does not exceed £500 in annual value.
6. The defendant or one of the defendants resides [or carries on business] [or the subject matter of the application or a substantial part thereof is situate] within the Division aforesaid.

THE PLAINTIFF APPLIES FOR THE DETERMINATION BY THE COURT of the following question(s):

.....  
.....  
.....

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear at the aforesaid Court at the hour of on the day of 19 \*, upon the hearing of the plaintiff's said application.

Dated this day of 19 .

Signed, etc.

\*Day for hearing as in court calendar.

## APPENDIX ZJ

Part of decree ordering payment of costs in first instance by plaintiff to successful defendant

## ORDER 45, RULE 3(2)

THAT THE PLAINTIFF'S CLAIM against the defendant **A.B.** be and the same is hereby dismissed on the merits and that the said defendant do recover against the plaintiff the sum of £ \_\_\_\_\_ costs of this dismissal.

THAT THE PLAINTIFF DO RECOVER from the defendant **C.D.** the said sum of £ \_\_\_\_\_ together with the sum of £ \_\_\_\_\_ his costs of the said decree and witnesses' expenses and the said sum of £ \_\_\_\_\_ the costs payable by the plaintiff to the defendant **A.B.**

## APPENDIX ZK

## PART I

Ordinary civil bills<sup>1</sup>

(other than those provided for in Table 3)

TABLE 1: PLAINTIFF'S COSTS

<i>In actions where amount decreed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>2</sup></i>
(1)	(2)	(3)
(i) does not exceed £30	£12.00	£6.00
(ii) exceeds £30 but does not exceed £100	£30.00	£12.00
(iii) exceeds £100 but does not exceed £250	£60.00	£20.00
(iv) exceeds £250 but does not exceed £500	£100.00	£28.00
(v) exceeds £500 but does not exceed £750	£140.00	£36.00
(vi) exceeds £750	£180.00	£44.00

<sup>1</sup> This Table does not apply to actions for defamation.

<sup>2</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.

<sup>3</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.

<sup>4</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 45: Rule 17.

## App. ZK Pt. I (contd.)

Ordinary civil bills<sup>1</sup>

TABLE 2: DEFENDANT'S COSTS

<i>In actions where amount claimed<sup>2</sup></i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>3</sup></i>
(1)	(2)	(3)
(i) does not exceed £30	£11.00	£6.00
(ii) exceeds £30 but does not exceed £100	£28.00	£12.00
(iii) exceeds £100 but does not exceed £250	£58.00	£20.00
(iv) exceeds £250 but does not exceed £500	£95.00	£28.00
(v) exceeds £500 but does not exceed £750	£135.00	£36.00
(vi) exceeds £750	£175.00	£44.00

<sup>1</sup> This Table does not apply to actions for defamation.

<sup>2</sup> See Order 45: Rule 10 for costs of counterclaim.

<sup>3</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

**Default and summary civil bills<sup>1,2,3</sup>  
and undefended actions<sup>4</sup>**

TABLE 3: PLAINTIFF'S COSTS

<i>In actions where amount decreed</i>	<i>Where sum claimed and costs specified in civil bill not paid within 14 days of service</i>
(1)	(2)
(i) does not exceed £30	£10.00
(ii) exceeds £30 but does not exceed £100	£15.00
(iii) exceeds £100 but does not exceed £250	£16.00
(iv) exceeds £250 but does not exceed £500	£17.00
(v) exceeds £500 but does not exceed £750	£19.00
(vi) exceeds £750	£23.00

<sup>1</sup> Where a default or summary civil bill is defended, the costs of plaintiff and defendant respectively shall be in accordance with Tables 1 and 2 or, if the Judge so directs under Rule 11 of Order 45, the costs of the plaintiff shall be in accordance with the above Table.

<sup>2</sup> Where defendant in proceedings commenced by summary or default civil bill has served notice that he disputes liability for the claim or alleges a counterclaim and the action has been entered for hearing as an ordinary action in accordance with Rule 7 or, as the case may be, rule 13 of Order 12 and the defendant fails to enter a defence and to defend it, the costs to be increased by 100%.

**App. ZK Pt. I (contd.)**

- <sup>3</sup> Where the sum claimed is paid within 14 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See rule 14 of Order 12 and Rule 14 of Order 45.
- <sup>4</sup> See Order 45 Rule 11 for Judge's discretion re costs and counsel in undefended actions for damages.
- <sup>5</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.
- <sup>6</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 45: Rule 17.
- <sup>7</sup> See Part IX ("Miscellaneous Costs") of this Appendix for application of this Table to proceedings under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 and under the Hire Purchase Acts.

**Ordinary civil bills—title jurisdiction**

TABLE 4: PLAINTIFF'S COSTS

<i>Valuation</i> <sup>1</sup>	<i>Solicitor's costs</i>	<i>Counsel's fee</i> <sup>2</sup>
(1)	(2)	(3)
(i) not exceeding £300	£35.00	£20.00
(ii) exceeding £300	£56.00	£25.00

- <sup>1</sup> To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct.
- <sup>2</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.
- <sup>3</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.
- <sup>4</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 45: Rule 17.

**Ordinary civil bills—title jurisdiction**

TABLE 5: DEFENDANT'S COSTS

<i>Valuation</i> <sup>1</sup>	<i>Solicitor's costs</i>	<i>Counsel's fee</i> <sup>2</sup>
(1)	(2)	(3)
(i) not exceeding £300	£33.00	£20.00
(ii) exceeding £300	£51.00	£25.00

- <sup>1</sup> To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct.
- <sup>2</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

## App. ZK Pt. I (contd.)

## Libel and slander

TABLE 6: PLAINTIFF'S COSTS

<i>In actions where amount decreed—</i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>1</sup></i>
(1)	(2)	(3)
(i) does not exceed £100	£50.00	£25.00
(ii) exceeds £100	£75.00	£40.00

<sup>1</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

<sup>2</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.

<sup>3</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. Order 45: Rule 17.

## Libel and slander

TABLE 7: DEFENDANT'S COSTS

<i>In actions where amount claimed—</i>	<i>Solicitor's Costs</i>	<i>Counsel's fee<sup>1</sup></i>
(1)	(2)	(3)
(i) up to £100	£48.00	£25.00
(ii) over £100	£70.00	£40.00

<sup>1</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.



