- "(a) the notice has been served upon such party fifteen clear days at least before the relevant return day;";
- (c) in Rule 12, the words "and the date and description of all documents used in evidence at the hearing" shall be omitted.

County Court Rules (Northern Ireland), 1957

1957. No. 63

We, the undersigned members of the County Court Rules Committee duly appointed under sub-section (4) of section eighteen of the County Courts Act (Northern Ireland), 1955, do by virtue of the powers vested in us in this behalf hereby—

- (a) make the several Rules in Part I of the Schedule set forth as Rules to be in force in proceedings in the County Courts under the provisions of the said Act in that Part respectively specified and such other statutory provision as therein appears, and direct that the Forms in the Appendix to that Part set forth shall have effect for the purposes of those Rules respectively
- (b) make the amendment in Part II of the Schedule set forth in the Rules made the 12th day of July, 1858, under Section 64 of the Probates and Letters of Administration Act (Ireland), 1857,
- (c) make the amendments (including additions) in Part III of the Schedule set forth in the County Courts (Ireland) Orders, 1890,
- (d) make the amendment in Part IV of the Schedule set forth in the County Court (Proceedings and Actions before the Registrar for Belfast) Rules, 1948, and
- (e) make the amendment in Part V of the Schedule set forth in the Marriages of Minors (Northern Ireland) County Court Rules, 1954,

and do hereby certify the same under our hands and submit them to the Lord Chief Justice accordingly.

> Bernard J. Fox Wm. Johnson J. G. Agnew Charles Stewart Turlough O'Donnell James J. Napier John L. Pinkerton T. F. Glass J. F. Caldwell

I approve these Rules which shall come into force on the first day of May, 1957.

Dated the 6th day of April, 1957.

. . * . .

MacDermott, Lord Chief Justice of Northern Ireland.

FC1

SCHEDULE

PART I

RULES FOR THE PURPOSES OF CERTAIN PROVISIONS OF THE COUNTY COURTS ACT (NORTHERN IRELAND), 1955, AND CERTAIN OTHER STATUTORY PROVISIONS

1. Construction of Deeds, Wills, etc.

Rules made under Section 10 of the County Court Amendment (Ireland) Act, 1882, as amended by Section 6 of the County Courts Act (Northern Ireland), 1955

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 any person interested shall be brought by equity civil bill.

2. The civil bill may be in the form A in the Appendix and, subject to the provisions of Rule 3, shall be served on every person appearing to the plaintiff to have an interest in the guestion sought to be determined.

- 3. The Judge at the hearing shall have power-
 - (a) to dispense with service of the civil bill on such persons as he may think 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.

4. The application shall be supported by such evidence as the Judge may require.

5. Where not otherwise expressly provided by these Rules the rules and practice for the time being in force in the county court applicable to civil bills in equity suits shall apply to all such applications as aforesaid.

2. Third Party Procedure

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Rules made under Section 10 of the County Courts Act (Northern Ireland), 1955

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 these Rules referred to as a "third party"), he may, not later than ten clear days before the return day, serve on the third party in like manner as a civil bill a third party notice in the form B in the Appendix, 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.

2. When the third party notice has been served under Rule 1 a copy thereof shall forthwith be delivered to the plaintiff by

Rules .

post or otherwise and a copy thereof lodged with the Clerk of the Crown and Peace.

3. 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.

- 4. The Judge at the trial—
 - (a) may give such directions or make such order as he may think appropriate for determining the issues between the parties; and
 - (b) may pronounce such decree or judgment as the nature of the case may require.

5. The foregoing Rules and Rule 2 of Order VIII of the County Courts (Ireland) Orders, 1890, shall apply *mutatis mutandis* where—

- (a) a defendant claims to be entitled to any contribution, indemnity or other relief over against any other defendant: provided that 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.

3. Judgment Mortgage

Rules made under Section 13 of the County Courts Act (Northern Ireland), 1955

1. An affidavit for the purpose of registering as a mortgage any such judgment, decree or order as is referred to in section 13 of the County Courts Act (Northern Ireland), 1955 (in these Rules referred to as "the decree"), shall be filed in the office of the Clerk of the Crown and Peace for the county or county borough in which the lands, tenements or hereditaments affected are situate.

