

58. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 24th day of July, Nineteen Hundred and Fifty-two in the presence of

(L.S.)

J. B. O'Neill,

Assistant Secretary.

COUNTY COURT RULES

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| *Rent Restriction Law, p. 73*

**BUSINESS TENANCIES (TEMPORARY PROVISIONS) ACT
(NORTHERN IRELAND), 1952**

County Court Rules (Northern Ireland), 1952

1952. No. 45

WE, the undersigned members of the County Court Rules Committee, appointed by the Lord Chief Justice of Northern Ireland under sub-section (3) of section two of the County Courts (Salaries and Rules) Act (Northern Ireland), 1947, by virtue of the powers vested in us in this behalf, do hereby make the Rules hereinafter set forth as Rules to be in force in proceedings in the County Courts under the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and do hereby certify the same under our hands and submit them to the Lord Chief Justice of Northern Ireland accordingly.

(Signed) *Bernard J. Fox*
Isaac Copeland
Charles Stewart
Samuel Cumming
G. H. Pollock

I approve of these Rules which shall come into force on the 2nd day of April, 1952.

Dated the 2nd day of April, 1952.

MacDermott,
Lord Chief Justice of Northern Ireland.

The scale of Court Fees in the Second Schedule 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 27th day of March, 1952, in the presence of

(L.S.)

Thom McCrea,
Assistant Secretary.

1. These Rules may be cited as the Business Tenancies (Temporary Provisions) County Court Rules, 1952, and the expression "the Act" shall mean the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952.

2.—(1) A notice of application for renewal of a tenancy under sub-section (1) of section two, or under sub-section (2) of section five of the Act, may be in the Form No. 1 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 2 in the First Schedule hereto, or, if a second application has been heard at the same time as the first, in the Form No. 4 in the First Schedule hereto.

3.—(1) A notice of a second application under the proviso to sub-section (2) of section two of the Act may be in the Form No. 3 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 4 or 4A in the First Schedule hereto, as the nature of the case may require.

4. A copy of any notice of application referred to in the two preceding Rules shall be served upon the landlord not less than ten days before the first day of the Court at which such application is to be heard, and in accordance with sub-sections (1) and (2) of section four of the Act. A copy of any notice of a second application shall be served upon the landlord's successor in title.

5.—(1) A notice of application under sub-section (5) of section two of the Act may be in the Form No. 5 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 6 in the First Schedule hereto.

6.—(1) A notice of application under sub-section (8) of section five of the Act may be in the Form No. 7 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 8 in the First Schedule hereto.

7.—(1) A notice of application under sub-section (3) of section seven of the Act may be in the Form No. 9 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 10 in the First Schedule hereto.

8. A copy of any notice of application referred to in the three preceding Rules shall be served not less than six days before the first day of the Court at which such application is to be heard.

9. Service of any documents required by these Rules may be effected either personally or in the manner prescribed by section eight of the Act.

10. All applications under the Act shall be entered in the office of the Clerk of the Crown and Peace, on a separate entry sheet, upon the entry day fixed for the Court at which such applications are to be heard, and shall be listed for hearing according to the initial letter of the applicant's surname in the same way as ordinary civil bills.

11. There shall be payable in respect of every application under the Act the court fees specified in the Second Schedule hereto.

12. There shall be payable to solicitors and counsel in respect of all applications under the Act the fees set out in the Third Schedule hereto, and, where compensation has been awarded under the Town Tenants (Ireland) Act, 1906, such additional fee as the Court may decide.

13. The costs, including witnesses' expenses, as between party and party shall be taxed by the Clerk of the Crown and Peace in accordance with the provisions of the Second and Third Schedules hereto. Any party aggrieved by any taxation may appeal to the Court and have the costs reviewed by it.

14. The Forms in the First Schedule hereto, with such variations as the Court may allow, may be used on all applications under the Act, and an application shall not be refused solely on the ground that the Form used does not comply with the Form specified for such application.

COUNTY COURT RULES

FIRST SCHEDULE

FORM No. 1

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at
in the said County and Division.

By the (Recorder of _____) (County Court Judge for
the County of _____)

APPLICATION UNDER SECTION 2 (1)

TAKE NOTICE that I, _____ of _____ in the
County of _____, the tenant of the above tenement, held by
me under a contract of tenancy made on the _____ day of
19 _____, which tenancy (will terminate) (terminated) on the _____ day of
19 _____, intend to apply to the Court for a renewal of my tenancy
(or in the alternative for compensation under the Town Tenants (Ireland) Act, 1906).