## PART II

Remitted actions<sup>1</sup>

TABLE 1: PLAINTIFF'S COSTS

<i>In actions where amount decreed—</i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>2</sup></i>
(1)	(2)	(3)
(i) does not exceed £30	£12.00	£6.00
(ii) exceeds £30 but does not exceed £100	£30.00	£12.00
(iii) exceeds £100 but does not exceed £250	£60.00	£20.00
(iv) exceeds £250 but does not exceed £500	£100.00	£28.00
(v) exceeds £500 but does not exceed £750	£140.00	£36.00
(vi) exceeds £750	£180.00	£44.00

<sup>1</sup> Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.

<sup>2</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

<sup>3</sup> Where the amount decreed exceeds £1,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

Remitted actions<sup>1</sup>TABLE 2: DEFENDANT'S COSTS<sup>2</sup>

Subject to the power of the Judge, where no specific sum is claimed or a sum exceeding £1,000 is claimed to increase the following amounts, having regard to the amount involved or the importance or difficulty of the case—

Solicitor's costs £175.00

Counsel's fee<sup>3</sup> £44.00

<sup>1</sup> Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.

<sup>2</sup> Where the defendant complies with Order 8: Rule 6, he shall be entitled to claim— lodging in office, copy writ of summons verified by affidavit and certified copy of notice of remittal and entering action £4.50.

<sup>3</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

## App. ZK Pt. III

## PART III

## Ejectments

TABLE 1: PLAINTIFF'S COSTS

(1)	<i>Solicitor's costs</i> <sup>1</sup> (2)	<i>Counsel's fee</i> <sup>2</sup> (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956—	£23.00	£12.00
In other cases— where the valuation (i) does not exceed £300 (ii) exceeds £300	£35.00 £56.00	£20.00 £25.00

<sup>1</sup> See Order 45: Rule 14 Only 50% payable where defendant delivers up possession within 14 days of service of civil bill.

<sup>2</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

<sup>3</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.

<sup>4</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 45: Rule 17.

## App. ZK Pt. III (contd.), Pts. IV-V

## Ejectments

TABLE 2: DEFENDANT'S COSTS

(1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee<sup>1</sup></i> (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956—	£21.00	£12.00
In other cases—		
where the valuation		
(i) does not exceed £300	£33.00	£20.00
(ii) exceeds £300	£51.00	£25.00

<sup>1</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

## PART IV

**Proceedings to annul precept,  
order or conviction—Order 34**

Instructions, drawing notice and copy	£4.00
Entry, preparation for and attending hearing	£13.00
Drawing order	£1.00

## PART V

**Restitution of possession**

Where the application for restitution shall be opposed and shall be refused, Part III, Table 2, shall apply as if the respondent were a defendant.

Where the application for restitution is granted no party and party costs shall be allowed.

## App. ZK Pt. VI

## PART VI

## Grant and revocation of probate or administration

TABLE 1: PLAINTIFF'S COSTS

<i>Where the estate—</i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>1</sup></i>
(1)	(2)	(3)
(i) either, in as much as it consists of personalty, consists of personalty sworn at a value not exceeding £1,000 or, in so far as it consists of land, consists of land not exceeding £300 in net annual value	£60.00	£25.00
(ii) where the estate does not fall within (i) above	£75.00	£30.00

<sup>1</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

<sup>2</sup> For each copy civil bill required for service after first add 20p to costs. See Order 45: Rule 13.

<sup>3</sup> Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 45: Rule 17.

## Grant and revocation of probate or administration

TABLE 2: DEFENDANT'S COSTS

<i>Where the estate—</i>	<i>Solicitor's costs</i>	<i>Counsel's fee<sup>1</sup></i>
(1)	(2)	(3)
(i) either, in as much as it consists of personalty, consists of personalty sworn at a value not exceeding £1,000 or, in so far as it consists of land, consists of land not exceeding £300 in net annual value	£55.00	£25.00
(ii) where the estate does not fall within (i) above	£69.00	£30.00

<sup>1</sup> Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.

## PART VII

Applications under Criminal Injuries to Persons (Compensation) Act  
(Northern Ireland) 1968

TABLE 1: APPLICANT'S COSTS

<i>Where amount awarded—</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
(i) does not exceed £30	£10.00	£5.00
(ii) exceeds £30 but does not exceed £75	£19.50	£10.00
(iii) exceeds £75 but does not exceed £150	£34.50	£12.50
(iv) exceeds £150 but does not exceed £300	£55.00	£16.00
(v) exceeds £300 but does not exceed £500	£60.00	£18.00
(vi) exceeds £500 but does not exceed £1,000	£70.00	£20.00
(vii) exceeds £1,000 but does not exceed £2,000	£80.00	£30.00
(viii) exceeds £2,000 but does not exceed £3,500	£90.00	£35.00
(ix) exceeds £3,500 but does not exceed £5,000	£100.00	£40.00
(x) exceeds £5,000 but does not exceed £5,500	£105.00	£42.00
(xi) exceeds £5,500 but does not exceed £6,000	£110.00	£45.00
(xii) exceeds £6,000 but does not exceed £6,500	£115.00	£47.00
(xiii) exceeds £6,500 but does not exceed £7,000	£120.00	£50.00
(xiv) exceeds £7,000 but does not exceed £7,500	£125.00	£52.00
(xv) exceeds £7,500 but does not exceed £8,000	£130.00	£55.00
(xvi) exceeds £8,000 but does not exceed £8,500	£135.00	£57.00
(xvii) exceeds £8,500 but does not exceed £9,000	£140.00	£60.00
(xviii) exceeds £9,000 but does not exceed £9,500	£145.00	£62.00
(xix) exceeds £9,500 but does not exceed £10,000	£150.00	£63.00

1. If claim is settled and attendance of applicant's solicitor not required at court for purpose of obtaining a decree, 85% only of costs in columns (2) and (3) payable, unless the parties otherwise agree or the Judge orders.
2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the Judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the Judge. The amount specified in the offer shall not be communicated to the Judge until after he has determined the amount awarded.
3. Where case of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the Judge may certify an amount exceeding scale figure.
4. Where the Judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.
5. Where the amount awarded exceeds £10,000, the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.

