

operation of Section 7(1)(J) of the Act) for the "1st day of April, 1963" there shall be substituted the "1st day of April, 1964".

2. This Order may be cited as the Betting and Lotteries Act (Northern Ireland) 1957 (Date of Commencement) (Amendment) Order 1963.

Dated this 28th day of March, 1963.

Brian Faulkner,
Minister of Home Affairs
for Northern Ireland.

EXPLANATORY NOTE

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

This Order substitutes the 1st April, 1964, for the 1st April, 1963, for the coming into operation of Section 7(1)(J) of the Betting and Lotteries Act (Northern Ireland) 1957 (which provides that the minimum nett annual value of bookmakers' premises in Belfast should be £40, and elsewhere £30).

1963. No. 61

[NC]

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (No. 1) 1963

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, to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

PART I—APPEARANCES

1. In Order XII, which relates to the entry of appearance, the following amendments shall be made:—

(1) There shall be substituted for Rules 2 and 3 the following Rule:

"2.—(1) A defendant may enter an appearance—

(a) by his solicitor by delivering to the proper officer an appearance in Form No. 1 in Part II of Appendix A, with such variations as the circumstances may require, and two copies thereof signed by the defendant's solicitor; or

(b) in person by attending personally, in the case of Writs issued in the Chancery or Queen's Bench Division at the Central Office, Royal

Courts of Justice (Ulster), Chichester Street, Belfast, 1, or in the case of Writs in Probate actions, at the Rules Office of the Principal Probate Registry at the same address, and handing to the proper officer an appearance in said Form No. 1 and two copies thereof signed by himself; or, by transmitting said appearance and copies duly signed by post to the proper officer at the appropriate office.

(2) Upon receipt of the appearance and the two copies thereof duly and properly completed the proper officer shall enter the appearance in the cause book and impress the copies of the appearance with the office stamp indicating the date on which he received the appearance, and—

- (a) if the appearance was entered by a defendant's solicitor, return the copies to that solicitor; or
- (b) if the appearance was entered by the defendant personally or by post, transmit by post to the plaintiff's solicitor at his registered place of business or to the plaintiff if he sues in person at his address for service one copy of the appearance, and return the other copy to the defendant, if the appearance was entered personally, or transmit it by post to the defendant at his address for service, if the appearance was entered by post.

(3) A solicitor for the defendant shall, on the day on which he enters an appearance, deliver to the plaintiff's solicitor or send by post to a plaintiff who sues in person at his address for service one of the copies of the appearance returned to him pursuant to sub-paragraph (a) of paragraph (2) of this Rule.

(4) Notwithstanding the provisions of this Rule, where the defendant is a limited liability company or corporate body the appearance shall only be entered by a solicitor."

(2) Rules 7 and 8 shall be omitted.

(3) In Rules 35 and 39 the words "and shall forthwith give notice of such appearance to the plaintiff's solicitor, or to the plaintiff if he sues in person" shall be omitted.

2. In Part I of Appendix A, the following amendments shall be made:—

(1) In the memorandum to be subscribed on a Writ of Summons there shall be substituted for the notification relating to the entering of an appearance the following notification—

"The Defendant may enter an appearance by a solicitor. He may also enter an appearance personally, either by handing in the Form of Appearance in triplicate, duly completed, at the Central Office, Royal Courts of Justice (Ulster), Chichester Street, Belfast, 1, or by sending same to that office by post. In the case of Writs issued in Probate actions, the forms should be handed in or sent to the Rules Office, Principal Probate Registry instead of the Central Office. The appropriate forms may be obtained at H.M. Stationery Office, Chichester Street, Belfast, 1, price 1s. 3d."

(2) For Form No. 1 set out in Part II of Appendix A, there shall be substituted the form set out in the Schedule hereto.

PART II—FUNDS IN COURT

3. In Order LXII, which relates to funds in court, the following amendments shall be made:—

(1) After Rule 24 the following Rule shall be inserted:—

“24A. All moneys lodged in court in the Queen’s Bench Division pursuant to Rule 1(1) of Order XXII in respect of a claim for a debt or damages or in an Admiralty action shall be credited by the Bank to a single account in the name of the Accountant-General for the time being and shall bear interest at the prevailing ordinary and special deposit rates of interest, and the interest on the said moneys shall be paid quarterly to the Accountant-General and shall be paid by him into the Exchequer of the United Kingdom.”

(2) In Rule 66 for the words “Three and a half per cent. War Loan, 1952, or after” there shall be substituted the words “any of the stocks, funds or securities mentioned in Rule 71 of this Order or place such sums on deposit receipt in the Bank of Ireland or on deposit in the Post Office Savings Bank”.

(3) To Rule 66 there shall be added the following paragraph:—

“(2) Any interest accruing on any sum or sums invested or deposited under this Rule amounting to £10 or more shall forthwith be dealt with by the Accountant-General in accordance with the provisions of the last foregoing paragraph of this Rule.”

PART III—MISCELLANEOUS

4. In Order LXVI, which relates to notices, printing, copies, etc., the following paragraph shall be added to Rule 3:—

“(3) Copies of all documents required for use in the Supreme Court or any of the offices thereof (otherwise than for filing) or as certified or office copies may, instead of being printed or written, be copies produced by a photographic or other process giving a positive and permanent representation free from blemishes.”

