

SCHEDULE 1

The Rules of the Supreme Court (Northern Ireland) 1980 COURT OF APPEAL ETC.

ORDER 58

APPEALS FROM MASTERS, CIRCUIT REGISTRARS AND JUDGES

Appeals from certain decisions of masters, etc., to judge in chambers

1.—(1) Without prejudice to Order 44, rule 23, and except as provided by rules 2 and 3, an appeal shall lie to a judge in chambers from any judgment, order or decision of a master, or of a circuit registrar in the exercise of any probate jurisdiction.

(2) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice to attend before the judge on a day specified in the notice.

(3) Unless the Court otherwise orders, the notice must be issued within 5 days after the judgment, order or decision appealed against was given or made and served not less than 2 clear days before the day fixed for hearing the appeal.

(4) Except so far as the Court may otherwise direct, an appeal under this rule shall not operate as a stay of the proceedings in which the appeal is brought.

[E.r. 1]

Appeals from certain decisions of the Master (Queen's Bench and Appeals)

2. An appeal shall lie to the Court of Appeal from any judgment, order or decision of the Master (Queen's Bench and Appeals) given or made—

- (a) on the hearing or determination of any cause, matter, question or issue tried before or referred to him under Order 36, rule 1, or
- (b) on an assessment of damages under Order 37 or otherwise.

[E.r. 2]

Appeals from certain decisions of the Master (Chancery)

3. An appeal shall lie to the Court of Appeal from any judgment, order or decision of the Master (Chancery) given or made on the hearing or determination of any cause; matter, question or issue ordered to be tried before him under Order. 36, rule 1.

[E.r. 3]

Appeal from a judge in chambers

4. Subject to section 35 of the Act (which restricts appeals), and without prejudice to section 44 of the Act (which provides for an appeal in cases of contempt of court), an appeal shall lie to the Court of Appeal from any judgment, order or decision of a judge in chambers.

[E.r. 7]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Appeal from judgment, etc., of judge in interpleader proceedings

5.—(1) Any judgment, order or decision of a judge given or made in summarily determining under Order 17, rule 3(2)(a) or (b), any question at issue between claimants in interpleader proceedings shall be final and conclusive against the claimants and all persons claiming under them unless leave to appeal to the Court of Appeal is given by the judge or the Court of Appeal.

(2) Where an interpleader issue is tried by a judge (with or without a jury), an appeal shall lie to the Court of Appeal, without the leave of the judge or that Court, from any judgment, order or decision given or made by the judge on the trial.

(3) The time within which notice of appeal under this rule must be served shall be the same as in the case of an appeal from an interlocutory order.

[E.r. 8]