## App. ZK Pt. VII (contd.), Pt. VIII

## PART VII (contd.)

## Criminal injury applications

TABLE 2: RESPONDENT'S COSTS

Where an application for compensation is dismissed the amount recoverable by the respondent for solicitor's costs or counsel's fees shall, in default of agreement, be such amount, if any, as the Judge may settle.

## PART VIII

## Equity suits and proceedings

1. Subject to the Judge's discretion, the following regulations shall be applicable to the costs of Equity suits and proceedings under sections 15 and 16 of the Act.

2. For the determination of costs in Equity matters there shall be three scales which may be known respectively as Scales 1, 2, and 3, and shall, subject to the succeeding regulations of this Part, be applied as follows, that is to say—

<i>Where the value of the personalty and lands —</i>	<i>The scale applicable shall be—</i>
does not exceed £500	Scale 1
exceeds £500 but not £1,000	Scale 2
exceeds £1,000	Scale 3

and the costs in the Schedule hereto shall apply accordingly.

3. For the purpose of ascertaining the appropriate scale the value of any lands not valued by a court valuer or sold in the course of the proceedings shall, subject to any direction of the Judge, be taken to be five times their net annual value.

4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1972 property which is not treated as a hereditament, its value shall, where the property is not valued by a court valuer or sold in the course of the proceedings be taken, subject to any direction of the Judge, to be an amount which is equal to forty times the amount which the Commissioner of Valuation certifies would be entered in the valuation list as its net annual value if it were so treated and if it had been valued under the enactments repealed by that Order.

5. Notwithstanding the foregoing provisions of this Part, the Judge may in any case direct that any of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.

**App. ZK Pt. VIII (contd.)**

6. Where any costs or expenses have been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts so provided for are in the opinion of the Judge inadequate, he may for any particular case make a special order allowing such costs and expenses as he may think just.

7. The value of the subject matter of any suit for the purpose of stamp duties and for the allowance of costs and expenses shall in case of dispute be assessed by the Judge.

8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the Judge may order such allowance in respect of costs and expenses of either or any of the parties as in his opinion, having regard to the nature and circumstances of the case, may seem just.

9. The costs of separate appearances by counsel or solicitor for parties whose interests are not antagonistic shall not be allowed, nor shall more than one set of costs be allowed for any parties for whom the Judge is of the opinion that separate appearances were unnecessary.

10. Costs as between party and party shall in all cases be taxed by the Clerk of the Crown and Peace or Registrar when directed by the Judge, and as between solicitor and client on requisition. Every such taxation shall be subject to review by the Judge wholly or in part.

11. Where in a mortgage suit the defendant, either before the hearing or within the time fixed by the primary decree, pays the amount due for principal and interest together with all costs due up to the date of payment, such costs shall be ascertained by reference to the amount due at the commencement of the proceedings and not by reference to the value of the lands.

12. Where Equity proceedings involve a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 4 and 5 in Part I in lieu of any other Tables or scales.

App. ZK Pt. VIII (contd.), Sch.

SCHEDULE

Counsel's fees

	Scale 1	Scale 2	Scale 3
For advising proceedings or defence, settling the equity civil bill or petition and advising proofs—	£ 6	£ 12	£ 16
On the hearing of every equity civil bill or petition—	12	17	22
In suits in which the primary relief sought is of course, and involves a reference for account or inquiry, and a second decree, no fee shall be allowed in respect of the first hearing unless the Judge, having regard to any question of difficulty which may arise in the course of the suit, otherwise directs.			
In every suit for equitable relief, where the right to such relief is not contested, the fees allowed on the hearing shall, unless the Judge otherwise directs, not exceed—	6	12	16

The allowance of fees for Counsel which are not hereinbefore provided for shall be governed by the nature, circumstances and general requirements of each case; and, save as herein provided, no fee to Counsel shall be allowed on taxation unless by special direction in writing signed by the Judge, which direction must in all cases be applied for at the time of Counsel's appearance; and no costs of Counsel shall be allowed in any case which in the opinion of the Judge is not fit for such allowance.

In all cases in which a fee to Counsel is allowed or directed by the Judge, there shall be produced to the officer on taxation—

- (a) the brief or document in respect of which such fee is charged;
- (b) where requisite, a memorandum of the allowance or direction of the Judge; and
- (c) Counsel's receipt;

otherwise the items for the fee and all relevant instructions shall be disallowed, or the taxation shall be disallowed, or the taxation shall be adjourned without costs of attendance, at the discretion of the officer.



## App. ZK Pt. VIII (contd.), Sch.

**Solicitor's costs****PERCENTAGE OR COMMISSION IN LIEU OF SOLICITOR'S COSTS IN SUITS BY  
CIVIL BILL OR PETITION**

If in any suit, having regard to its nature and circumstances, it appears to the Judge, on the application of the solicitor having carriage of the proceedings, or of the solicitor for any party interested in the suit, that it is expedient that a percentage or commission should be allowed as remuneration to the solicitor or solicitors for his or their services in each suit, in lieu of ordinary costs therein, he may make such allowance, subject to the following provisions, that is to say—

- (a) The percentage or commission in any such suit shall be calculated upon the value of the subject matter of the suit.
- (b) The application for such allowance may be made at any hearing of a suit or by interlocutory application.
- (c) In case of the death or change of the solicitor on whose application such allowance has been made, or for any other cause, the Judge may subsequently vary such direction, and order that any costs properly and necessarily incurred in the suit are to be ascertained in the usual way.
- (d) The allowance of a percentage or commission in lieu of costs shall not prejudice or restrict the exercise by the Judge of the jurisdiction to allow or disallow costs to any party in any suit.

App. ZK Pt. VIII (contd.), Sch.

