

1989 No. 498

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court
(Northern Ireland) (Amendment No. 7) 1989**

Made 21st December 1989

Coming into operation 1st February 1990

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 7) 1989 and shall come into operation on 1st February 1990.

(2) In these Rules an Order referred to by number or an Appendix referred to by letter means the Order so numbered or the Appendix so lettered in the Rules of the Supreme Court (Northern Ireland) 1980(b).

Amendment of reference

2. In Order 1, for rule 18(a)(iv) there shall be substituted—

“(iv) all costs taxable pursuant to an order made by the Master (Taxing Office) under Article 71F of the Solicitors (Northern Ireland) Order 1976;”.

Solicitors (Northern Ireland) Order 1976

3. Order 62 shall be amended as follows:—

(a) by inserting in rule 29(1)(a) after the words “High Court” the words “(other than an order made under Article 71F(2)(a) of the Solicitors (Northern Ireland) Order 1976)”;

(a) 1978 c. 23

(b) S.R. 1980 No. 346

- (b) by substituting in rule 29 for paragraph (2) the following paragraph—
“(2) Paragraph (1) shall have effect, in relation to the taxation of costs pursuant to an order under the Solicitors (Northern Ireland) Order 1976, as if for the period of 6 months first mentioned in that paragraph there were substituted a reference to 2 months.”;
- (c) by substituting in rule 30(3) for the words “Article 66” the words “Article 71F”.

Application under the Copyright, Designs and Patents Act 1988(a)

4. Order 93 shall be amended as follows:—

- (a) by inserting, after sub-paragraph (o) of paragraph (2) of rule 1,
“(p) section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988.”;

(b) by inserting, after rule 5, the following new rule—

“*Applications under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988*

6.—(1) Where an application is made under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988, the applicant shall serve notice of the application on all persons, so far as reasonably ascertainable, having an interest in the copy, recording or other article which is the subject of the application, including any person in whose favour an order could be made in respect of the copy, recording or other article under any of the said sections of the said Act or under section 58C of the Trade Marks Act 1938.

(2) An application under the said section 114, 204 or 231 shall be made by originating summons or, if it is made in a pending action, by summons or motion in that action.”.

5. Order 100 shall be amended as follows:

- (a) There shall be substituted for the title the words “THE TRADE MARKS ACT 1938 AND THE TRADE MARKS (AMENDMENT) ACT 1984.”;

(b) After paragraph (5) of rule 2, the following new paragraphs shall be inserted:

“(6) Where an application is made under section 58C of the Trade Marks Act 1938, the applicant shall serve notice of the application on all persons, so far as reasonably ascertainable, having an interest in the goods or material which are the subject of the application, including any person in whose favour an order could be made in respect of the goods or material under the said section 58C or under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988.

(7) An application under the said section 58C shall be made by originating summons or, if it is made in a pending action, by summons or motion in that action.”;

- (c) In the heading to rule 3, after the words “*trade mark*” there shall be inserted the words “*or registered service mark*”;
- (d) In rule 3(1), after the words “*a registered trade mark*” there shall be inserted the words “*or a registered service mark*” and after the words “*that trade mark*” there shall be inserted the words “*or that service mark*”;
- (e) In rule 3(2), after the words “*of a registered trade mark*” there shall be inserted the words “*or of a registered service mark*”.

Amendment of Order 106

6. Order 106 shall be amended as set out in Schedule 1.

Amendment of Appendix A

7. Appendix A shall be amended by the insertion of new Form 49A set out in Schedule 2.

Dated 14th December 1989.

*Brian Hutton
John MacDermott
Donald Murray
J. P. Higgins
Brian Kerr
Owen Catchpole
Aidan A. Canavan*

I concur,

Mackay of Clashfern, C.

Dated 21st December 1989.

Amendments to Order 106

1. In rule 1—

(i) for the definition of “the Committee” there shall be substituted the following—

“ “the Tribunal” means the Solicitors Disciplinary Tribunal appointed under Article 43;”;

(ii) for the definition of “appeal” there shall be substituted the following—

“In rules 10 to 15 “appeal” means an appeal to the High Court under Article 53(2) against an order made by the Tribunal.”.

2. For rule 2 there shall be substituted—

“Jurisdiction under Part V of and Schedule 1A to the Order exercisable by a judge in chambers

2. Any application to the High Court under Part V of or Schedule 1A to the Order may be made to a judge in chambers.”.

3. After rule 2 the following new rules shall be inserted:

“Application to the Master (Taxing Office) for order for taxation

2A.—(1) An application to the Master (Taxing Office) under Article 71F(2) shall be made by originating summons and shall be served, together with an affidavit of facts, on every other party at least 4 days before the date of hearing.

