

1964. No. 18

[NC]

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

The Rules of the Supreme Court (Northern Ireland) (No. 2) 1964

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, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. The following Order shall be inserted immediately after Order LX of the Rules of the Supreme Court (Northern Ireland) 1936(b):

“ORDER LXA

JURISDICTION OF REGISTRARS, ETC.

1.—(1) The Registrar may transact all such business and exercise such jurisdiction in respect of the same as may be transacted or exercised by a Judge, in the following proceedings and matters, that is to say:—

- (i) applications under Order VII, rules 3 and 4 (change of solicitor);
- (ii) leave to renew a writ of summons under Order VIII, rule 1 (renewal of writ);
- (iii) applications under Order IX, rules 4, 10, 12, 18 and 21 (service of writ of summons);
- (iv) applications under Order XII, rules 32, 34 and 37 (appearance);
- (v) applications under Order XIII, rules 1 and 17 (default of appearance);
- (vi) to compel a party to proceed under Order XVII, rule 8;
- (vii) applications under Order XXII, rules 4 and 9 (payment out of money lodged in court);
- (viii) applications under Order XXVII, rule 18 (moneylenders);
- (ix) applications for an order on consent or in default proceedings under Order XXVIII, rule 1 (amendment of indorsements or pleadings);
- (x) to make an order on consent under Order XXXV, rule 1 (issues of fact without pleading);
- (xi) applications under Order XLIC, rule 4 (procedure in lieu of garnishee and sequestration where money due from Crown);
- (xii) applications under Order XLII (execution);
- (xiii) applications under Order XLIII (sequestration to enforce payment of costs);
- (xiv) applications under Order XLV (attachment of debts);
- (xv) applications under Order XLVI (charging and stop orders);
- (xvi) applications under Order XLVIII, rules 1 and 8 (actions by or against a firm);
- (xvii) applications under Order L, Part III (receiver by way of equitable execution);

(a) 10 & 11 Eliz, 2, c. 30.

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

- (xviii) applications to which Order LXII, rule 39 relates (payment out etc. of funds in Court);
- (xix) applications under Order LXIV, rule 7 (time);
- (xx) to receive a consent and make the same a rule of Court (save in cases under Order XXII, rule 8) and to give necessary and consequential directions arising therefrom.

(2) The provisions of this rule shall not operate to give jurisdiction to the Registrar to make an order in a matter directly relating to the liberty of the subject.

2. The Registrar may, upon the hearing of any application to which the foregoing rule relates, adjourn the same to be heard by a Judge.

3.—(1) Any person affected by any order or decision of the Registrar may appeal therefrom to a Judge.

(2) Such appeal shall be by notice in writing given within 5 days after the order or decision complained of or such further time as may be allowed by a Judge or the Registrar.

(3) Except in the case of ex parte applications there shall be at least one clear day between the service of the notice of appeal and the day of hearing, unless otherwise ordered. The notice of appeal shall be served on all parties affected and a copy lodged forthwith in the office of the Registrar.

(4) An appeal from the order or decision of the Registrar shall not operate as a stay of proceedings unless so ordered by a Judge or the Registrar.

4. Notwithstanding any provision in these Rules, all proceedings under this Order shall be deemed to be in Chambers.

5. In this Order the expression "the Registrar" shall mean the Registrar of the Supreme Court and such other officers as may be designated by the Lord Chief Justice."

2. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 2) 1964 and shall come into force on the 15th day of September, 1964.

Dated the 7th day of February, 1964.

Signed :

MacDermott

Arthur Black

H. A. McVeigh

Brian Maginness

Leonard I. G. Fox

James J. Napier

EXPLANATORY NOTE

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

These rules introduce a new Order LXA. This Order delegates to the Registrar the power to transact the business and exercise jurisdiction in the proceedings and matters specified in paragraph (1) of rule 1 of the Order (which includes matters in relation to execution).

The Registrar is given power to adjourn any application to the Judge and there is provision in the Order for an appeal from the decision of the Registrar.

The Order does not confer jurisdiction on a Registrar in a matter directly relating to the liberty of the subject.

1964. No. 19

[NC]

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

The Rules of the Supreme Court (Northern Ireland) (No. 3) 1964

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, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

PART I

DEBTORS ACT (IRELAND) 1872

1. Immediately after Order LXXXVIII of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the following Order:—

“ORDER LXXXVIII A

Proceedings under section 6 of the Debtors Act (Ireland) 1872(c)

1.—(1) In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“debtor” means a person liable under a judgment;

“the Judge” means the Judge to whom causes and matters in bankruptcy are for the time being assigned, or any Judge acting for such Judge;

“judgment” means any judgment, order or decree of any Division of the High Court or of any inferior Court for the payment of money;

(a) 10 & 11 Eliz. 2. c. 30.

(c) 35 & 36 Vict. c. 57.

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