2. Where the lands, tenements or hereditaments affected---

(a) are situate within the jurisdiction of the court by which the decree was given or made, the Clerk of the Crown and Peace concerned shall endorse on the copy affidavit referred to in Rule 4 a certificate as to the amount—

(i) of money and costs awarded by the decree; and

- (ii) of any set-off or counterclaim allowed;
- (b) are not so situate, the Clerk of the Crown and Peace for the county or county borough in which the decree was given or made shall, at the request of the party

desirous of filing the affidavit, issue to him a certificate in the form C in the Appendix, which certificate shall be filed with the affidavit.

3. The Clerk of the Crown and Peace shall maintain an index or affidavits filed in his office under these Rules, and that index and all such affidavits shall be open to inspection during office hours.

4. The solicitor or party filing an affidavit under these Rules shall lodge with the Clerk of the Crown and Peace a true copy thereof, to be compared in the office of and certified by the Clerk of the Crown and Peace.

5. The said solicitor or party shall thereupon proceed in like manner as if the affidavit were a judgment mortgage affidavit filed in the Central Office of the Supreme Court.

6. The Clerk of the Crown and Peace in whose office an affidavit has been filed under Rule 1, where he is satisfied that the decree therein referred to has been paid or satisfied, shall enter a memorandum to that effect in the index referred to in Rule 3 and shall on request issue a certificate in the form D in the Appendix, which shall be sealed or stamped with the seal of the court and shall thereupon have the like effect as if it were a certificate of satisfaction issued out of the Central Office of the Supreme Court.

4. Extension of Decrees, etc.

Rules made under Section 14 of the County Courts Act (Northern Ireland), 1955

1. Every application to extend a decree or dismiss in pursuance of section 14 of the County Courts Act (Northern Ireland), 1955 (in these Rules referred to as an "application") shall be made to the Judge in open court upon notice to be served upon the person against whom it is sought to extend such decree or dismiss.

- 2. Every such notice shall—
 - (a) set forth particulars of the decree or dismiss;
 - (b) set forth the amount due on foot thereof after all just credits and allowances; and
 - (c) be subject to the like requirements as an ordinary civil bill with respect to the time for and mode of service, and to entry, hearing and determination.

3. The original decree or dismiss (or a duplicate thereof) shall be lodged with the notice in the office of the Clerk of the Crown and Peace.

4.—(1) At the hearing of an application the amount due on foot of the decree or dismiss may be proved either by oral evidence or by affidavit in form E in the Appendix.

(2) An affidavit under paragraph (1) shall be made by the party who has, or by one of the parties who have, obtained the

decree or dismiss; but where such party is unable to make such affidavit, the Court may accept an affidavit made on his behalf by any person who in the opinion of the Court is competent to depose to the matters stated. Such persons may include—

- (a) any person in the employment of the plaintiff or defendant (as the case may be) having personal knowledge of the matters stated, but not otherwise;
- (b) in the case of a company, any such person as is mentioned in Rule 9 of Order XXXVII of the County Courts (Ireland) Orders, 1890; and
- (c) a legal personal representative of any deceased plaintiff or defendant.

(3) Such affidavit shall be sworn within the seven days next preceding the entry day.

(4) The solicitor for the plaintiff or defendant, as the case may be, shall at the foot of such affidavit certify that to the best of his knowledge and belief the sum claimed therein is still unpaid.

(5) Every such affidavit shall be filed in the office of the Clerk of the Crown and Peace not later than the return day.

5. The Clerk of the Crown and Peace shall enter every application in the ordinary civil bill book for hearing and shall record the order of the Judge thereon. Where a decree or dismiss is extended he shall endorse thereon the fact and date of such extension, and shall sign such endorsement.

6. An order for extension may be in form F in the Appendix.

7. No civil bill process shall be brought on any decree or dismiss which might be extended under the County Courts Act (Northern Ireland), 1955.

