

INTOXICATING LIQUOR.**Licences : Rates of Charges.**

DETERMINATION BY THE MINISTRY OF FINANCE UNDER SECTION 3 OF THE INTOXICATING LIQUOR ACT (NORTHERN IRELAND), 1923, AS AMENDED BY THE INTOXICATING LIQUOR (FINANCE) ACT, (NORTHERN IRELAND), 1925, OF THE RATES AT WHICH CHARGES ARE TO BE IMPOSED IN RESPECT OF LICENCES FOR THE SALE OF INTOXICATING LIQUOR BY RETAIL TO BE GRANTED OR REMOVED DURING THE YEAR ENDING 30TH SEPTEMBER, 1935.

1934. No. 66.

In pursuance of sub-sections (3) (b) and (4) of Section 3 of the Intoxicating Liquor Act (Northern Ireland), 1923, as amended by the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925; the Ministry of Finance hereby determines that the rates at which charges are to be levied in respect of all licences for the sale of intoxicating liquor by retail granted or renewed during the year ending 30th September, 1935, shall be eighty per cent. of the maximum rates of charge authorised by sub-section (1) of Section 1 of the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925.

Given under the Seal of the Ministry of Finance this 22nd day of August, 1934.

G. C. Duggan,
Assistant Secretary.

LAND LAW (MISCELLANEOUS PROVISIONS).**County Court Rules.**

THE LAND LAW (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1932, COUNTY COURT RULES, 1934, DATED THE TWELFTH DAY OF JANUARY, 1934.

1934. No. 11.

WHEREAS by an Act, 40 and 41 Vict., C. 56, intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bill Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carry-

ing the said Act into execution; and may from time to time amend such rules, orders and forms, and that every such rule, order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen shall take effect from and after such day as shall be therein named :

And whereas by Section 83 of the said Act, it is provided that the Lord Chancellor, with the concurrence of the Chairmen or any five of them to be selected or nominated as in the said Act provided, and with the consent of the Treasury may by order fix the fees to be taken in the Civil Bill Courts in respect of any business under that or any other Acts in Force for the time being in such Courts, and may, with the like concurrence and consent, alter, reduce, or increase the same from time to time, and may also with the like concurrence and consent, alter the fees and stamp duties taken in those Courts and substitute other fees for the same :

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland and the references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of rules or orders under Section seventy-nine or Section eighty-three of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them to be nominated by the said Lord Chief Justice :

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour Herbert Marshall Thompson, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour Arthur Henry Bates, County Court Judge and Chairman of the County of Down, as the Chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And whereas by an Act of 22 and 23 George V., C. 16, intituled the " Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932," Section 1 (4) (b), it is provided that the Ministry of Finance for Northern Ireland (hereinafter referred to as " the Ministry ") shall pay into the County Court the balance or a part of the balance, of the proceeds of sale in the events therein specified :

And whereas by Section 1 (5) of the said Act it is provided that appeals may be taken to the County Court in the events therein specified :

And whereas by Section 1 (6) of the said Act it is provided that rules of court regulating the procedure and costs of such payment of moneys into and out of the County Court and of such appeals may be made by the authority having power to make rules and orders for regulating the practice of the Civil Bill Courts.

Now I, The Right Honourable Sir William Moore, Baronet, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts, and of all other powers thereunto us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in proceedings in the County Courts under the Land Law (Miscellaneous Provisions) Act, (Northern Ireland), 1932, and with the consent of the Ministry, do hereby fix the fees set out in Schedule III hereto as the fees to be taken in the Civil Bill Courts in Northern Ireland under the said Act.

Dated this 12th day of January, 1934.

William Moore,

Lord Chief Justice.

H. M. Thompson,

Recorder of Belfast and County
Court Judge and Chairman of
Antrim.

A. H. Bates,

County Court Judge and Chairman
of Down.

The Scale of Fees in Schedule III has been fixed with the consent of the Ministry.

In witness whereof the Official Seal of the Ministry has been affixed hereto this fifteenth day of January, 1934, in the presence of

(L.S.)

G. C. Duggan,

Assistant Secretary, Ministry of
Finance for Northern Ireland.

1.—(a) The following Rules shall have effect under the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932, (in these Rules referred to as “the Act”) with reference to any matter under the Act coming before the County Court.

