

**Rules: Sale of Ice Cream.**

THE SALE OF ICE-CREAM ACT (NORTHERN IRELAND), 1937, COUNTY COURT RULES, 1938, DATED THE 14TH DAY OF JULY, 1938.

1938. No. 95.

WHEREAS by an Act, 40 and 41 Vic., 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 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 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 Chairman 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, 1 Edw. VIII and 1 Geo. VI, C. 7, intituled " The Sale of Ice-Cream Act (Northern Ireland), 1937," section 5, sub-section 6, it is provided that rules of court regulating the procedure and costs of an appeal to the county court from a court of summary jurisdiction under the said sub-section may be made by the authority having power to make rules and orders for regulating the practice of the county courts.

NOW I, THE RIGHT HONOURABLE JAMES ANDREWS, 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 The Sale of Ice-Cream Act (Northern Ireland), 1937, 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 14th day of July, 1938.

(Signed)

JAMES ANDREWS,  
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, 1938, in the presence of :—

(L.S.)

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

THE SALE OF ICE-CREAM ACT (NORTHERN IRELAND),  
1937, COUNTY COURT RULES, 1938, DATED THE  
14th DAY OF JULY, 1938.

**1.**—(a) These rules may be cited as The Sale of Ice-Cream (Northern Ireland) County Court Rules, 1938, and shall be read and construed with the County Court (Ireland) Order, 1890, and the county court rules of subsequent dates amending the same.

(b) 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.

(c) In the construction of these rules "the Act" shall mean The Sale of Ice-Cream Act (Northern Ireland), 1937.

**2.**—An appeal to the county court under section 5, sub-section 6, of the Act shall be made to the next sittings of the county court, except that in a case where such sittings commence within twenty-one days from the date of the decision of the court of summary jurisdiction, the appeal may be made to the next succeeding sittings.

**3.**—(a) The appellant shall, within seven days after the day on which the decision of the court of summary jurisdiction was given, give to the other party and to the clerk of petty sessions a notice in writing of his appeal.

(b) Such notice shall be in the Form (1) in Schedule I hereto and shall be signed by the appellant or his solicitor on his behalf, or, in the case of an appeal by a sanitary authority, shall be signed by the clerk of such authority or their solicitor.

(c) Such notice shall be lodged with the Clerk of the Crown and Peace at least ten clear days before the sittings at which the appeal is to be heard with the indorsement of service thereon.

**4.**—A notice of appeal may be served by registered letter or in any of the modes in which an ordinary or an equity civil bill may be served, provided however that such service need not be effected by a civil bill officer.

**5.**—The appellant shall at the hearing of the appeal produce a certificate of the order of the court of summary jurisdiction against which the appeal is taken.

**6.**—The Judge may make such order as to costs, court fees 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 the allowances for fees, costs and expenses shall in the opinion of the Judge be inadequate, he may make a special order allowing such fees, costs and expenses as he may think just and reasonable.

**7.**—There shall be payable in respect of every appeal under the Act the court fees specified in Schedule II hereto.

8.—The order of the Judge shall be 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.

9.—When the Judge has decided any appeal under the Act the Clerk of the Crown and Peace shall certify such decision to the clerk of petty sessions, who shall enter such decision in his order book.

SCHEDULE I

Forms for use in Appeals under The Sale of Ice-Cream Act (Northern Ireland), 1937.

(1) Form of Notice of Appeal.

In the matter of The Sale of Ice-Cream Act (Northern Ireland), 1937, section 5, sub-section 6.  
County of

Division of  
of  
Appellant(s);  
of  
Respondent(s).

TAKE NOTICE that I (We), the above-named appellant(s), hereby appeal from a decision of a court of summary jurisdiction held at in the County of , on the day of , 19 , whereby (set out briefly the substance of the decision appealed from).

It is my (our) intention to prosecute the said appeal at the Sittings of the County Court to be held at on the day of , 19 , for the Division and County

above-named  
DATED the day of , 19  
Signed by (on behalf of) the Appellant(s).

.....  
.....  
Solicitor for the Appellant(s).

To The, Clerk of the Crown and Peace  
of the County of  
The Clerk of Petty Sessions for the  
Petty Sessions District of  
and (Respondent(s)).

(2) Form of Order of the Court on the Hearing of an Appeal.  
(Title as in Notice of Appeal.)

WHEREAS by an order of a court of summary jurisdiction held at in the County of on the day of , 19 , it was ordered that

AND WHEREAS the appellant duly appealed against the said decision to this Court.

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 County Court).

.....  
Clerk of the Crown and Peace.  
.....  
Solicitor for

## SCHEDULE II.

## COURT FEES PAYABLE (COUNTY COURT STAMPS).

							£	s	d
Filing Notice of Appeal	...	...	...	...	...	...	0	5	0
On any Final Order	...	...	...	...	...	...	0	10	0
<u>Costs.</u>									
Solicitor	...	For taking instructions for appeal or opposing appeal, advising thereon, taking instructions for hearing, advising proofs and attending and instructing Counsel when employed	...	...	...	...	1	10	0
Solicitor	...	Drawing notice of appeal and copy for service	...	...	...	...	0	15	0
Solicitor	...	Service of notice of appeal	...	...	...	...	0	2	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	...	...	...	...	3	0	0
Solicitor	...	Brief for Counsel	...	...	...	...	0	15	0
Counsel	...	Fee on hearing	...	...	...	...	3	3	0

**DANGEROUS DRUGS.**

*Manufacture and Sale, p. 72. | Raw Opium, p. 88.*

**Manufacture and Sale.**

THE DANGEROUS DRUGS REGULATIONS DATED 16TH DAY OF MAY, 1938, MADE BY THE MINISTER OF HOME AFFAIRS IN PURSUANCE OF SECTION 7 OF THE DANGEROUS DRUGS ACT, 1920 (10 & 11 GEO. 5, C. 46), FOR CONTROLLING THE MANUFACTURE, SALE, POSSESSION AND DISTRIBUTION OF DANGEROUS DRUGS TO WHICH PART III OF THAT ACT APPLIES.\*

1938. No. 55.

## ARRANGEMENT OF REGULATIONS.

1. Manufacture of drugs.
  2. Supply, procuring and advertising of drugs and preparations.
  3. Possession of drugs and preparations.
  4. Restriction on delivery of drugs and preparations to messengers.
  5. General authority for certain classes of persons to possess and supply drugs and preparations.
  6. General authority for persons who are authorised sellers of poisons to manufacture preparations and retail drugs and preparations.
  7. Withdrawal of authority.
  8. Form of prescription.
  9. Provisions as to dispensing of prescriptions.
  10. Marking of packages and bottles.
  11. Keeping of records.
  12. Drugs and preparations consigned to places outside Northern Ireland not to be diverted to other destinations.
  13. Special provisions with respect to masters of ships and farmers and stockowners.
  14. Preservation of documents.
  15. Power to exempt hospitals, etc.
  16. Regulations not to apply to certain drugs and preparations and prescriptions.
  17. Interpretation.
  18. Citation, commencement and repeal.
- Schedules.

\*At the date of the coming into operation of these Regulations the drugs to which Part III of the principal Act applies are;—