8. The Provisional Rules of 1st June, 1909, and 12th July, 1910, respectively, are hereby revoked.

5. Enforcement of Decrees, etc., throughout Northern Ireland Rule made under Section 15 of the County Courts Act (Northern Ireland), 1955

1. Where any person liable on foot of a decree or dismiss of any county court—

- (a) resides or has a place of business in some place outside the jurisdiction of that court; or
- (b) has or acquires in any place outside that jurisdiction any property which may be taken in execution;

the party entitled to execution on foot of such decree or dismiss may transmit it to the under-sheriff of the county in which any such place is situate together with such a certificate as is provided by section 12 of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864; and it shall be the duty of that undersheriff to proceed to execution accordingly.

6. Payment into Court in Remitted Actions and Actions commenced by Ordinary Civil Bill

Rules made under Section 18(2)(a) of the County Courts Act (Northern Ireland), 1955

1.-(1) Subject to paragraph (2) the succeeding Rules shall apply to the payment of money into court in remitted actions and actions commenced by ordinary civil bill.

- (2) These Rules shall not apply—
 - (a) to remitted actions or actions commenced by ordinary civil bill where the defence is that of tender before action brought;
 - (b) to actions for libel or slander;
 - (c) to actions in which the title to any corporeal or incorporeal hereditaments comes in question.

2.—(1) Any defendant may at any time not less than six clear days before entry day upon notice to the plaintiff in form G in the Appendix pay into court such sum of money as he thinks sufficient to satisfy the plaintiff's claim together with the amount of costs to which the plaintiff would have been entitled if the action had been settled for that sum before entry; and the defendant shall at the time of such payment lodge with the Clerk of the Crown and Peace a copy of such notice.

(2) Money paid into court shall remain in court subject to further order unless the plaintiff elects to take it out as herein-after provided.

3. Where money is paid into court under Rule 2 the plaintiff may at any time before entry day sign and serve on the defendant and lodge with the Clerk of the Crown and Peace a notice (in form H in the Appendix) accepting the amount in satisfaction of his claim and costs.

4. Subject to Rule 5, where money is accepted under Rule 3 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.

5.-(1) In any action in which a notice of acceptance is served under Rule 3 by or on behalf of a plaintiff under legal disability the money paid into court shall not be paid out without an order of the Judge.

(2) Where notice of acceptance under Rule 3 is served by or on behalf of a plaintiff under legal disability a notice of intention to apply to the Court for approval of such acceptance shall also be served on the defendant and lodged with the Clerk of the Crown and Peace. Such application 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 on the hearing of the application the Judge may make such order as to the costs thereof as he may consider just. 6.-(1) Where money has been paid into court by any defendant under Rule 2 and the plaintiff (other than a plaintiff under legal disability) does not serve notice of acceptance under Rule 3 and does not obtain judgment against that defendant for an amount greater than that paid into court, he shall be liable for the costs of that defendant.

(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.

7. 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.

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

7. Hearing of Actions by Officers

Rules made under Section 18(2)(b)(iv) of the County Courts Act (Northern Ireland), 1955

1. The Judge may, subject to Rule 2, from time to time-

- (a) direct—
 - (i) that any actions (including such actions as are referred to in Section 59 of the County Officers and Courts (Ireland) Act, 1877) in which the defendant fails to appear at the hearing or admits the claim;
 - (ii) on the application of the parties, that any action in which the sum claimed or the amount involved does not exceed twenty pounds:

involved does not exceed twenty pounds; are or is to be heard and determined by the Clerk of the Crown and Peace or Registrar (both of whom are in these Rules included in the term "officer");

(b) give such consequential directions as may seem meet. The hearing of an action by an officer is in these Rules referred to as a "delegated hearing".

2. Notwithstanding Rule 1, an officer shall not be directed to hear any proceedings under the Debtors (Ireland) Act, 1872, or any civil bill to enforce a right to recover possession of goods under the Hire Purchase Act (Northern Ireland), 1940.

3. 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 1; or

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

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

4. At any delegated hearing the officer shall, subject to these Rules, have the like powers as the Judge, other than the powers

conferred by sections 17 and 20 of the County Courts Act (Northern Ireland), 1955.