Solicitor's costs

WHERE THE PRINCIPLE OF ALLOWANCE BY PERCENTAGE OR COMMISSION DOES NOT APPLY

	Scale 1	Scale 2	Scale 3
	£	£	£
1. For taking instructions for civil bill or defence, advising thereon, taking instructions for hearing, advising proofs, and instructing Counsel when employed.	5.00	10.00	15.00
2. For drawing civil bill or statement of defence and copy for service, and instructing Counsel when employed.	3.75	7.50	11.25
3. For entering civil bill or defence, and attending the hearing, with or without Counsel, and for all other costs up to the decree, and taking out same.	12.50	22.50	32.50
4. In cases of account or inquiry—on further hearing, in addition to the above, for entering the matter, attending further hearing with or without Counsel and taking out the order thereon.	12.50	22.50	32.50
5. For confirmation of certificate on account or inquiry where no application to vary a sum not exceeding—	5.00	8.75	12.50
6. Trustee Act: Order 27. For instructions and attendances, drawing, engrossing and filing an affidavit for the purpose of payment of money, transfer of stock, or deposit of security, obtaining the certificate, paying the money, transferring the stock, or depositing the security and all other costs.	8.75	17.50	26.25
7. For all work incident to obtaining an order to invest under Order 27 or Order 42 or for payment of income under Order 42—			
Where the application is ex parte	5.00	10.00	15.00
Where the application is on notice	6.25	12.00	17.75

For the purposes of items 1, 2 and 3 the expression "civil bill" includes any summons or petition initiating proceedings but does not include a petition at item 8.

## App. ZK Pt. VIII (contd.), Sch.

	Scale 1	Scale 2	Scale 3
	£	£	£
8. For all work incident to obtaining an order for payment out or distribution of funds—			
Where the application is ex parte	5.00	10.00	15.00
Where the application is on notice or by petition	8.75	17.50	26.25
9. For all work in connection with an application to the Clerk of the Crown and Peace under Order 41: Rule 2.			
Costs in the office of the Clerk of the Crown and Peace.	2.50	5.00	7.50
10. To the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings. In all cases of account or inquiry directed by any decree or order to be taken or made before any officer of the court, and in lieu of all other costs incurred between the primary decree and the termination of the taking of such account or the making of such inquiry, there shall be allowed to the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings, as the case may be, such sum as having regard to Rule 9 of Order 45 the taxing officer shall consider reasonable but not exceeding (save by direction of the Judge).	31.25	62.50	93.75
11. To the solicitor for the defendant or respondent. In all cases of account or inquiry directed by any decree or order to be taken or made before the officer of the court, and in lieu of all other costs incurred between the date of the primary decree and the termination of the taking of such account or the making of such inquiry, there shall be allowed to each party (other than the party having carriage of the proceedings) on the taxation of the costs, regard being had to the work properly performed, such sum as the officer thinks reasonable or just, not exceeding the allowance to the plaintiff, petitioner or other party having carriage of the proceedings, hereinbefore provided.			

## App. ZK Pt. VIII (contd.), Sch.

	Scale 1	Scale 2	Scale 3
	£	£	£
<b>OCCASIONAL COSTS</b>			
<b>Receivers</b>			
12. For all work in connection with the appointment of a receiver and the completion of the security, a sum not exceeding—	10.00	17.50	25.00
13. For instructions for the account of a receiver, drawing and preparing the same, and all attendances to lodge, vouch and pass the same, and the distribution or application of the balance, a sum not exceeding—	10.00	17.50	25.00
<b>Interlocutory Applications and Attendances</b>			
14. For all work in connection with an interlocutory application and the order thereon, a sum not exceeding—	5.00	8.75	12.50
<b>Letters</b>			
15. For writing a letter a reasonable time before the institution of proceedings.	0.50	0.50	0.50
<b>Drafts and Copies</b>			
16. For drawing and engrossing any document not otherwise provided for, 12p per folio.			
17. For copies of all necessary documents used in Court, or required by the Judge or briefed, per folio:	0.05	0.05	0.05
For carbons or duplicates, per folio.	0.03	0.03	0.03

**PART IX****Miscellaneous Costs****INTERPLEADER PROCEEDINGS**

The costs under Order 10 shall be in accordance with the foregoing Rules and Tables so far as appropriate and subject to any direction by the Judge.

## App. ZK Pt. IX (contd.)

## INTERLOCUTORY APPLICATIONS (other than Equity)

Instructions and drawing notice of motion, filing and serving copy £1.87

Attending before Judge or Clerk of the Crown and Peace on notice  
or ex parte . . . . . £5.00

Only to be allowed against the other party when verified by the Judge or Clerk of the Crown and Peace.

## JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND)

## 1969: Part VII

Costs of an enforcement order under Rule 4(2)(a) of Order 37 shall be in accordance with Part I, Table 3 as if the total amount ordered to be paid by instalments were the amount decreed.

Costs of a committal order or an attachment of earnings order made by the Court under the said Act shall be one-half the amount of the costs appropriate to an enforcement order.

## INFERIOR COURTS JUDGMENTS EXTENSION ACT 1882

Applicant's costs of obtaining a certificate of a decree or registering a certificate . . . . . £2.50

And in addition where an affidavit is required 50p together with the commissioner's fee (if any).

## HIRE-PURCHASE

Where an order is made for recovery of possession of goods let under a hire-purchase agreement, the prima facie value of the goods for the purpose of costs shall be the hire purchase price of the goods less (a) any deposit paid, (b) any instalments of hire purchase price paid, (c) amount of arrears (if any) awarded by the decree or order, but this value may be varied by the Judge in his discretion and the costs shall be of the same amount as in proceedings for the recovery of a sum of money equal to the said value of the goods.

Where a decree for arrears of instalments and/or damages is coupled with an order for recovery of possession of goods the amount thereof shall be added to the value of the goods as ascertained as above for the purpose of fixing the amount of the costs.

In any proceedings on foot of a hire purchase agreement for recovery of possession of goods or for arrears of instalments or for damages for breach of the said agreement where such proceedings are undefended the costs shall be in accordance with Part I, Table 3, and in other cases Part I, Tables 1 or 2. The foregoing provisions shall apply to all hire purchase agreements whether under the provision of the Hire Purchase Act (Northern Ireland) 1966 or not.

**App. ZK Pt. IX (contd.), Pt. X****STATUTORY APPEALS AND APPLICATIONS**

Notice of appeal or application, services and entry . . . . .	£3.75
Preparation for and attending hearing, instructing counsel (if any) and taking out order . . . . .	£20.00
Counsel's fees . . . . .	£12.50

The above fees may be increased at the discretion of the Judge, who may, in the case of an application under the Administration of Estates Act (Northern Ireland) 1955 or the Inheritance (Family Provision) Act (Northern Ireland) 1960 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs.

**DETINUE PROCEEDINGS**

Where an order is made for delivery of goods with or without an order for damages the value of the goods as assessed by the Court shall be added to the damages, if any, for the purpose of ascertaining the appropriate costs scales.