AND TAKE FURTHER NOTICE that such application will be heard at the Court
commencing on the _____ day of _____ 19 _____.

Dated this _____ day of _____ 19 _____.

Applicant

Solicitor for the Applicant

To :— _____ of _____ in the
County of _____, the landlord of the said tenement.

Business Tenancies

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FORM No. 2

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER of the business tenement situated at in the said County and Division.

By the (Recorder of) (County Court Judge for the County of)

ORDER UNDER SECTION 2 (2)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON HEARING for the tenant, and for the landlord, and the evidence offered on behalf of the parties.

AND IT APPEARING that the tenancy in the said tenement (will terminate) (terminated) on the day of 19

[AND IT ALSO APPEARING that the said tenancy ought to be renewed under the provisions of the above Act.

IT IS ORDERED that the said tenancy be, and the same is hereby, renewed until the day of 19, and the landlord is hereby required to grant, and the tenant to accept, a renewal of the tenancy on the terms and conditions following, viz:—

[AND IT ALSO APPEARING that the (tenant) (landlord) is entitled to recoupment from the (landlord) (tenant) in respect of

]] or

[AND IT ALSO APPEARING that the said tenant is not entitled to a renewal of his tenancy, but is entitled to compensation under the Town Tenants (Ireland) Act, 1906.

IT IS ORDERED that the amount of such compensation be, and the same is hereby, fixed at the sum of £] or

[AND IT ALSO APPEARING that the said tenant is not entitled to a renewal of his tenancy, (nor to compensation under the Town Tenants (Ireland) Act, 1906)

IT IS ORDERED that the said application be, and the same is hereby, dismissed.]

IT IS FURTHER ORDERED that the (tenant) (landlord) do recover from the (landlord) (tenant) the sum of (£ as such (recoupment) (compensation) as aforesaid, together with the sum of (£ for costs (and witnesses' expenses), and the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said (to satisfy the said (recoupment) and (compensation and)) costs.

Dated this day of 19

(SEAL)

Clerk of the Crown and Peace.

COUNTY COURT RULES

FORM No. 3.

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at in the said County and Division.

By the (Recorder of) (County Court Judge for the County of)

SECOND APPLICATION, UNDER SECTION 2 (2).

TAKE NOTICE that I, of in the County of , the tenant of the above tenement (having applied for a renewal of my tenancy) (in respect of which a renewal of my tenancy up to the day of 19 , was granted by an Order of the above Court dated the day of 19) intend to apply to the Court for a further Order that such renewal be continued after the day of 19 , being the day upon which the estate and interest of my (present) (previous) landlord in the said tenement (must come to an end) (came to an end).

AND TAKE FURTHER NOTICE that such application will be heard at the Court commencing on the day of 19

Dated this day of 19

Applicant.

Solicitor for the Applicant.

To :—

of

in the County of , the successor in title of the (present) (previous) landlord.

FORM No. 4.

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situate at in the said County and Division.

By the (Recorder of) (County Court Judge for the County of)

ORDER UNDER SECTION 2 (2)

(Where the first and second applications were heard at the same time)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON HEARING for for the tenant, and the present landlord and successor in title, and the evidence offered on behalf of the parties.

AND IT APPEARING that the tenancy in the said tenement (will terminate) (terminated) on the day of 19

AND IT ALSO APPEARING that the said tenancy ought to be renewed under the provisions of the above Act.

IT IS ORDERED that the said tenancy be, and the same is hereby, renewed until the day of 19, and the landlord is hereby required to grant, and the tenant to accept, a renewal of the tenancy on the terms and conditions following, viz:—

[AND IT IS ALSO APPEARING that the (tenant) (landlord) is entitled to recoupment from the (landlord) (tenant) in respect of]

AND IT ALSO APPEARING that the estate and interest of the present landlord must come to an end on the day of 19

IT IS FURTHER ORDERED that the renewal of the tenancy hereby granted shall continue up to the day of 19, notwithstanding that such renewal extends beyond the said day of 19

IT IS FURTHER ORDERED that as regards the costs of this application and Order, which are hereby fixed at the sum of £

, (and the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said to satisfy the said costs.)

Dated this day of 19

(SEAL)

Clerk of the Crown and Peace.