5.—(1) Any party dissatisfied with the judgment or order of an officer (other than a judgment or order to which all parties have consented) may within four clear days of the pronouncement thereof apply in writing (in the form J in the Appendix) to the Clerk of the Crown and Peace to have the judgment or order reviewed by the Judge. Where such an application is made the Clerk of the Crown and Peace shall cause the case to be brought before the Judge accordingly on the first convenient day and shall duly notify the parties thereof.

(2) On any such review (which shall be by way of rehearing) the Judge may give such judgment or make such order as he may think proper, or may direct a further delegated hearing with such declarations or directions as he may think proper.

6. Any decree or dismiss made by an officer shall be headed "By the Clerk of the Crown and Peace" or "By the Registrar" as the case may be and, subject thereto and to Rule 5, every such decree and dismiss shall be drawn up and issued and shall be enforced and enforceable in like manner as if it had been granted by the Judge.

7. In respect of any proceedings heard by an officer there shall be payable—

- (a) the same costs and court fees as if proceedings had been heard by the Judge; and
- (b) where a judgment or order is reviewed under Rule 5, such further costs and court fees as shall be prescribed.

8. These Rules shall not apply to any proceedings in the Recorder's Court for the City of Belfast.

8. Change of Venue to expedite hearing of Appeal

Rule made under Section 22 of the County Courts Act (Northern Ireland), 1955

- 1. A party desirous—
 - (a) of appealing against any decree, dismiss or order of a county court; and
 - (b) of having the hearing of his appeal expedited;

may apply to the Judge in court immediately after the pronouncement of the decree, dismiss or order, for a certificate which may be in the form K in the Appendix.

APPENDIX

Forms hereinbefore referred to

[The Forms in this Appendix may be used in cases in which they are applicable, with such variations as circumstances may require, but any such variations (not being in matter of substance) shall not affect their validity]

FORM A -- EQUITY CIVIL BILL FOR CONSTRUCTION

County of Division of

In the Matter of (*particulars of written instrument*) BETWEEN

A.B. of (residence and description)

C.D. of (residence and description)

BY THE COUNTY COURT JUDGE

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 personal estate to which the subject matter of this application relates does not exceed £1,000 in value and the annual value of
 - the lands the subject matter of this application does not exceed £75.

THE PLAINTIFF AFFLIES FOR THE DETERMINATION BY THE COURT OF the following question (s)

THE DEFENDANT is therefore required to appear personally at the County Court to be held at in the Division and County aforesaid on the day of 19 upon the hearing of the plaintiff's said application.

Dated this

day of

Signed, etc.

19

FORM B-THIRD PARTY NOTICE

[Heading and Title as in Civil Bill]

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 Division and County

aforesaid on the (date) 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 judgment obtained in the action against the defendant; and

(b) your own liability to contribution, indemnity or other relief to the extent herein claimed.

19

Dated this day of To the Third Party.

[Solicitor for] Defendant.

5

Plaintiff

Defendant.

FORM C-CERTIFICATE FOR JUDGMENT MORTGAGE AFFIDAVIT

[Heading and Title as in Decree/Dismiss]

(Signature)..... (Date).....

FORM D-CERTIFICATE OF SATISFACTION

[Heading and Title as in Decree]

I A.B. Clerk of the Crown and Peace for the above-mentioned Court hereby certify that upon search being made in the index of judgment mortgage affidavits maintained in my office I find that a memorandum was on the (date) entered to the effect that the [judgment] [decree] [order] in this [action] [suit] [matter] was satisfied and discharged which I certify this (date)

SEAL

Clerk of the Crown and Peace Solicitor

FORM E-AFFIDAVIT FOR EXTENSION OF DECREE/DISMISS

[Heading and Title as in Decree/Dismiss]

in the County I, of of (here state the addition or occupation of the person swearing), one of the parties [or personal representative of E.F., one of the parties], in a cause in which a Decree [Dismiss] was pronounced, and the sum of thereby ordered to be recovered, and in which cause of was the plaintiff and of was the defendant, do make oath and say that there is still remaining due and unpaid of the said sum so ordered to be recovered the sum of after all just credits and allowances. I refer to the said Decree [Dismiss] when produced.