5. In Order LXXXVIII, which relates to proceedings in bankruptcy, the following Rule shall be added after Rule 6:—

“6A. The provisions of Order LXVI, Rule 3(3), shall apply to all proceedings to which this Order relates.”

6. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1963, and shall come into operation on the first day of June, 1963.

Dated the 28th day of March, 1963.

(Sgd.) *MacDermott*

Arthur Black

L. E. Curran

Charles L. Sheil

H. A. McVeigh

Brian Maginess

James J. Napier

SCHEDULE

FORM No. 1

[Front]

ORDER 12, RULE 2

Appearance in General

This and the Two attached copies to be completed and delivered to the Central Office, Royal Courts of Justice (Ulster), Chichester Street, Belfast, 1.

In the case of Writs in Probate actions the forms should be delivered not to the Central Office, but to the Rules Office, Principal Probate Registry, Royal Courts of Justice (Ulster), Chichester Street, Belfast, 1.

A defendant who wishes to enter an appearance personally may do so by delivering or posting this and the two attached copies when completed to the appropriate office as above-mentioned.

¹ Copy year, letter and number from writ.

19

No.¹¹

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

2 Describe Division as in writ.

DIVISION²

Between

³ Copy name(s) of plaintiff(s) from writ.

³Plaintiff(s)

and

⁴ Copy name(s) of defendant(s) from writ.

⁴Defendant(s)

PLEASE ENTER AN APPEARANCE FOR

⁵ Give full names of defendant wishing to appear. (See Note 3 on back.)

⁵

⁶ Give name by which defendant is described in writ if this differs from defendant's full name, otherwise delete words in square brackets.

[sued as⁶

in this Action]

⁷ Strike out if Statement of Claim (a) has been delivered or (b) has been endorsed thereon or (c) is not required.

The Defendant(s) require(s) delivery of a Statement of Claim⁷

Dated this day of 19

⁸ To be signed by the defendant or solicitor entering the appearance.

Signed⁸

⁹ If a defendant appears in person he must give an address for service of documents within the Municipal Boundary of the City of Belfast.

Whose address for service is⁹

¹⁰ Where the defendant appears by solicitor, the solicitor's registered place of business should be given. In such cases an address should NOT be inserted at 9 above.

Whose registered place of business is¹⁰

¹¹ Give name of solicitor(s) of plaintiff(s) if known.

The solicitor(s) for Plaintiff(s) is/are¹¹

N.B.—Additional notes for the guidance of defendants seeking to enter an appearance are given on the back. Please read them carefully. The form may have to be returned if any of the information required is omitted or given incorrectly. The delay may result in judgment being entered against the defendant. If judgment is entered the defendant or his solicitor may have to pay the costs of applying to set it aside.

[Back]

ADDITIONAL NOTES

1. The defendant should enter his appearance within ten days from the date on which the writ is served (excluding the day of service) otherwise judgment in default may be entered. The defendant in any action, other than an action for recovery of possession of land or premises, may nevertheless enter his appearance at any time before the entry of judgment. In actions for the recovery of land or premises, the appearance must be entered within ten days from the day on which the writ is served (excluding the day of service) unless the time is extended by the Court or a Judge,

N.B. An appearance is only entered on the date on which the requisite documents (correctly filled up) are received by the proper officer.

2. The defendant must give his or her full name and a female defendant must add her description, such as spinster, married woman, widow or divorced.

3. Where the defendant is a firm, the appearance must be entered by the individual partners by name with the description "Partner in the firm of . . .".

4. Where the defendant is an individual trading in a name other than his own, the appearance must be entered by him in his own name with the addition of the description "Trading as . . .".

5. Where the defendant is a limited liability company, the appearance must be entered by a solicitor.

6. If the defendant has no defence or admits the plaintiff's claim, the entry of appearance will delay judgment and may increase the costs payable by the defendant.

7. A defendant who wishes to appear in person by attending at the appropriate office may obtain help in completing this form from the Central Office of the Royal Courts of Justice (Ulster), Chichester Street, Belfast, 1, or, in the case of Probate actions, from the Rules Office, Principal Probate Registry at the same address.

8. Where the defendant is unable to give the number of the action or any other information required to identify it, the writ served on the defendant should be produced for inspection when the appearance is entered.

9. Where the appearance is being entered by leave of the court, a copy of the order granting leave must accompany this form.

10. These notes deal only with the more usual cases. In cases of any difficulty it is advisable to attend at the court office mentioned in note 7 for the purposes of entering an appearance.

EXPLANATORY NOTE

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

Part I of these Rules makes provision for the entry of appearances and also provides for the entering of such appearances by post in the case of litigants wishing to appear in person.

Part II makes provision for the payment by the Bank of Ireland of interest on certain Supreme Court funds standing to the credit of the Accountant-General in that Bank and also makes provision for the investment of certain funds in securities other than 3½% War Loan. It also provides for the investment of accumulated interest thereon.

Part III makes provision for the acceptance of photographic copies of documents in the Supreme Court of Northern Ireland and the offices thereof.