

during the whole of the period of five years ending on the date of appointment been resident in the United Kingdom; and

- (d) at the time of his appointment by the County Borough Council he is, in the case of an applicant for the position of Town Clerk not more than 45 years of age; and in the case of an applicant for the position of Deputy Town Clerk not more than 35 years of age:

Provided that the Ministry may assent to a departure from the provisions of this paragraph with regard to maximum age limits in the case of a person holding an office under a local authority at the time of his appointment.

2. For the purposes of this Order the expression "local authority" means a county or district council or board of guardians or a regional education committee.

3.—(a) The provisions of this Order shall come into operation on the Twenty-fifth day of September, 1935.

(b) The Ministry may from time to time assent to any departure from the provisions of this Order.

4. This Order may be cited as "The County Borough Councils (Town Clerks and Deputy Town Clerks Qualifications) Order, 1935."

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this 25th day of September, 1935.

(L.S.)

Geo. A. Harris,
Secretary.

County Court Rules.

THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934,
COUNTY COURT RULES, 1935, DATED THE 29TH DAY OF
AUGUST, 1935.

1935. No. 111.

WHEREAS by an Act, 40 and 41 Vict., c. 45, intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bills Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule,

order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen shall take effect from and after such day as shall be therein named :

And whereas by Section 83 of the said Act, it is provided that the Lord Chancellor, with the concurrence of the Chairmen or any five of them to be selected or nominated as in the said Act provided, and with the consent of the Treasury may by order fix the fees to be taken in the Civil Bill Courts in respect of any business under that or any other Acts in force for the time being in such Courts, and may with the like concurrence and consent, alter, reduce or increase the same from time to time, and may also, with the like concurrence and consent, alter the fees and stamp duties taken in those Courts and substitute other fees for the same :

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland and the references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of rules or orders under section seventy-nine of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them to be nominated by the said Lord Chief Justice :

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour Herbert Marshall Thompson, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour Arthur Henry Bates, County Court Judge and Chairman of the County of Down, as the Chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And whereas by an Act 24 and 25 George V, c. 22, intituled "The Local Government Act (Northern Ireland), 1934," it is provided that appeals may be taken to the County Court in the events therein specified :

And whereas by Sections 29 (3) and 31 (11) and by Clause 26 of the Second Schedule to the Act, it is provided that rules of court regulating the procedure and costs of any appeal or application to, or payment of money into, the county court under the said Act may be made by the authority having power to make rules and orders for regulating the practice of the civil bill courts.

Now I, The Right Honourable Sir William Moore, Baronet, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges as testified by their signatures hereto, in pursuance

of the powers given by the said recited Acts, and of all other powers thereunto us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in proceedings in the County Courts under The Local Government Act (Northern Ireland), 1934, and with the consent of the Ministry of Finance, do hereby fix the fees set out in Schedule II, Part 2, hereto, as the fees to be taken in the Civil Bill Courts in Northern Ireland under the said Act.

Dated this 29th day of August, 1935.

William Moore,
Lord Chief Justice.

Herbert M. Thompson,
Recorder of Belfast and County Court
Judge and Chairman of Antrim.

A. H. Bates,
County Court Judge and Chairman of Down.

The Scale of Fees in Schedule II, Part 2, has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In Witness whereof the Official Seal of the Ministry has been affixed hereto this twelfth day of September, 1935, in the presence of—

(L.S.)

G. C. Duggan,
Assistant Secretary, Ministry of Finance.

1.—(a) The following Rules shall have effect under The Local Government Act (Northern Ireland), 1934, in these Rules referred to as “the Act” with reference to any matter under the Act coming before the County Court.

(b) These Rules may be cited as the Local Government (County Court) Rules (Northern Ireland), 1935, and shall come into operation on the 1st day of October, 1935.

(c) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

(d) The Interpretation Act, 1889, and the Interpretation Act (Northern Ireland), 1921, shall apply for the purpose of the interpretation of these Rules as they apply for the purpose of the interpretation of an Act of Parliament.

(e) These rules shall also be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same, and, save as otherwise provided herein, the rules of interpretation applicable to such Rules shall apply also to these Rules, and the provisions of such Rules shall apply to all proceedings under the Act.

