

Ireland, after consultation with the Lord Chief Justice of Northern Ireland, from time to time so directs, have jurisdiction and authority to do and execute the duty of County Court Judge for any county or counties or part or parts of a county or counties in addition to those for which such persons has been appointed, and if the said direction so provides may do and execute the said duty as an additional judge ; and, further, that, so long as any existing County Court Judge continues in office, a direction shall not be given under the provisions of the said section except with the consent of every such judge affected by the direction :

And whereas the County Court Judge and Chairman of Quarter Sessions of the County of Antrim being an existing County Court Judge within the meaning of the said Section 11 of the County Officers and Courts Act (Northern Ireland), 1933, has consented to the giving of the direction hereinafter set forth.

Now, therefore, I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, under and by virtue of the County Officers and Courts Act (Northern Ireland), 1933, after consultation with the Lord Chief Justice of Northern Ireland do hereby direct that George Boyle Hanna, who has duly taken the oath required by Section 3 of the Civil Bill Courts (Ireland) Act, 1851, as County Court Judge for the County of Tyrone, shall in addition to the duties for which he has been appointed have jurisdiction and authority as an additional judge to do and execute the duty of County Court Judge for the Division of Belfast in the County of Antrim and the Division of Lisburn in the County of Down.

Given at Belfast this 15th day of November, Nineteen
Hundred and Thirty-seven.

By His Grace's Command,

R. Dawson Bates.

Rules : Motor Vehicles and Road Traffic Act.

THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (NORTHERN IRELAND), 1934, COUNTY COURT RULES, 1937, DATED THE 29TH DAY OF JUNE, 1937.

1937. No. 61.

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 carrying 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 Chairman 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 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 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 Section 23 (2) of 24 and 25 George V., C. 15, intituled "The Motor Vehicles and Road Traffic Act (Northern Ireland), 1934," it is provided that rules of court regulating the procedure and costs of any application in pursuance of Section 18. of the said Act 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 Court under Section 18 of The Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, and with the consent of the Ministry of Finance, do hereby fix the fees and costs set out in Schedule II as the fees and costs to be taken and charged in the Civil Bill Courts in Northern Ireland under the said section.

Dated this 29th day of June, 1937.

(Signed), *William Moore,*
Lord Chief Justice.

Herbert 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 II has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In Witness whereof the Official Seal of the Ministry has been affixed hereto this 21st day of July, 1937, in the presence of--

(L.S.)

G. C. Duggan,
Assistant Secretary, Ministry of
Finance.

1.—(a) The following Rules shall have effect under The Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, in these Rules referred to as "the Act" with reference to any application under Section 18 of the Act coming before the County Court.

(b) These Rules may be cited as the Motor Vehicles and Road Traffic Act County Court Rules (Northern Ireland), 1937, and shall come into operation on the First day of September, 1937.

(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 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 Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, save where otherwise stated.

2. The notice of proceedings required to be given by a claimant to an insurer or giver of security under the provisions of Section 18 of the said Act shall be in the form set out in Form No. 1 of the First Schedule hereto, with such variations as the circumstances may require.

A copy of such notice shall be lodged with the Clerk of the Crown and Peace for the county in which the proceedings are taken against the owner or driver of the motor car within six days from the service thereof, and in case of a remitted action, within six days from the date of the order remitting.

3. Any application for an order against the insurer or giver of security under the said section shall be made by motion on notice and shall be supported by an affidavit or other evidence. The notice of motion shall be entitled in the matter of the original civil bill decree between the parties in which the claimant has obtained a decree and in the matter of the "Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, Section 18," and shall be in the form specified in Form No. 2 of the First Schedule hereto, with such variations as the circumstances may require, and the order made thereon shall be in Form No. 3 or 4 of the said First Schedule as the case may require.

4. Every such motion shall be brought within six calendar months from the date of the said decree and shall be made to the Recorder or County Court Judge sitting in the same Town, Division and County as that in which the said decree was obtained. The notice of motion shall be entered for hearing in the same manner as an ordinary civil bill and shall not, except by leave of the Judge, be entered for any Court later than the first sittings after the expiration of the said six calendar months in the said Town, Division and County.