,	Sworn at	perore me	
		المتراجية فيتقعفه المتراجا المتراجا المتراجا	[area of
و وو جامع ال	jurisdiction] this	day of	-, ·
 المعمد الإراجات الأراجات	10		

I, the undersigned solicitor for the plaintiff/defendant, certify that to the best of my knowledge and belief the sum claimed above is still unpaid.

Solicitor

Nores: (a) If the deponent be a party as a personal representative of any other person, or if he makes this affidavit as personal representative of one of the parties in the original cause add after "allowances" the words "as I do verily believe".

(b) If the deponent is one of the other persons referred to in Rule 4(2), the above form shall be modified in accordance with the circumstances, and the deponent shall add (i) an explanation as to why the plaintif/defendant cannot make the affidavit, (ii) the deponent's own qualification, to make the affidavit, (iii) (where so required by the Rule) the fact that the matters deposed to are within his own knowledge, and (iv) his means of knowledge.

FORM F-ORDER FOR EXTENSION OF DECREE/DISMISS

[Heading and Title as in Decree/Dismiss]

By the County Court Judge It appearing to the Court that notice of an application to extend the annexed Decree [Dismiss] at this present sittings was duly served on the Defendant.[Plaintiff] and that there still remains due on foot of the Decree Defendant [Plaintiff] and that there still remains due on foot of the Decree [Dismiss] the sum of...... It is therefore ordered and decreed by the Court that the said Decree [Dismiss] be and the same is hereby extended for the said sum, together with the sum of...... costs and expenses of this application, and the Plaintiff [Defendant] shall have and recover from the Defendant [Plaintiff] the same, and the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Defendant [Plaintiff] to satisfy and pay the said [sum] costs and expenses. 19 day of

Dated this

1.1

SEAL Signed. etc. (Under-Sheriff's. Warrant to be added)

FORM G-NOTICE OF PAYMENT INTO COURT

[Heading and Title as in Civil Bill]

TAKE NOTICE that the Defendant has paid into court the sum of : in satisfaction of the plaintiff's claim [for] £ and costs

[signature] Defendant/Solicitor

FORM H-NOTICE OF ACCEPTANCE OF SUM LODGED IN COURT

[Heading and Title as in Civil Bill]

TAKE NOTICE that the plaintiff accepts the sum of \mathfrak{L} : 1 paid into court by the defendant in satisfaction of his claim ffor] and costs.

[signature] Plaintiff/Solicitor

[date]

[date]

FORM J-APPLICATION FOR REVIEW OF JUDGMENT OR ORDER OF OFFICER

[Heading and Title as in Civil Bill]

TAKE NOTICE that I hereby apply for a review by the Judge of the determina-tion by the Clerk of the Crown and Peace/Registrar made in the above action on the day of 19 Dated this Dated this day of To the Clerk of the Crown and Peace 19 (Signed)....

Plaintiff/Defendant/Solicitor

FORM K-CERTIFICATE TO EXPEDITE HEARING OF APPEAL

[Heading and Title as in Decree/Dismiss]

To the Registrar of the Supreme Court. The Iplaintiff] [defendant] desires to appeal against a [dismiss] [decree] given by me in an action brought [nature of claim]. I am of opinion that it would be just that the hearing of such appeal should be expedited and that the appeal is fit and proper to be heard by the High Court, and certify accordingly for the purposes of section 22 of the County Courts Act (Northern Ireland), 1955. Spar SEAL

(Date)

Signature..... **County Court Judge**

PART II

Amendment of the Rules made the 12th day of July, 1858, under Section 64 of the Probates and Letters of Administration Act (Ireland), 1857.

In Rule 11, for the words "twenty running days" there shall be substituted the words "fifteen clear days at least".

PART III

Amendments of the County Court (Ireland) Orders, 1890

In Order III, in Rule 7, for the words "two clear days" there shall be substituted the words "five clear days".

In Order VI:---

For Rules 3 and 4 there shall be substituted respectively the following Rules:—

"3. Notwithstanding anything in section 68 of the Civil Bill Courts (Ireland) Act, 1851, or section 59 of the County Officers and Courts (Ireland) Act, 1877, all ordinary civil bills, default civil bills and equity civil bills shall be served fifteen clear days at least before the relevant return day.

