

EXPLANATORY NOTE

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

These Rules amend the Northern Ireland Supreme Court Rules, principally so as to provide that where money has been paid into Court in certain County Court proceedings, that fact shall not be disclosed on appeal to the Judge of Assize until all questions of liability and the amount of the debt or damages have been decided.

1961. No. 152

[NC]

SUPREME COURT, NORTHERN IRELAND

Procedure

**The Supreme Court Rules (Northern Ireland)
(No. 2) Order in Council, 1961**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as that enactment applies to the Supreme Court of Judicature of Northern Ireland(b) and of all other powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the rules of the Supreme Court of Northern Ireland(c) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) (No. 2) Order in Council, 1961, and shall come into force on the 1st day of August, 1961.

Given at Government House, Hillsborough, this 30th day of June, 1961.

MacDermott

W. J. Morgan

Brian Maginess

L. E. Curran

(a) 40 & 41 Vict., c. 57.

(b) S.R. & O. 1921 (No. 1802), p. 1,332.

(c) S.R. & O. 1936 (No. 70), II, p. 2,559.

SCHEDULE

1. In Order XXXI (which relates to Discovery and Inspection) Rule 25 shall be deleted.

2. In Order LXII (which relates to Funds in Court) the following amendments shall be made:—

In Rules 25, 35 and 69 respectively, for the words and figures "Trustee Act, 1893" there shall be substituted the words and figures "Trustee Act (Northern Ireland), 1958".

3. There shall be substituted for Order LXXVII (which relates (inter alia) to proceedings under the Trustee Act, 1893), the following Order:—

"ORDER LXXVII

Proceedings under the Trustee Act (Northern Ireland), 1958, and the Principal Act, s. 28 (6).

1. All proceedings in the High Court commenced under the Trustee Act (Northern Ireland), 1958, in this Order called "the Act", or in reference to money lodged in Court under sub-section (6) of section 28 of the Principal Act, shall be assigned to the Chancery Division of the Court.

2. All applications under the Act or under sub-section 6 of section 28 of the Principal Act shall be made by summons.

3. In the case of an application under Section 57 of the Act the settlor and any other person who provided property for the purpose of the trust in question shall, if still alive, and not an applicant, be made a respondent to the summons in addition to any other persons who are necessary and proper respondents thereto, unless the Court or a Judge for special reasons otherwise directs.

4. Where a trustee or other person desires to make a lodgment in Court under the Act, or under sub-section (6) of section 28 of the Principal Act, he shall make and file an affidavit intituled in the matter of the trust or debt (described so as to be distinguishable) and of the Act or of the Act and the Principal Act, and setting forth:—

- (a) a short description of the trust and of the instrument creating it or of the debt and how it arose;
- (b) the names of the persons interested in and entitled to or claiming the money or securities, or debt, and their places of residence, to the best of his knowledge and belief;
- (c) his submission to answer all such enquiries relating to the application of the money or securities paid into Court, or the debt, as the Court or Judge may make or direct;
- (d) the place where he is to be served with any summons or Order, or notice of any proceedings relating to the money or securities or the debt.

Such affidavit shall have annexed thereto a schedule as prescribed by Order LXII, Rule 35.

5. Any application to deal with funds lodged in Court under the Act or the Principal Act shall be intituled in the same manner as the affidavit on which the funds were lodged. All other applications under the Act not made in any pending cause or matter shall be intituled in the matter of the will, settlement, or trust property, as the case may be, to which the application relates and in the matter of the Act and shall in the body thereof specify the particular section or sections of the Act or Acts under which relief is sought.

6. The person who has made the lodgment shall forthwith give notice thereof by prepaid letter through the post to the several persons whose names and places of residence are set out in his affidavit as interested in or entitled to or claiming the money or securities lodged in Court or the debt.

7. No notice or summons relating to the money or securities shall be issued unless there is named therein a registered place of business or address for service as prescribed by Order IV, where the applicant may be served with any summons or notice of any proceeding or order relating to the money or securities or the dividends thereof.

8. The person who has made the lodgment shall be served with notice of any application respecting the fund or the dividends or interest thereof, by any person interested therein claiming to be entitled thereto.

9. The persons named in the affidavit as interested in or entitled to, or claiming the fund shall be served with notice of any application made by the person who has made the lodgment respecting the fund in Court or the interest or dividends thereof.

10. When the rights of the persons entitled to money paid into Court under this Order are ascertained in an action, the Court or a Judge may, by an order in the action, direct payment to be made to the persons entitled to the money."

EXPLANATORY NOTE

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

Rule 1 makes an amendment regarding the exercise of the power to allow costs of discovery and inspection of documents. The remaining Rules regulate applications to the Court under—

- (a) the Trustee Act (Northern Ireland), 1958, which repeals the Trustee Act, 1893, in so far as unrepealed;
- (b) sub-section 6 of section 28 of the Supreme Court of Judicature Act (Ireland), 1877.

1961. No. 153

FACTORIES

Employment of Women in Bakehouses

ORDER, DATED 4TH JULY, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 23 OF THE FACTORIES ACT (NORTHERN IRELAND), 1959.

As this Order, being of a temporary character, has been exempted from printing by virtue of Reg. 5(1)(b) of S.R. & O. (N.I.) 1958, No. 195, made under the Statutory Rules Act (Northern Ireland), 1958, it is not printed at length in this volume.