COUNTY COURT RULES

FORM No. 4a.

In the County Court for the County of

Division of
_____IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern
Ireland), 1952, andIN THE MATTER OF the business tenement situated at
in the said County and Division.By the (Recorder of _____) (County Court Judge for
the County of _____.)ORDER ON SECOND APPLICATION, UNDER SECTION 2 (2).
(Where an Order was made on the first application.)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON READING the Order of this Court dated the _____ day of
19 _____AND UPON HEARING _____ for the tenant, and
_____ for the previous landlord's successor in title,
and the evidence offered on behalf of the parties.AND IT APPEARING that the previous landlord's estate and interest in the said
tenement came to an end on the _____ day of _____ 19 _____IT IS ORDERED that the renewal of the tenancy granted by the said Order of
the _____ day of _____ 19 _____, be continued up to the
day of _____ 19 _____, notwithstanding that such renewal extends
beyond the said _____ day of _____ 19 _____[AND IT IS FURTHER ORDERED that as regards the costs of this application and
Order, which are hereby fixed at the sum of £ __________, (and the
several Under Sheriffs in Northern Ireland are hereby commanded to take in execution
the goods of the said _____ to
satisfy the said costs).]

Dated this _____ day of _____ 19 _____

(SEAL)

Clerk of the Crown and Peace:

Business Tenancies

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FORM No. 5.

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at in the said County and Division.

By the (Recorder of the County of) (County Court Judge for)

APPLICATION UNDER SECTION 2 (5)

TAKE NOTICE that I, of in the County of , the landlord of the above tenement, and upon whom notice of an application by the tenant for renewal of his tenancy in the said tenement was served on the day of 19 , intend to apply to the Court for an Order that such application for renewal be dismissed, on the grounds that the tenant has failed to prosecute such application with due diligence.

AND TAKE FURTHER NOTICE that such application for dismissal will be heard at the Court commencing on the day of 19 .

Dated this day of 19

Landlord

Solicitor for the landlord.

To : of in the County of , the tenant, and of his solicitor.

FORM No. 6.

In the County Court for the County of _____

Division of _____

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at _____
in the said County and Division: _____By the (Recorder of _____) (County Court Judge for
the County of _____)

ORDER UNDER SECTION 2 (5)

THIS APPLICATION FOR DISMISSAL coming on for hearing at this present Court.

AND UPON READING the tenant's notice of application for renewal of his tenancy
in the above tenement dated the _____ day of _____ 19 _____

AND UPON HEARING _____ for the landlord, and

_____ for the tenant, and the evidence offered on

behalf of the parties.

IT IS ORDERED THAT

[pending the final determination of the tenant's application for renewal the
tenant do yield up possession of the said tenement to the landlord, and the
Under Sheriff of the said County is hereby commanded to put the landlord
into the possession of the said tenement] or[the said application for renewal be heard on the _____ day of _____ 19 _____] or
[the said application for renewal be, and the same is hereby, dismissed on
the merits] or

[Such further or other Order as may be decreed by the Court]

AND IT IS FURTHER ORDERED that as regards the costs of this application and
Order, which are hereby fixed at the sum of £ _____(and the several Under Sheriffs in Northern Ireland are hereby commanded to take in
execution the goods of the said _____ to satisfy the said costs.)

Dated this _____ day of _____ 19 _____

(SEAL)

Clerk of the Crown and Peace.

Business Tenancies

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FORM No. 7

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at in the said County and Division.

By the (Recorder of the County of

) (County Court Judge for

APPLICATION UNDER SECTION 5 (8)

WHEREAS by an Order of this Court made on the day of 19 in respect of the above tenement, it was ordered that

AND WHEREAS a (dispute) (failure) (question) has (arisen) (occurred) between the parties as to

TAKE NOTICE that an application will be made to the Court for an Order determining the said (dispute) (failure) (question) and for such further directions as the Court may consider necessary.

AND TAKE FURTHER NOTICE that such application will be made at the Court commencing on the day of 19

Dated this day of 19

Applicant

Solicitor for the applicant

To :—

of

in the County of

and of

his solicitor.

COUNTY COURT RULES

FORM No. 8

In the County Court for the County of
Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF THE business tenement situated at
in the said County and Division.

By the (Recorder of) (County Court Judge for the
County of)

ORDER UNDER SECTION 5 (8)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON READING the Order of this Court dated the day of
19 in respect of the above tenement.