Where an action in detinue is dismissed the defendant's costs shall be based upon the value of the goods claimed as assessed by the Court or shall be such sum as the Judge may award.

**COSTS OF THE DAY**

If ordered by the Judge on the application of any party, the costs of the day in any proceeding shall be in the sum of £6.25.

**PART X****Occasional costs**

	£
1. For any affidavit of service not otherwise provided for . . . . .	0.50
2. For any other necessary affidavit not otherwise provided for, per folio . . . . .	0.12
3. For preparing recognizance . . . . .	0.60
4. For drawing, issuing and having served a witness summons . . . . .	0.50
5. For drawing costs and copies, per page . . . . .	0.60
6. For attending taxation, per hour . . . . .	1.00
7. On review by the Judge under Order 25, Rules 24 and 27, such sum as the Judge may allow not exceeding £1.25.	

## APPENDIX ZL

## Court fees

## ORDER 46, RULE 1

PART I—FEES TO APPLY IN RESPECT OF PROCEEDINGS NOT OTHERWISE SPECIFICALLY PROVIDED FOR IN ANY SUBSEQUENT PART OF THIS APPENDIX

No.	Item	Fee
1	On an affidavit of service . . . . .	15p
2	On any other affidavit not otherwise specifically provided for or exempted . . . . .	20p
3	On an attendance of an officer to produce records (in addition to the officer's expenses), for each day or part thereof . . . . .	£1.00
4	On a bond . . . . .	25p
5	On a case stated . . . . .	£1.00
6	On a certificate of taxation of costs where the amount allowed— does not exceed £100 . . . . . exceeds £100 but does not exceed £250 . . . . . exceeds £250 . . . . .	50p 75p £1.00
7	On a certificate by a court officer . . . . .	15p
8	On a certificate by a court officer (inclusive of search) . . . . .	25p
9	On an ordinary, default or summary civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value— not exceeding £30 . . . . . exceeding £30 but not exceeding £100 . . . . . exceeding £100 . . . . .	25p 75p £1.00
10	On a civil bill in an ejectment action where the annual value of the property does not exceed £300 . . . . .	50p
11	On any other civil bill . . . . .	75p
12	On a third party notice, the like fee as on the civil bill in the action.	

## App. ZL, Pt. I (contd.)

No.	Item	Fee
13	On a counterclaim or set-off— not exceeding £30 . . . . . exceeding £30 but not exceeding £100 . . . . . exceeding £100 . . . . .	25p 50p 75p
14	On a copy of any document filed or any record kept in the Office (including comparison)— not exceeding 5 folios . . . . . for each additional folio (72 words) . . . . .	15p 05p
15	On a comparison of a document filed in the Office— not exceeding 5 folios . . . . . for each additional folio (not exceeding 3) or per 3 additional folios thereafter . . . . .	05p 05p
16	On a decree, award, judgment, order or dismiss where the sum decreed, awarded, paid out of court or, in the case of a dismiss, claimed, or the value of any goods or chattels concerned— does not exceed £30 . . . . . exceeds £30 but does not exceed £100 . . . . . exceeds £100 but does not exceed £250 . . . . . exceeds £250 . . . . .	25p 50p 75p £1.00
17	On a decree or dismiss in an ejectment action where the annual value of the property— does not exceed £300 . . . . . exceeds £300 . . . . .	40p 75p
18	On any other decree, award, judgment, order or dismiss . . . . .	50p
19	On the initial entry of any defence . . . . .	15p
20	On the initial entry of a remitted action . . . . .	25p
21	On a notice of appeal to or from a county court (not otherwise provided for) . . . . .	50p
22	On a notice of application to the judge or to the Clerk of the Crown and Peace for payment out of court of funds— not exceeding £30 . . . . . exceeding £30 but not exceeding £100 . . . . . exceeding £100 but not exceeding £250 . . . . . exceeding £250 . . . . .	05p 15p 25p 40p
23	On a petition under the Adoption Act (Northern Ireland) 1967 . . . . .	75p



## App. ZL, Pt. I (contd.)

No.	Item	Fee
24	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings . . . . .	75p
25	On a notice of application for a final adoption order under the Adoption Act (Northern Ireland) 1967 . . . . .	25p
26	On a notice of application for a review by the Judge . . . . .	25p
27	On any other notice of application to the Judge or to the Clerk of the Crown and Peace . . . . .	25p
28	On a notice of lodgment of money in court . . . . .	25p
29	On a notice of acceptance of money lodged in court . . . . .	25p
30	On recording any order made on appeal . . . . .	25p
31	On a recognizance . . . . .	25p
32	On a search or inspection . . . . .	15p
33	On a witness summons . . . . .	25p
	<p>NOTE: 1. In the application of item 9 to proceedings under the Judgments (Enforcement) Act (N.I.) 1969 the fee on the Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment.</p> <p>2. The fees prescribed above at items 9 to 13 inclusive and at items 23 to 25 inclusive cover all necessary copies for service, entries in the Office and, where appropriate, notices of hearing of petitions; and the fees prescribed at item 9 in relation to default or summary civil bills cover all necessary Affidavits of Service and Proof of Debt filed in the Office, as well as any annexed notices for use by the defendants.</p> <p>3. The fees prescribed at items 28 and 29 shall be payable by affixing the relevant fee stamps to the copy of the notice lodged in the Office.</p>	

## App. ZL (contd.), Pt. II

## PART II—FEES FOR SPECIFIED PROCEEDINGS WITHIN THE EQUITY AND PROBATE JURISDICTION

No.	Item	Fee
1	<p>On a civil bill or petition and on a primary or final decree, order or dismiss, where the property or estate the subject matter of the proceedings—</p> <p>(a) either in so far as it consists of lands or premises does not exceed £300 in annual value or in so far as it consists of personalty does not exceed £500 in amount or value . . . . .</p> <p>(b) either in so far as it consists of lands or premises exceeds £300 in annual value or in so far as it consists of personalty, exceeds £500 in amount or value . . . . .</p> <p>Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £250 the fees on the civil bill and primary decree shall be in each case 50p.</p>	<p>75p</p> <p>£1.25</p>
2	On a decree or order not otherwise provided for (including an interlocutory order) . . . . .	50p
3	On a summons to proceed . . . . .	15p
4	On the taking of an account or the holding of an inquiry by an officer pursuant to an order of the Judge, for each hour or part thereof . . . . .	50p
5	On the officer's certificate thereof . . . . .	25p
6	<p>On an affidavit for the lodgment in court of a sum of money not exceeding £100 . . . . .</p> <p>exceeding £100 . . . . .</p> <p>(These are inclusive fees covering all necessary notices and certificates by the Clerk of the Crown and Peace).</p> <p>NOTE: The fees prescribed above at item 1 cover all necessary copies for service, entry or lodgment in the Office, and, in the case of a Probate Suit, the Certificate of Decree to be transmitted to the Probate Registry.</p>	<p>50p</p> <p>£1.00</p>