(2) An appeal shall lie to a judge in chambers from any order of the Master (Taxing Office) under the said Article 71F(2) and Order 58 rule 1 shall apply to such appeal.

Application to the Master (Taxing Office) for examination of contentious business agreement

2B.—(1) An application to the Master (Taxing Office) for the examination of a contentious business agreement under Article 66(3) or 67 shall be made in Form No. 49A in Appendix A and shall be served, together with an affidavit of facts, on every other party at least 4 days before the date specified for the hearing of the application.

(2) A copy of the agreement shall be lodged in the Supreme Court Taxing Office at the time the notice of application is issued.”.

4. In rules 10(1) and (2), 11(1), 12, 13 and 15(1), there shall be substituted for the word “Committee” wherever it appears, the word “Tribunal”.

5. Rule 10(3) is revoked.

6. For rule 16 there shall be substituted—

“Appeals to the Lord Chief Justice

16. A person who appeals to the Lord Chief Justice—

(a) in respect of the refusal of the Law Society to issue a certificate pursuant to Article 5(2);

(b) under Article 6(4) from a decision of the Law Society in respect of an application relating to regulations made under Article 6;

- (c) under Article 14(2) from a decision of the Council of the Law Society refusing the issue of a practising certificate or imposing terms or conditions on such a certificate or subsequent certificate;
- (d) under Article 14A(6) from a decision of the Council of the Law Society to impose terms or conditions on a practising certificate or any subsequent certificate;
- (e) under Article 15(4) from a decision of the Council suspending a practising certificate;
- (f) under Article 16(7) from a decision of the Council of the Law Society not to terminate the suspension of a practising certificate or imposing terms or conditions on such a certificate or any subsequent certificate;
- (g) under Article 17A(2) from a decision of the Council of the Law Society refusing to issue a subsequent practising certificate freed from terms and conditions;
- (h) under Article 29(2) from a decision of the Council of the Law Society refusing to grant its consent or as to the terms and conditions attached to such consent under paragraph (1) of that Article;
- (i) under Article 41A(6) from a determination or direction of the Council of the Law Society;
- (j) under Article 53(1) from an order of the Tribunal;
- (k) under paragraph 2(1) of Schedule 1A from a decision of the Council of the Law Society to refuse an application for recognition of a body corporate; or
- (l) under paragraph 2(3) of Schedule 1A from a decision of the Council to revoke the recognition of a body corporate

shall lodge in the Central Office—

- (i) a petition under the hand or seal of the applicant praying for the appropriate relief and setting out the circumstances in which the application is made and the matters of fact upon which the applicant relies in support of his application; and
- (ii) an affidavit verifying the facts stated in the petition;

and shall within 2 days after lodging the said document in the Central Office lodge copies thereof at the Law Society's Office.”.

New Form to be inserted in Appendix A

No. 49A
(ORDER 106, RULE 2B)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

TAXING OFFICE

IN THE MATTER of the Solicitors (Northern Ireland) Order 1976

Applicant(s)

of

Respondent(s)

of

TAKE NOTICE that the above-named
the applicant(s), will apply to the Master on the day of 19 ,
pursuant to Order 106 rule 2B for the examination of the contentious business
agreement, made with the above-named the
respondent(s).

[The applicant made the said agreement as a representative of
whose property will be chargeable with the whole part of
the amount payable]*

The application is grounded on the affidavit of the applicant

Dated

Signature

*Delete if not applicable.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Rules of the Supreme Court (Northern Ireland) 1980:

- (a) in consequence of the amendments made to the Solicitors (Northern Ireland) Order 1976 by the Solicitors (Amendment) (Northern Ireland) Order 1989; and
- (b) to provide for applications under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988 and under section 58C of the Trade Marks Act 1938.

1989 No. 499

**Medicines (Intermediate Medicated Feeding Stuff)
Order 1989**

This Order has been made by the Secretaries of State respectively concerned with agriculture in Scotland and in Wales, the Minister of Agriculture, Fisheries and Food and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of the powers conferred by s. 130(3A)(a) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 to that Act this Order has been registered as a Northern Ireland statutory rule under the Statutory Rules (Northern Ireland) Order 1979. It is printed in full in the volume of United Kingdom Statutory Instruments for 1989 and has been numbered 2442 in that series.