AND UPON HEARING for , and
for , and the evidence
offered on behalf on the parties.

AND IT APPEARING that a (dispute) (failure) (question) has (arisen) (occurred)
between the parties as to

IT IS ORDERED THAT

AND IT IS FURTHER ORDERED that as regards the costs of this application and
Order, which are hereby fixed at the sum of £

(and the several Under Sheriffs in Northern Ireland are hereby commanded to take
in execution the goods of the said to satisfy the said costs.)

Dated this day of 19

(SEAL)

Clerk of the Crown and Peace

Business Tenancies

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FORM No. 9.

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at in the said County and Division.

By the (Recorder of County of) (County Court Judge for the County of)

APPLICATION UNDER SECTION 7 (3)

TAKE NOTICE that I, of in the County of , the tenant of the above tenement, by whom a notice under section seven of the above Act was served upon of in the County of , the (landlord) (person to whom I pay the rent of the said tenement) (person whom I believe to be a superior landlord or the agent of a superior landlord) on the day of 19 , and in response to which notice the said has failed or neglected to furnish in writing the information required by the said section so to be furnished within the time therein limited, intend to apply to the Court for an Order directing the said to furnish such information as aforesaid.

AND TAKE FURTHER NOTICE that such application will be heard at the Court commencing on the day of 19

Dated this day of 19

Applicant.

Solicitor for the Applicant

To :— the said of , in the County of

COUNTY COURT RULES

FORM No. 10

In the County Court for the County of _____

Division of _____

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at _____ in the said County and Division.

By the (Recorder of _____) (County Court Judge for the County of _____)

ORDER UNDER SECTION 7 (3)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON READING the tenant's notice requiring information dated the day of _____ 19 _____, and addressed to _____ of _____ in the County of _____

AND UPON HEARING _____ for the tenant, and _____ for the said _____, and the evidence offered on behalf of the parties.

AND IT APPEARING that the said _____ has failed or neglected to furnish in writing the information required so to be furnished in response to such notice by sub-section (3) of section seven of the above Act within the time therein limited.

IT IS ORDERED that the said _____ do, within the period of _____ days from the date hereof, furnish such information in writing to the tenant, so far as such information is within the possession or procurement of the said _____

AND IT IS FURTHER ORDERED that as regards the costs of this application and Order, which are hereby fixed at the sum of £ _____

(and the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said _____ to satisfy the said costs.)

Dated this _____ day of _____ 19 _____

(SEAL)

Clerk of the Crown and Peace.

SECOND SCHEDULE

BY COUNTY COURT STAMPS

			s.	d.
On each notice of application	...	...	5	0
„ „ copy for service	...	...	2	6
„ „ requisition in respect of each case	...	...	1	0
„ „ Order of the Court	...	...	5	0
„ „ copy Order	...	...	2	6

THIRD SCHEDULE

SCHEDULE OF FEES PAYABLE TO SOLICITORS AND COUNSEL

P.L.V. of the tenement	On application for renewal of tenancy		On all other applications	
	Solicitor	Counsel	Solicitor	Counsel
Not exceeding £25	£ 5 s. 5 d.	£ 4 s. 4 d.	} 3 3 0	2 2 0
Exceeding £25 but not £50	7 7 0	6 6 0		
Exceeding £50 but not £75	9 9 0	8 8 0	4 4 0	3 3 0
Exceeding £75 but not £100	11 11 0	10 10 0	5 5 0	4 4 0

Where the P.L.V. exceeds £100, or in cases of unusual difficulty or complexity, such additional fee as the Court may allow.

There shall also be payable to solicitors such sum for actual outlay as shall be vouched to the satisfaction of the Clerk of the Crown and Peace, and which shall appear to him to be reasonable and proper.

**Rent Restriction Law (Amendment) Act
(Northern Ireland), 1951**

Rent Restriction Law (Northern Ireland) County Court Rules, 1952

1952. No. 80

WE, the undersigned members of the County Court Rules Committee appointed by the Lord Chief Justice of Northern Ireland under sub-section (3) of section two of the County Courts (Salaries and Rules) Act (Northern Ireland), 1947, by virtue of the powers vested in us in this behalf, do hereby make the Rules hereinafter set forth as Rules to be in force in proceedings in the County Courts under the Rent Restriction Law (Amendment) Act (Northern Ireland), 1951, and do