## App. ZL (contd.), Pt. III-IV

## PART III—FEES FOR SPIRIT LICENSING PROCEEDINGS NOT OTHERWISE PROVIDED FOR

<i>No.</i>	<i>Item</i>	<i>Fee</i>
1	On a notice of application to the court in relation to a licence for a declaration under Ireland) 1971 or for an order under section 8 of the Licensing Act (Northern 31 of that Act . . . . .	£1.50
2	Declaration by the court under section 8 of the Licensing Act (Northern Ireland) 1971 . . . . .	£2.00

## PART IV—MISCELLANEOUS FEES RELATING TO CIVIL PROCEEDINGS AND MATTERS

<i>No.</i>	<i>Item</i>	<i>Fee</i>
	UNDER THE INFERIOR COURTS JUDGMENT EXTENSION ACT 1882	
1	On a certificate issued or registered under the Act . . . . .	50p
2	On a copy of any such certificate . . . . .	25p
	UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837	
3	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof . . . . .	25p
4	On an extract from papers so deposited for every folio . . . . .	10p

App. XM F 1-2

APPENDIX ZM

FORM 1

Summons for contempt of Court

ORDER 48, RULE 1(1)(i)

IN THE COUNTY COURT for the Division of

To  
of

YOU ARE HEREBY SUMMONED to appear at the Court to be held at  
on the            day of            19            , at            o'clock,  
and to show cause why an order should not be made against you under section  
141 of the County Courts Act (Northern Ireland) 1959 for payment of a sum  
not exceeding fifty pounds or for your committal to prison for a term not  
exceeding one month for [*here state particulars of alleged offence*] committed  
by you on            the            day of            19

Dated at            this            day of            19

Clerk of the Crown and Peace.

FORM 2

Bench warrant

ORDER 48, RULE 1(1)(ii)

IN THE COUNTY COURT for the Division of

By the County Court  
Judge/Recorder.

To the Superintendent of the Royal Ulster Constabulary for  
Division.

WHEREAS it is alleged that            of  
has been guilty of contempt of Court in that [*state nature of offence*] and it is  
necessary for him to appear before the aforesaid Court to answer the said  
allegation and to show cause why an order should not be made against him  
under section 141 of the County Courts Act (Northern Ireland) 1959 for pay-  
ment of a sum not exceeding fifty pounds or for his committal to prison for a  
term not exceeding one month.

THIS IS THEREFORE TO COMMAND the said Superintendent of the Royal  
Ulster Constabulary, and he is hereby required, to cause the said  
to be taken into custody and brought before the  
aforesaid Court sitting at            at the hour of            on  
the            day of            19

By direction of the Judge of the Court for the aforesaid Division.

Dated at            this            day of            19

Clerk of the Crown and Peace.

FORM 3

Order imposing a fine and/or imprisonment for contempt of Court

ORDER 48, RULE 1(3)

IN THE COUNTY COURT for the Division of

By the County Court Judge/Recorder.

WHEREAS it has been proved to the satisfaction of the Court that [do forfeit the sum of £ of which he shall pay to the Clerk of the Crown and Peace of this Court on/within ] [and in default of payment] that he] [be committed to prison for the period of 19

IT IS THEREFORE ORDERED that the said [do forfeit the sum of £ of which he shall pay to the Clerk of the Crown and Peace of this Court on/within ] [and in default of payment] that he] [be committed to prison for the period of 1.

Dated at this day of 19

Clerk of the Crown and Peace.

FORM 4

Warrant for committal for contempt of Court

ORDER 48, RULE 2

IN THE COUNTY COURT for the Division of

By the County Court Judge/Recorder.

To the Superintendent of the Royal Ulster Constabulary for Division and the Governor of Her Majesty's Prison at

WHEREAS at the aforesaid Court held at on the day of 19 of having been adjudged guilty of contempt of Court for was ordered by the Court [to pay a fine of £ allowing to pay, and in default of payment] to undergo imprisonment for

[AND WHEREAS the said sum of £ has not been paid.]

THIS IS THEREFORE TO COMMAND that the said Superintendent of the Royal Ulster Constabulary do, and he is hereby required forthwith, to cause the said to be taken into custody and delivered to the Governor of Her Majesty's Prison at , and that the said Governor do, and he is hereby required to receive the said and safely to keep him in the said Prison for a period not exceeding [unless the said sum be sooner paid] or until the said shall be sooner discharged by competent authority and in due course of law. And for their so doing this shall be their sufficient warrant.

Dated at this day of 19

County Court Judge/Recorder.

App. ZM F 5-6

FORM 5

Order revoking an order of committal

ORDER 48, RULE 3

IN THE COUNTY COURT for the Division of

By the County Court  
Judge/Recorder,

WHEREAS of  
was by order of this Court dated committed to the  
custody of the Governor of Her Majesty's Prison at for [recite  
order of committal].

AND WHEREAS [state reasons for revocation of order].

It is ordered that the said order of committal be revoked [and that the  
said be discharged out of the custody of the  
Governor of Her Majesty's Prison at ].

Dated at this day of 19

Clerk of the Crown and Peace.

FORM 6

Notice of motion for an order which may be enforced by committal

ORDER 48, RULE 6

[Title as in Appendix A, Form 1]

YOU ARE REQUIRED to take notice that on the day of  
19, an application will be made to the above-mentioned County Court on  
the part of the plaintiff [or defendant] that the defendant [or plaintiff] be  
ordered on or before the day of 19 [or  
days after the service of this notice on him] to [set out order required] and that  
the said may be ordered to pay the costs of this  
application, which application will be grounded, etc.