(f) In the construction of these Rules, the Act shall mean The Local Government Act (Northern Ireland), 1934, save where otherwise stated.

Rules as to appeals under Section 29, sub-section 3, and Section 31, sub-section 11, of the Act.

2.—(1) An appeal to the County Court under Section 29, sub-section 3, or under Section 31, sub-section 11, of the Act shall be brought by giving notice of appeal to the Sanitary Authority which has made the requirement or withheld the certificate or given the decision in respect of which the appeal is brought.

(2) The respondents to such appeal shall be the said Sanitary Authority provided that the Court may give leave to add any person as appellant or respondent, and may order any person to be added as respondent.

(3) The notice of appeal shall be signed by the appellant or by his solicitor on his behalf, and shall be served by sending a copy thereof by registered post addressed to the Clerk or Secretary of the Sanitary Authority at the office of such Sanitary Authority or to such other party as may be the respondent to such appeal.

(4) Every such appeal shall be by notice in the Form (1) in Schedule I to these Rules, or to the like effect. Every such appeal shall be brought within twenty-one days after the date on which the appellant shall have had notice of the requirement, withholding of certificate, or decision, appealed from, and shall be to the next Sittings of the County Court in the Division of the County in which the lands or premises to which the requirement, certificate or decision, refers are situate, to be held after the expiration of fifteen clear days from the last day for appealing as herein provided. The notice of appeal shall be served not less than fifteen clear days before the first day of the said Sittings at which the appeal is to be heard, and the appeal shall be entered for hearing by the appellant, who shall not later than ten clear days before the first day of such Sittings of the County Court lodge with the Clerk of the Crown and Peace a copy of the notice of appeal with the service endorsed and a copy of the document or notice making the requirement or other decision appealed from, together with the Court fees specified in Part 2 of the Second Schedule hereto.

Rules for applications under Article 20 of the Second Schedule.

3.—(1) All applications for relief under the provisions of Article 20 of the Second Schedule to the Act shall be heard at the Equity Sittings of the Division of the County Court in which the lands in respect of which the compensation has been paid are situate.

(2) No application shall be made to the County Court unless one calendar month's previous notice in writing, in Form (3) in Schedule I hereto, or as near thereto as the circumstances may permit, shall have been given to the Local Authority by the intending applicant. Every such notice as aforesaid shall be signed by the intending applicant or by his solicitor or solicitors on his behalf and shall be served by sending a copy thereof by registered post addressed to the Clerk or Secretary of the Local Authority at the office of such Local Authority.

(3) Every application to the County Court shall be made by notice which shall be in Form (4) in Schedule I hereto. Every such notice shall be served fifteen clear days before the first day of the Equity Sittings of the County Court at which the application is to be made, and a copy thereof, with the endorsement of service thereon, shall be lodged with the Clerk of the Crown and Peace at least ten clear days before the first day of the said Sittings at which the application is to be heard, together with the Court fees as provided in Schedule II, Part 2, hereto.

(4) The Local Authority shall, unless the Judge shall otherwise direct, within six days after the service upon it of any notice of application for relief, or within such extended time as the Judge shall allow, serve upon the person to whom the compensation money was paid by it, or, if such person be dead, upon his personal representative, if any, a copy of such notice, together with the notice in Form (5) in Schedule I hereto. Any person so served shall be entitled to appear at the hearing and take such part therein as may be just, and the Judge may order such proceedings to be taken, documents to be delivered, or amendments to be made, and give such directions as shall in any case appear proper.

Rules as to applications under Article 21 (a) of the Second Schedule.

4.—(1) Where a Local Authority desires to pay money into the Court under the provisions of Clause 21 (a) of the Second Schedule to the Act, the Clerk or Secretary of the Local Authority shall file with the Clerk of the Crown and Peace an affidavit entitled in the matter of the said Act, setting forth fully the circumstances which make such lodgment necessary or desirable. Upon filing such affidavit the Clerk or Secretary of the Local Authority may lodge the money in the County Court in the manner provided by the Rules of Court relating to lodgments of money in the County Court under Order XXXA. of the County

Courts (Ireland) Orders, 1890. Every such lodgment shall be made in the County Court having jurisdiction, where the lands in respect of which such lodgment is made are situate.