(b) These Rules may be cited as the Land Law (Miscellaneous Provisions) Rules (Northern Ireland), 1934, and shall come into operation on the First day of February, 1934.

(c) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

(d) The Interpretation Act, 1889, and the Interpretation Act (Northern Ireland), 1921, shall apply for the purpose of the interpretation of these Rules as they apply for the purpose of the interpretation of an Act of Parliament.

(e) These Rules shall also be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same, and save as otherwise provided herein the rules of interpretation applicable to such Rules shall apply also to these Rules and the provisions of such Rules shall apply to all proceedings under the Act.

(f) In the construction of these Rules the Act shall mean the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932.

(g) The Ministry shall mean the Ministry of Finance for Northern Ireland.

2. Where the Ministry is required to pay any amount into the County Court under Section 1 (4) (b) of the Act, the Solicitor to the Ministry shall file with the Clerk of the Crown and Peace an affidavit entitled in the matter of the said Act setting forth fully the circumstances which make such lodgment necessary, and the name and address of the person entitled thereto. Upon filing such affidavit, the Solicitor to the Ministry may lodge the said amount in the manner provided by the Rules of Court relating to lodgments of money in the County Court under Order XXX of the County Courts (Ireland) Orders, 1890. Every such lodgment shall be made in the County Court having jurisdiction where the holding which has been sold by the Ministry is situate.

3. A copy of this affidavit and of the Clerk of the Crown and Peace's Certificate of the lodgment of the money together with a copy of the certificate made out by the Solicitor to the Ministry under Article 1 of the Schedule to the Act, shall be served by the

Solicitor to the Ministry upon the person entitled to such amount or the Guardian, Committee, or Solicitor of such person. Service shall be personal or by registered letter, and service by registered letter shall be deemed to have been duly effected if the registered letter has been posted addressed to such addressee at his last known address.

4. Applications by or on behalf of the person entitled to the amount which has been paid into Court under the provisions of Section 1 (4) (b) of the Act may be made by petition setting forth shortly the particular fund for which application is made and the relief which he seeks to obtain. Such petition shall be verified by the affidavit of the Petitioner.

5. Any such Petition shall be delivered to the Clerk of the Crown and Peace at his office one calendar month before the sitting of the Court at which such petition is to be heard and shall be filed by him at his office.

6. The Court, after hearing the said Petition may make such Order as to the Court seems fit.

7. Any person intending to appeal under the provisions of Section 1, sub-section 5, of the Act from a determination of the Solicitor to the Ministry may obtain from the Ministry, free of charge, a certificate of such determination and may give notice of appeal as prescribed by Rules 8 and 9 hereof, and such appeal shall be heard at the Equity Sessions of the County Court of the Division of the County in which the holding which has been sold by the Ministry is situate.

8. The notice of appeal shall be in the Form (1) in Schedule I to these Rules and shall be signed by the intending appellant or by his Solicitor or Solicitors on his behalf and shall be served by sending a copy thereof by registered post addressed to the Clerk of the Crown and Peace, the Solicitor to the Ministry and to such person or persons as may be the intended respondent or respondents to any such appeal at his or their last known address or addresses. An appeal shall lie from the whole or any part of the determination of the Solicitor to the Ministry and the Notice shall state whether the whole or part of the determination is complained of, and in the latter case shall specify such part, and the certificate of the determination appealed from shall be lodged with the Clerk of the Crown and Peace with such notice of appeal.

9. The Notice of Appeal shall be served within one month from the date of the determination by the Solicitor to the Ministry, provided that if the intending appellant is resident outside the United Kingdom of Great Britain and Northern Ireland or the Irish Free State, such Notice may be served within three months from the date of such determination.

10. The Clerk of the Crown and Peace shall enter the Appeal for hearing at the Equity Sessions to be held next after the receipt of such Notice of Appeal Provided that same be received not later than ten days prior to the date of such Sessions, and if not so received, then the said Appeal to be entered for hearing at the following Sessions. Evidence of any facts intended to be relied on at the hearing of such Appeal may be given by affidavit or otherwise as the Court may direct.

11. The Order shall be in writing in the Form (2) in Schedule I hereto, and in any case where forms are not included in the Schedule, the forms in use in the County Court may be adapted with such variations as may be necessary.

12. Where not otherwise expressly provided by these Rules, the existing practice of the County Courts in equity suits shall apply to all applications to the County Court under the Act.