Dated this day of 19

Signed

To the Clerk of the Crown and Peace.

## FORM 7

**Notice Endorsed under Rule 7(1) of Order 48**

ORDER 48, RULE 7(1)

To  
of

TAKE NOTICE that unless you obey the directions contained in this decree [by the time herein limited] you will be guilty of contempt of Court and will be liable to be committed to prison.

Dated this                      day of                      19

(Seal)

Clerk of the Crown  
and Peace.

## FORM 8

**Notice of application for committal for disobedience of an order of the Court**

ORDER 48, RULE 7(2)

[Title as in Form 6]

TAKE NOTICE that the [plaintiff] will on the                      day of  
19                      , apply to the Judge sitting at                      for an order for  
your committal to prison for having disobeyed the order of the Court made on  
the                      day of                      19                      , requiring you to [restraining  
you from]

AND FURTHER TAKE NOTICE that you are hereby required to attend the  
Court to show cause why an order for your committal should not be made.

Dated this                      day of                      19

Signed

## FORM 9

**Notice to Clerk of the Crown and Peace of application for committal for  
disobedience of an order enforceable by committal**

ORDER 48, RULE 7(2).

[Title as in Form 6]

YOU ARE REQUIRED to take notice that on the                      day of  
19                      , an application will be made on the part of the plaintiff [or defendant]  
to the Judge sitting at                      that the defendant [or plaintiff]  
be committed to prison for contempt of Court in that he has disobeyed an  
order of this Court dated the                      day of                      19                      , requiring  
him to [restraining him from]

Dated this                      day of                      19

Signed

To the Clerk of the Crown and Peace.

App. ZM F 10

FORM 10

Order of committal for disobedience of an order

ORDER 48, RULE 7(5)

[Title as in Form 6]

WHEREAS by an order of this Court dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, [here recite the order].

NOW, UPON THE APPLICATION of the \_\_\_\_\_ and upon hearing the \_\_\_\_\_ [or in case of non-appearance, reading the affidavit of \_\_\_\_\_ or affidavit of service of the said order and notice of this application or being satisfied on oath that a copy of the said order and notice of the application have been duly served]

AND UPON READING the affidavit of \_\_\_\_\_ and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said \_\_\_\_\_ has been guilty of a contempt of this Court in that he has disobeyed the said order

HEREBY ORDERS that he do for his said contempt stand committed to Her Majesty's Prison at \_\_\_\_\_ [for a period not exceeding one year or] until he shall be [sooner] discharged by competent authority and in due course of law; and that a warrant of committal for the arrest of the said \_\_\_\_\_ be forthwith issued.

[AND IT IS ORDERED that the said \_\_\_\_\_ do pay the costs of the \_\_\_\_\_ of this application and the costs of and incidental to this order.]

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Seal) Signed \_\_\_\_\_ Clerk of the Crown and Peace.

Signed \_\_\_\_\_ Plaintiff/Defendant/Solicitor for the Plaintiff/Defendant.





App. ZM F 13

FORM 13

Order of discharge from custody

ORDER 48, RULE 8(2)

[Title as in Form 6]

UPON APPLICATION made this                    day of                    19                    ,  
 by                    who was committed to prison for contempt  
 by order of this Court dated the                    day of                    19                    , and  
 upon reading the affidavit of the                    filed the                    day  
 of                    19                    , showing that he is desirous of clearing his  
 contempt and upon hearing                    [or in case of non-  
*appearance*, upon being satisfied that notice of this application has been duly  
 served upon                    ]

IT IS HEREBY ORDERED that the said                    be discharged out  
 of custody of the Governor of Her Majesty's Prison at  
 as to the said contempt [but not as to the costs of the said contempt].

Dated this                    day of                    19                    .

Signed                    Clerk of the Crown and Peace.

FORM 14

Order of sequestration against individual for disobedience of an order

ORDER 48, RULE 9

[Title as in Form 6]

WHEREAS by an order of this Court [or a court of summary jurisdiction sitting for the Petty Sessions District of ] dated the day of 19 [here recite the order for payment into court or otherwise];

NOW, UPON THE APPLICATION of the and upon hearing the affidavit of [or in case of non-appearance, reading the or affidavit of service of the said order and notice of this application or being satisfied on oath that a copy of the said order and notice of this application have been duly served];

AND UPON READING the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said has been guilty of contempt of this Court in that he disobeyed the said order [for payment into Court]; HEREBY ORDERS and empowers you (insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under section 92(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969) to enter upon the lands of the said and to receive, sequestrate and take the rents and profits of any such lands and to take any other personal property of the said and to keep such land and property under sequestration in your hands until the said has complied with that Order [to pay the said sum into court or as the case may be] and cleared his contempt and until the Court makes other order to the contrary.

AND IT IS ORDERED that the said do pay the costs of the of this application and the costs of and incidental to this Order.]

Dated this day of 19

(Seal) Signed Clerk of the Crown and Peace.

Signed Plaintiff/Defendant/Solicitor for the Plaintiff/Defendant.

App. ZM F 15

FORM 15

Order of sequestration against Company for disobedience of an order

ORDER 48, RULE 9

[Title as in Form 6]

WHEREAS by an order of this Court [or a court of summary jurisdiction sitting for the Petty Sessions District of ] dated the day of 19 , (here recite the order against Company for payment into court or otherwise);

NOW, UPON THE APPLICATION of the and upon hearing the affidavit of [or in case of non-appearance, reading the order and notice of this application or being satisfied on oath that a copy of the said order and notice of this application have been duly served];

AND UPON READING the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said Company has been guilty of contempt of this Court in that it disobeyed the said Order [for payment into Court];

HEREBY ORDERS and empowers you (insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under section 92(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969) to enter upon the lands of the said Company and to receive, sequester and take the rents and profits of any such lands and to take any other personal property of the said Company and to keep such land and property under sequestration in your hands until the said Company has complied with that Order [to pay the said sum into Court or as the case may be] and cleared its contempt and until the Court makes other order to the contrary.

[AND IT IS ORDERED that the said Company do pay the costs of the of this application and the costs of and incidental to this Order.]