"4.—(1) Service of the civil bill in any equity suit shall, unless the Judge otherwise directs, be effected in the manner prescribed for the service of ordinary civil bills.

(2) The Judge may direct service of any civil bill to be substituted, or that service already had be deemed good service, as the case may be."

After Rule 4 there shall be inserted the following Rule:—

"4A. Where a decree by default is sought against a limited company, service of the process in accordance with section 325 of the Companies Act (Northern Ireland), 1932, shall, notwithstanding anything in section 59 of the County Officers and Courts (Ireland) Act, 1877, be sufficient compliance with the last-mentioned section."

After Rule 16 there shall be added the following Rules:-

"17. Where a solicitor represents that he is authorised to accept service of any civil bill (other than a civil bill under section 59 of the County Officers and Courts (Ireland) Act, 1877, or under section 6A of the Debtors Act (Ireland), 1872) on behalf of any defendant, the delivery of a copy of the civil bill to that selicitor shall be good service if he endorses on the original a memorandum stating that he is authorised to accept service thereof on behalf of that defendant and that he accepts service thereof accordingly.

18. Where a defendant or party to any proceeding is an infant, a civil bill or other process shall be served on his father or guardian or, if he has no father or guardian, on the person with whom he resides:

Provided that the Judge may order that service on the infant shall be good service.

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

In Order VIII:--

For Rule 2 there shall be substituted the following Rule:—

"2. The several solicitors shall, at such time as the respective Judges shall appoint for that purpose, deliver to the Clerk of the Crown and Peace a list arranged in alphabetical order of all cases in which they have been employed by defendants to take defence, or to appear for third parties; and such solicitors shall be deemed to be the solicitors on record for such parties."

In ORDER XV, in Rule 2 the words "in any equity suit" shall be omitted.

In Order XXII Rules 3, 4 and 5 are revoked.

In ORDER XXXV, at the end of Rule 2 there shall be added the following paragraph:—

"In the application of any such scale to actions for liquidated sums founded on contract, any such action 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 the amount decreed may be made payable by instalments, or that time be allowed for the payment of such amount; or

(b) the Judge in any special circumstances so directs."

In Order XXXVI:-

For Rule 1 there shall be substituted the following Rule:----

"1. Any party in an action, suit or matter who changes his solicitor shall give to every other party written notice of such 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."

For Rule 14 there shall be substituted the following Rule:---

"14. Non-compliance with any of these Rules or with any practice of the court shall not invalidate any proceedings unless the Judge so directs; but 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."

In Order XXXVII:---

After Rule 8 there shall be added the following Rule:—

"9. Where a party is a limited company, 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 authorised officer."

In Order XL there shall be added the following Rule:—

"2. No amendment of any of the foregoing Orders nor any county court rules made under the County Courts Act (Northern Ireland), 1955, shall, except with the consent of the parties, apply to or affect any action, suit, matter or other proceeding pending at the date of the coming into operation of such amendment or rules."

In the Schedule, in Form 101 (Summons for Witness) for the amount of ten pounds there shall be substituted the amount of fifty pounds.

PART IV

Amendment of the County Court (Proceedings and Actions before the Registrar for Belfast) Rules, 1948

In Rule 3(1)(b) for the words "ten pounds" there shall be substituted the words "twenty pounds".

Part V

Amendment of the Marriages of Minors (Northern Ireland) County Court Rules, 1954

At the end of Rule 5 there shall be added the following words:— "and for the purpose of any such hearing in chambers the Judge may sit at any time whether before, at or after the ordinary sittings of his court."

CREAM

REGULATIONS DATED 31ST DAY OF JULY, 1957, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 1 OF THE SALE OF CREAM ACT (NORTHERN IRELAND) 1957.

1957. No. 150

[**C**]

The Ministry of Agriculture in exercise of the powers conferred on it by Section 1 of the Sale of Cream Act (Northern Ireland) 1957, and of any other power enabling it in that behalf, hereby makes the following Regulations, that is to say:—