(2) A copy of the said affidavit and of the Certificate of the Clerk of the Crown and Peace of the lodgment of the said money shall be served by the Local Authority upon every person, so far as known, claiming or appearing to be entitled to the said money or any part thereof. Such service shall be either personal or by registered letter.

(3) Any person interested in or claiming to be entitled to such money or any part thereof may file a petition setting forth shortly the grounds of his claim, and the substance of the Order he seeks to obtain; and, if the nature of the case require it, he shall give full particulars of his claim and the relief or remedy which he seeks.

(4) Petitions together with the appropriate Court fees shall be delivered to the Clerk of the Crown and Peace at his office one calendar month at least before the first day of the Equity Sittings of the County Court at which the petition is to be heard and shall be filed by him at his office.

(5) The person delivering such petition shall cause copies thereof to be served upon the respective persons necessary to be served therewith, together with twenty-one clear days' notice informing them of the day on which the petition will be heard, and that if they do not attend, either in person or by their solicitors, such order will be made and proceedings taken as the Judge may think just and expedient.

Rules as to appeals under Article 22 of the Second Schedule.

5.—(1) Every such appeal shall be brought within twenty-one days after the date on which the appellant shall have had notice of the Arbitrator's Award, and shall be to the next Sittings of the County Court in the Division of the County where the land in respect of which the compensation is payable is situate, to be held after the expiration of fifteen clear days from the last day for appealing as herein provided.

(2) The respondents named in such appeal shall be the Local Authority, or, in the case of an appeal under paragraph (c) of the Article, the person to whom the compensation has been awarded. Provided that the Court may give leave to add any person as appellant or respondent, and may order any person to be added as appellant or respondent. The notice of appeal shall be signed by the appellant or his solicitor on his behalf and shall be served by sending a copy thereof by registered post addressed to the Clerk or Secretary of the Local Authority at the office of such Authority, or, in the case of an appeal by the Local Authority, to the respondent as aforesaid at his known address or the address of his known agent.

6. Every appeal shall be by notice in the Form (6) in Schedule I hereto. Every such notice shall be served fifteen clear days before the first day of the Sittings at which it is to be heard, and a copy thereof, with the endorsement of service thereon, and a Certificate of the amount of compensation awarded by the Arbitrator, signed by the Clerk or Secretary of the Local Authority (which Certificate shall on request by the appellant or his solicitors be supplied free of charge by such Clerk or Secretary) shall, with the appropriate Court fees, be lodged with the Clerk of the Crown and Peace ten clear days before the said Sittings, who shall enter the appeal for hearing.

General Rules as to Appeals or Applications.

7.—(1) The County Court Judge may, with or without any application in that behalf, inspect the building or premises to which the appeal relates in any case in which he thinks that such an inspection is desirable.

(2) The expenses of the inspection shall be paid in the first instance by the party on whose behalf application for an inspection is made, or, if an inspection is made without an application, by the appellant.

(3) The Court shall have power to direct by whom the expenses of the inspection shall be ultimately borne.

8. In all appeals or applications under these Rules in which the appellant or applicant shall, six clear days at the least before the day fixed for the hearing of the appeal, give notice in writing to the respondent or his solicitor that he does not intend to prosecute the appeal, and shall, three clear days at least before the day aforesaid, give like notice to the Clerk of the Crown and Peace, transmitted by post or otherwise, there shall be payable to the solicitor for the respondent for attending, taking out the order and all other charges incident to the appeal, the fee of £1 10s. 0d., together with the appropriate Court fee payable by him and no more.

9. In addition to the mode of service in any of the rules hereinbefore provided, notices may be served in any of the modes in which an Equity Civil Bill may be served, provided, however, that such service need not be effected by a civil bill officer.

10. Where not otherwise expressly provided by these Rules, the existing practice of the County Courts in equity suits shall apply to all appeals or applications to the County Court under the Act.