Dated this day of 19

(Seal) Signed Clerk of the Crown and Peace. Signed Plaintiff/Defendant/Solicitor for the Plaintiff/Defendant

## App. ZN—Revocations

## APPENDIX ZN

## Statutory Rules and Orders revoked

1. <i>Year and number</i>	2. <i>Title</i>	3. <i>Extent of revocation</i>
S.R. & O. (N.I.) 1965, No. 261	The County Court Rules (Northern Ireland) 1965	The whole Rules except for paragraphs (3) and (6) of Rule 26 in their application to affidavits of ownership registered before the commencement of the Judgments (Enforcement) Act (Northern Ireland) 1969 to which section 125 of that Act applies; and except for Form 19 in Appendix C and Form 4 in Appendix P and so much of the Rules as applies to the rights and liabilities referred to in the said section 125.
S.R. & O. (N.I.) 1967, No. 348	The County Court Rules (Amendment) Rules (Northern Ireland) 1967	The whole Rules.
S.R. & O. (N.I.) 1969, No. 195	The County Court (Amendment) Rules (Northern Ireland) 1969	The whole Rules.
S.R. & O. (N.I.) 1969, No. 326	The County Court (Amendment) No. 2 Rules (Northern Ireland) 1969	The whole Rules.
S.R. & O. (N.I.) 1971, No. 26	The County Court (Judgments Enforcement) (Consequential Amendment) Rules (Northern Ireland) 1971	The whole Rules.
S.R. & O. (N.I.) 1971, No. 35	The County Court (Amendment) Rules (Northern Ireland) 1971	The whole Rules.
S.R. & O. (N.I.) 1972, No. 197	The County Court (Costs) Rules (Northern Ireland) 1972	The whole Rules.
S.R. & O. (N.I.) 1972, No. 331	The County Court (Amendment) Rules (Northern Ireland) 1972	The whole Rules.

**App. ZN—Revocations (contd.)**

1 <i>Year and number</i>	2 <i>Title</i>	3 <i>Extent of revocation</i>
S.R. & O. (N.I.) 1972, No. 332	The County Court (Amendment) (No. 2) Rules (Northern Ireland) 1972	The whole Rules.
S.R. & O. (N.I.) 1972, No. 380	The County Court (Amendment) (No. 3) Rules (Northern Ireland) 1972	The whole Rules except in relation to references to the European Court other than within civil jurisdiction of the county court.
S.R. & O. (N.I.) 1973, No. 126	The County Court (Costs) (Amendment) Rules (Northern Ireland) 1973	The whole Rules.
S.R. & O. (N.I.) 1973, No. 244	The County Court (Amendment) Rules (Northern Ireland) 1973	The whole Rules.
S.R. & O. (N.I.) 1973, No. 348	The County Court (Amendment) (Value Added Tax) Rules (Northern Ireland) 1973	The whole Rules.
S.R. 1974 No. 258	The County Court (Amendment) Rules (Northern Ireland) 1974	The whole Rules.
S.R. 1975 No. 217	The County Court (Amendment) Rules (Northern Ireland) 1975	The whole Rules.
S.R. 1975 No. 345	The County Court (Costs) Rules (Northern Ireland) 1975	The whole Rules.
S.R. 1975 No. 354	The County Court (Amendment) No. 2) Rules (Northern Ireland) 1975	The whole Rules.
S.R. 1976 No. 97	The County Court (Costs) (Amendment) Rules (Northern Ireland) 1976	The whole Rules.
S.R. 1976 No. 208	The County Court (Amendment) Rules (Northern Ireland) 1976	The whole Rules.

**EXPLANATORY NOTE**

*(This note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules consolidate the County Court Rules (Northern Ireland) 1965 and the amendments made to those Rules in force on 3rd December, 1976.

Index To  
County Courts Act (Northern  
Ireland) 1959 (Reprint To 1976),  
County Court Appeals Act  
(Northern Ireland) 1964  
and County Court Rules  
(Northern Ireland) 1976

# Index to County Courts Act and Rules

Unless otherwise indicated, a reference to a section is to that section as numbered in the County Courts Act (Northern Ireland) 1959 and a reference to an Order or Rule is to that Order or Rule as numbered in the County Court Rules (Northern Ireland) 1976.

ABANDONMENT of claim in excess of jurisdiction  
see under *CLAIM*

ABRIDGEMENT of time  
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## ACCOUNTS

Examination of, by Comptroller and Auditor-General	s. 101
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Commencement of proceedings	0 1, 5, App. C
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Joinder of causes of	0.2
Not to be invalid on account of verbal or technical error	0.40 r.14(1)
Of detinue, decree in	0.30 r.13 App. Z
Of trespass, defence in	0.7 r.3
Parties to proceedings in	0.3 App. B
Payment into court in	0.21 rr.2, 3
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## ADDED PARTY

see under *DEFENDANT* and under *PLAINTIFF*

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## ADJOURNMENT (continued)

For proof of certain documents	0.24 r.15(1)
From court to chambers and vice versa by judge	0.16 r.2
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In criminal cases	s. 42
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Of interlocutory applications	0.14 r.4
Of proceedings for legacy or distributive share	0.35 r.2(3)
Of proceedings in case stated	0.29 r.6(6)(b)
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Particulars required, where not furnished	0.5 r.3(2)

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Administration of Estates Act (Northern Ireland) 1955, jurisdiction in applications or proceedings referred to in s. 43(2)	s. 16(o)
Advertisements, power to order	0.3 r.21 0.35 r.2
Limited administration, power to grant	s. 18
Lodgment of money in court	s. 97; 0.35 r.3
Partition of land among persons entitled	0.35 r.4(2)
Payment into court in administration suits	s. 97
Small payments to relatives	0.42 r.11
Suit, commencement of jurisdiction in	0.35 r.4(1) s. 16(a)

## ADMINISTRATOR

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## AFFIDAVIT

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## AFFIDAVIT (continued)

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Crown Proceedings Act, on application for service out of jurisdiction in proceedings under	0.6 r.11
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Deponent, cross examination of	0.24 r.21(7)
Discovery, order for, by party against whom order made	0.15 r.1(6)
Documents, on application to inspect	0.15 r.2(6)
Documents, specified, of possession of	0.15 r.5(1)
Documents, specified, on application for order against party stating whereabouts of	0.15 r.5(2)
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Inquiries, on application for making before hearing	0.14 r.6
Inspection, verifying copy of entries in business books, where applied for	0.15 r.3
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