5.—(a) The said notice of motion shall be served upon the insurer or giver of security and upon the person against whom a decree has been obtained, or the personal representative of such person, at least six clear days before the first day of the Sittings for which the said motion is entered : provided that the judge may upon the hearing of such motion dispense with service upon the person against whom decree has been obtained, or his personal representative, or may in lieu of personal service upon such person, or his personal representative as aforesaid, declare any service actually effected shall be sufficient.

(b) The service of such notice of motion upon the insurer or giver of security may be effected by sending the same by prepaid registered post either to the Head Office of the insurer or giver of security or to the Principal Office in Northern Ireland of such insurer or giver of security, and such service may be proved by affidavit, and the service upon the person against whom the decree was obtained may be effected either by the mode provided for service of civil bills or by registered letter.

6. 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 the said costs 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 allowance for costs shall appear inadequate, the Judge may make a special order allowing such costs and expenses as he may think just and reasonable.

There shall be payable in respect of every proceeding under the Act the Court fees specified in Schedule II hereto.

SCHEDULE I.

FORM No. 1.

Insert title of proceedings in respect of which the Notice is served.

TAKE NOTICE that the above named Plaintiff (Defendant) on the day of _____, 19____, caused a Writ of Summons or Civil Bill to be issued against the above named Defendant (delivered a Counterclaim in the above action) claiming against the above named Defendant (Plaintiff) (here set out the substance of the claim as appearing in the endorsement on the Writ or in the Civil Bill, or in the Counterclaim).

The accident in respect of which the said proceedings are brought occurred on the _____ day of _____, 19____. A motor vehicle numbered _____ in respect of which the above named Defendant (Plaintiff) holds a Policy of Insurance issued by you (or as the case may be) was involved in the accident.

Dated the _____ day of _____, 19____.

To
of

.....
Solicitor for Plaintiff (Defendant).

etc.

FORM No. 2.

In the County Court of the County of
Division of

In the matter of a Civil Bill Decree in which

and

is Plaintiff ;

is Defendant.

and

In the matter of The Motor Vehicles and Road Traffic Act (Northern Ireland),
1934, Section 18 ; and

In the matter of an Application against
Insurer.

TAKE NOTICE that at the Sittings of the County Court to be holden at
on the day of

19 , an application will be made on behalf of the Plaintiff (or Defendant)
in the Civil Bill Decree in the title hereof set forth (hereinafter called "the
Claimant") to His Honour the County Court Judge for the County of

and Division of

being

the Court in which the said Claimant obtained a decree for £

damages and £ for costs and expenses, making together
the sum of £ , against the above named Defendant in

respect of a liability for which the above named Defendant was at all material
times insured by a Policy issued or secured by a security given for the purposes
of the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1934,
by the Insurance Company,

Limited, for an Order that the said Insurance
Company, Limited, do pay to the said Claimant the sum of £

being the amount (balance of the amount) of the said Decree and Costs which
the said Claimant has not recovered from the said Defendant (or Plaintiff) and
now payable by the said Insurance Company,

Limited, and for an Order that the said Insurance
Company, Limited, do pay to the said Claimant the costs of and incidental to
this application, and for a further Order that the Claimant be at liberty to levy
execution against the said Insurance Company,

Limited, for the said sum of £ together with the costs of
this application, which application will be grounded upon the notice given by the
said Claimant to the said Insurance Company,

Limited, pursuant to Section 18 (2) of the Motor Vehicles and Road Traffic Act
(Northern Ireland), 1934, the said decree, the nature of the case and the reasons
to be offered.

Dated this day of , 19

(Signed)

.....
Solicitor for the Claimant.

To The Defendant or Plaintiff
and

The Secretary of the Insurance Company, Limited.

FORM No. 3.

 DECREE.

 In the County of _____
 Division of _____

County Court.

Title as in Form No. 2.