11. The Judge may make such order as to costs and witnesses' expenses as he shall think fit, and may measure such costs and expenses or direct them to be taxed according to Schedule II, Part 1, hereto, provided that in all cases in which, having regard to the work actually performed, or the peculiar difficulty or

importance of the case, the allowance for fees, costs and expenses shall appear inadequate, the Judge may make a special order allowing such fees, costs and expenses as he may think just and reasonable.

12. There shall be payable in respect of every proceeding under the Act the court fees specified in Schedule II, Part 2, hereto.

13. The forms in Schedule I shall be used in proceedings under the Act, and in any case where forms are not provided in the said Schedule, the forms in use in the County Court may be adapted with such variations as may be necessary.

SCHEDULE I.

FORMS FOR USE IN APPEALS UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934, SECTION 29, SUB-SECTION 3, AND SECTION 31, SUB-SECTION 11.

(1) *Form of Notice of Appeal.*

In the matter of the Local Government Act (Northern Ireland), 1934.
County of _____ Division of _____

Appellant ;

Respondents.

TAKE NOTICE that I (we) feel aggrieved by a requirement of the Sanitary Authority dated the _____ day of _____, 19____, (or as the case may be).

I (or we) hereby appeal from the said requirement, withholding decision, to the County Court Judge of _____ at the Equity Sessions to be held at _____ for the Division and County above named on the _____ day of _____, 19____.

Dated the _____ day of _____, 19____.

Signed by (on behalf of) the Appellant.

.....
(Solicitor for) Appellant.

To the Clerk of the Crown and Peace for the County of _____ and the Sanitary Authority or person to whom compensation has been awarded (as the case may be).

(2) *Form of Order of the Court on the Hearing of an Appeal.*

(Title as in Notice of Appeal.)

Whereas by a requirement, withholding of certificate, or decision of the Local Authority under the Local Government Act (Northern Ireland), 1934, Section 29 (or 31) dated _____ day of _____, 19____, it was required that

(or as the case may be).

AND WHEREAS the appellant, being a person aggrieved by such requirement, withholding of a certificate, decision, duly appealed against the said requirement, withholding of a certificate, decision, to this Court.

THE COURT having examined into the appeal doth

and doth order that the _____ do recover against the _____ the sum of £ _____ costs and £ _____ witnesses' expenses and £ _____ expenses of inspection of the premises.

(or as the case may be).

Dated the _____ day of _____, 19 _____

[SEAL.]

.....
Clerk of the Crown and Peace.

.....
Solicitor for _____

FORMS FOR USE IN APPLICATIONS FOR RELIEF UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934, ARTICLE 20 OF THE SECOND SCHEDULE.

(3) *Form of Notice to the Local Authority.*

To the _____ Council.

TAKE NOTICE that _____ of _____ in the County of _____ intends after the expiration of one calendar month from the time of your being served with this Notice to cause proceedings to be instituted against you in the County Court claiming, under the provisions of Article 20 of the Second Schedule to the Local Government Act (Northern Ireland), 1934, the relief following, that is to say —

And will proceed thereupon according to law.

Dated the _____ day of _____, 19 _____

(Signed)

(4) *Form of Notice to the Respondent.*

To _____

County of _____
Division of _____

Between _____

and _____ Applicant;
Respondent.

TAKE NOTICE that the above-named _____ of _____ in the County of _____ will apply to the County Court at the Equity Sittings to be held for the above-named County and Division at _____ on the _____ day of _____, 19 _____, under the provisions of the Second Schedule of the Local Government Act (Northern Ireland), 1934, against you the above-named respondent for the relief following, namely —

Dated the _____ day of _____, 19 _____

.....
Solicitor for Applicant.

(5) *Form of Notice from the Local Authority.*

To _____

County of _____
Division of _____

Between _____

and _____ Applicant;
Respondents.

TAKE NOTICE that the above-named Applicant _____ of _____ in the County of _____ has served notice of application upon the above-named Respondents for hearing at

the Equity Sittings of the County Court to be held in and for the County and Division aforesaid at _____ on the _____ day of _____, 19____, under the provisions of Article 20 of the Second Schedule of the above-named Act and claiming to be entitled to a sum of £ _____ which was paid to you by the above-named Council in compensation under the said Act.