13. The Judge may make such order as to costs and witnesses' expenses as he shall think fit, and may measure such costs and expenses or direct them to be taxed according to Schedule II hereto, provided that in all cases in which, having regard to the work actually performed, or the peculiar difficulty or importance of the case, the allowances for costs and expenses shall appear inadequate, the Judge may make a special order allowing such additional costs and expenses as he may think just and reasonable.

14. There shall be payable in respect of every proceeding under the Act the court fees specified in Schedule III hereto.

SCHEDULE I.

FORMS FOR USE IN APPEALS UNDER THE LAND LAW (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1932, SECTION 1 (5).

(1) *Form of Notice of Appeal.*

County of	Division of
In the Matter of an Appeal under the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932.	
A.B. of	Appellant;
in the County of	Repondent
C.D. of	in the County of

TAKE NOTICE that (Appellant's name) hereby appeals to the County Court Judge of from the determination of the Solicitor to the Ministry in this matter dated the day of (or against so much of the determination of the Solicitor to the Ministry in this matter as

declares (setting forth the portion of the determination complained of) and that such appeal shall be heard at the Equity Sessions to be held for the above mentioned County and Division at
on the day of 19 . (See Rule 10).

(Signed) A.B.

or
X.Y. Solicitor for A.B.
(Add address of Solicitor).

To The Clerk of the Crown and Peace for the County of
AND to The Solicitor to the Ministry of Finance for Northern Ireland.
AND to (add the names and descriptions of all parties to be served or their Solicitors).

(2) *Form of Order of the Court on the Hearing of an Appeal under the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932, Section 1 (5).*

County of Division of

In the Matter of an Appeal under the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932.

A.B. of in the County of Appellant;
C.D. of in the County of Respondent.

WHEREAS by the determination of the Solicitor to the Ministry of Finance for Northern Ireland under the Schedule annexed to the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932, dated the day of , 19 , it was determined that

And whereas the appellant, being a person aggrieved by such determination, duly appealed against the said determination to this Court.

AND THE COURT having examined into the Appeal doth
and doth order that
do recover against the sum of
£ costs and £ witnesses expenses (or as may be).

Dated the day of , 19 .

(Seal of the County Court).

.....
Clerk of the Crown and Peace.

.....
Solicitor for

SCHEDULE II.

COSTS AND EXPENSES.

Under Section 1 (4) (b) .. Where the sum in Court does not exceed £500, the scale applicable to Equity suits in the County Court under the provisions of the County Officers and Courts (Ireland) Act, 1877, Part II., and Order XXXV. of the County Courts Orders (Ireland), 1890. Exceeding £500—5/- per cent. additional.

Under Section 1 (5)	Where the amount the subject of the appeal does not exceed £200.	Where such amount ex- ceeds £200 but not £500.	Where such amount exceeds £500.
Solicitor .. For taking instructions for appeal or opposing appeal, advising thereon, taking instructions for hearing, advising proofs and attending and instructing counsel when employed.	£0 15 0	£1 10 0	} 5/-% additional.
Solicitor .. Drawing notice of appeal and copy for service.	0 10 0	0 15 0	
Solicitor .. Entering Appeal, attending the hearing with or without Counsel and for all other charges save brief for Counsel up to the order and taking out same.	1 10 0	3 0 0	
Solicitor .. Brief for Counsel 6d. per folio, but in no case to exceed £1 10 0.			
Counsel .. Fee on hearing.	2 2 0	3 3 0	Such additional fee as the Judge shall allow.

SCHEDULE III.

COURT FEES PAYABLE (COUNTY COURT STAMPS).

Under Section 1 (4) (b)

Filing affidavit of lodgment	No fee.
Certificate of lodgment	No fee.
On the Petition and on the Order made thereon, where the sum in Court does not exceed £500, the fees payable under the County Officers and Courts (Ireland) Act, 1877, Part II. (S.R. & O. Northern Ireland 1926, No. 21). Exceeding £500, 2/6 per cent. additional.		

Under Section 1 (5)

In respect of the Notice of Appeal and Entry thereof ..	10s. 0d.
In respect of all further proceedings such fees as are payable under the County Officers and Courts (Ireland) Act, 1877, Part II. (S.R. & O. Northern Ireland 1926, No. 21). Exceeding £500, 2/6 per cent. additional.	
