

1978 No. 181

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

Rules of the Supreme Court (Northern Ireland) (Miscellaneous) 1978

Made 26th June 1978

Coming into operation 4th September 1978

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, exercise those powers and all other powers enabling us in that behalf as follows:—

Procedure relating to appeals, references and applications under the Land Registration Act (Northern Ireland) 1970

1. After Order 59J of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the following Order:—

“ORDER 59K

APPEALS, REFERENCES AND APPLICATIONS UNDER THE LAND REGISTRATION ACT (NORTHERN IRELAND) 1970

Order 59A to apply to appeals, etc. under the Land Registration Act (Northern Ireland) 1970

1. Order 59A shall apply to all appeals, references and applications to the High Court under the Land Registration Act (Northern Ireland) 1970(c).

Appeals etc. to be heard by Chancery Judge, etc.

2. Any such appeal, reference or application shall be heard by the Chancery Judge or such other Judge as the Lord Chief Justice may nominate.”.

Amendment of Order 60A (Jurisdiction of Registrars, etc.)

2. In Order 60A in rule 1(1) for items (g) and (m) there shall be substituted the following:—

“(g) Order 16A, rules 1(2), 4(1), 5(1)(b), 7(2), 8(1) and 9(3) (third party procedure).”.

“(m) Order 37, rule 31 (writ of subpoena), rule 49(1)(b) (specification of time).”.

(a) 1962 c. 30

(b) S.R. & O. 1936 No. 70 (II, p. 2559)

(c) 1970 c. 18 (N.I.)

Amendment of Order 88 (Bankruptcy Rules)

3. In Order 88 in rule 75 for paragraph (3) there shall be substituted the following:—

“(3) The Official Assignee shall take part in the examination of the bankrupt and for the purpose thereof may employ a solicitor with or without counsel.”.

Citation and commencement

4. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Miscellaneous) 1978 and shall come into operation on 4th September 1978.

Dated this 26th day of June 1978.

Signed: *Robert Lowry*
John MacDermott
Donald Murray
R. D. Carswell
E. M. Doris

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules apply Order 59A of the Rules of the Supreme Court (Northern Ireland) 1936 to appeals, references and applications to the High Court under the Land Registration Act (Northern Ireland) 1970 and provide for such appeals etc. to be heard by the Chancery Judge.

Order 60A (Jurisdiction of Registrars, etc.) is amended so as to delegate to the Registrar (i) power to receive and make a rule of court under Order 16A rule 4 a consent providing for the disposal of third party proceedings; and (ii) to grant leave under Order 37 rule 31 for the issue of a writ of subpoena for the production of any record in the custody of an officer of the Crown.

In Order 88 (Bankruptcy Rules) rule 75 is amended to provide that the Official Assignee shall take part in the examination of a bankrupt and for that purpose may employ a solicitor with or without counsel.