AND further take notice that you are entitled to appear either personally or by a Solicitor on the said application and take part therein and in default of your appearing as aforesaid the Court may make such Order in your absence as may seem just.

Dated the _____ day of _____, 19____.

Signed on behalf of _____ Council.

.....Clerk
or
.....Solicitor.

FORMS FOR USE IN APPEALS UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934, ARTICLE 22 OF THE SECOND SCHEDULE.

(6) Form of Notice of Appeal.

In the matter of the Local Government Act (Northern Ireland), 1934, Article 22, and _____ of _____ in the County of _____ (state name, address, and description of appellants) under the said sub-section.

County of _____ Division of _____

TAKE NOTICE that I feel dissatisfied with an award made by an arbitrator appointed under the Act (or in the case of a Local Authority, Take Notice that we the Local Authority of _____ feel dissatisfied with an award made by an arbitrator appointed under the Act) dated the day of _____, 19____, whereby (set out briefly the substance of the award appealed from).

I or (We) hereby appeal from the said award to the County Court Judge of _____ at the Equity Sessions to be held for the Division and County above named on the _____ day of _____, 19____.

Dated the _____ day of _____, 19____.

Signed by (on behalf of) the Appellant.

.....
(Solicitor for) Appellant.

To the Clerk of the Crown and Peace and the Local Authority (or other Respondent in case of appeal by a Local Authority).

(7) Form of Order of the Court on the Hearing of an Appeal.

(Title as in Notice of Appeal).

WHEREAS by an award made by an arbitrator appointed under the Local Government Act (Northern Ireland), 1934, dated the _____ day of _____, 19____, it was determined that

AND WHEREAS the appellant, being a person dissatisfied with the amount awarded or found to be payable (or in the case of a Local Authority, the Local

Authority being dissatisfied with the amount awarded or found to be payable, duly appealed against the said award to this Court.

The Court having examined into the appeal doth

and doth order that the sum of
do recover against costs and £ witnesses' expenses
£ (or as may be).

Dated the day of , 19 .

[SEAL.]

.....
Clerk of the Crown and Peace.
.....

Solicitor for

SCHEDULE II.—PART 1.

SCHEDULE OF COSTS PAYABLE.

Under Sections 29 and 31 —

Solicitor	..	For taking instructions for appeal or opposing appeal, advising thereon, taking instructions for hearing, advising procs and attending and instructing Counsel when employed ..	£1 10 0
Solicitor	..	Drawing notice of appeal and copy for services	0 15 0
Solicitor	..	Service of notice of appeal	0 2 0
Solicitor	..	Entering appeal, attending the hearing with or without Counsel and for all other charges save brief for Counsel up to the Order and taking out same	3 0 0
Solicitor	..	Brief for Counsel, 6d. per folio, but not to exceed £1 10s. 0d.	0 15 0
Counsel	..	Fee on hearing	3 3 0
Solicitor	..	Taxation items under the rules in Equity Cases.	

Applications under Article 20 and Appeals under Article 22 of the Second Schedule.

The Scale applicable to compensation for criminal injuries under the Local Government Act, 1898.

On lodgment of money and subsequent proceedings under Article 21 of the Second Schedule.

The Scale applicable to Equity Suits in the County Court.

SCHEDULE II.—PART 2.

COURT FEES (PAYABLE IN COUNTY COURT STAMPS).

Appeals under Sections 29 and 31—

On lodging Appeal	..	..	..	..	..	£0 7 6
On Final Order	..	..	..	..	..	0 7 6

Applications under Article 20 and lodgment of money and subsequent proceedings under Article 21.

Fees payable under County Officers and Courts (Ireland) Act, 1877, Part II. (S. R. & O., N. I. 1926, No. 21).

Appeals under Article 22 of Second Schedule —

On Notice of Appeal	..	..	..	..	..	£1 0 0
On Award of County Court Judge where the amount awarded does not exceed £500 at the rate of	..	..	..	..	..	1 0 0 per cent.
Where such amount exceeds £500 but does not exceed £1,000, for every additional £100 or part over £500	..	..	..	..	..	0 15 0
Where such amount exceeds £1,000—	..	..	..	..	..
For every additional £100 or part over £1,000	..	..	..	..	..	0 5 0