By the County Court Judge (or Recorder) and Chairman of

It appearing to the Court that the Plaintiff (or Defendant) hereinafter called the Claimant, caused a Notice of Motion to be served on the Defendant (or Plaintiff) and _____ Insurance Company, Limited, claiming in pursuance of Section 18 of The Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, an Order that £ _____, the amount (balance of the amount) of a Decree for £ _____ and £ _____ for costs thereof, making together the sum of £ _____, which the Claimant obtained against above named Defendant (or Plaintiff) at the Sittings of this Court at _____ in the said County and Division on the _____ day of _____, 19 _____, in respect of a liability for which the above named Defendant (Plaintiff) was at all material times insured by a policy issued or secured by a security given for the purposes of the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926-1934, and not paid by the Defendant to the Claimant should be paid by the said _____ Insurance Company, Limited, and that Claimant be at liberty to levy execution against the said _____ Insurance Company, Limited, for the said sum of £ _____ and for the costs of this application, and

It further appearing that the said _____ (name of Insurance Company) was duly served with the notice prescribed by Section 18 (1) of the Motor Vehicles and Road Traffic Act, 1934, that the said _____ (Plaintiff) (Defendant) in the said Civil Bill Decree was the owner of a motor car insured by a policy issued or secured by a security given by the said _____ (Insurance Company) for the purposes of Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, as amended by the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, and that the full amount of the said Decree has not been satisfied.

The Court Doth Declare the said _____ Insurance Company, Limited, justly indebted to the Claimant in the said sum of £ _____.

It is therefore ordered and decreed by the Court that the Claimant _____ do recover from the said _____ Insurance Company, Limited, the said sum of £ _____, together with the sum of £ _____ for costs of this application and £ _____ for Witnesses expenses.

And the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said Insurance Company, Limited, to satisfy the said debt, costs and witnesses expenses.

Dated at this day of , 19 .

Debt	£
Costs of this Application including Sheriff's fee .. .	} £
Witnesses expenses .. .	£

(Seal)

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

.....
Solicitor for Claimant.

COUNTY OF } I authorise and empower
 To Wit. } of
 and } of
 Bailiffs, in the County of , or either of them,
 and their Assistants, to execute the above Decree.

Given under my Hand and Seal, this day of in the year
 One thousand nine hundred and

.....
Under Sheriff of said County.

(Seal)

The sum to be levied hereunder is £

.....
Under Sheriff.

FORM No. 4.

DISMISS.

In the County of County Court.
 Division of

.....
Title as in Form No. 2.

By the County Court Judge (or Recorder) and Chairman of

It appearing to the Court that the Plaintiff (or Defendant) hereinafter called the Claimant, caused a Notice of Motion to be served upon Defendant (or Plaintiff) and the Insurance Company, Limited, claiming in pursuance of Section 18 of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, an Order that £ , the amount (balance of the amount) of a decree for £ which the Claimant obtained

against the above named Defendant at the Sittings of this Court at
 in the said County on the day of
 19 , in respect of which the Claimant alleged that the Defendant was at all
 material times insured by a policy issued or secured by a security given for the
 purposes of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934,
 and not paid by the Defendant to the Claimant, should be paid by the said
 Insurance Company, Limited, and that the
 Plaintiff be at liberty to levy execution against the said
 Insurance Company, Limited, and that the Claimant failed to prove the said
 claim or any part thereof.

It is therefore decreed by the Court that the said claim be and the same is
 hereby dismissed (on the merits or without prejudice).

And that the said Insurance Company, Limited
 do recover against the Claimant the sum of £ costs and
 expenses of this Dismiss. And the several Under Sheriffs in Northern Ireland
 are hereby commanded to take in execution the goods of
 the said Claimant to satisfy the said costs and expenses.

Dated at this day of , 19 .

Costs of this Dismiss including } £
 Sheriff's fee }
 Witnesses expenses £

(Seal)

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

.....
*Solicitor for said Insurance
 Company, Limited.*

COUNTY OF

To Wit.

I authorise and empower
 of

and of
 Bailiffs, in the County of , or either of them,
 and their Assistants, to execute the above Dismiss.

Given under my Hand and Seal, this day of ;
 in the year One thousand nine hundred and

.....
Under Sheriff of said County.

(Seal)

The sum to be levied hereunder is £

.....
Under Sheriff.

SCHEDULE II.

The Schedule of Costs, Stamp Duties and Court Fees provided for ordinary
 Civil Bills shall apply as if the proceedings had been instituted in that manner,
 and in addition thereto, the following costs and fees shall be payable:—

For Costs of preparation, service and lodgment of notice to Insurer :

Where the amount of the Decree granted in pursuance of	s.	d.
the Claim does not exceed £20	5	0
Where the amount exceeds £20	7	6
Court fee, filing copy notice	1	0