

Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon me by sub-section (2) of section nine of the Act, do hereby order as follows :—

1. This Order may be cited as the Control of Employment Act (End of Emergency) Order (Northern Ireland), 1948.

2. It is hereby declared that the twenty-seventh day of June, nineteen hundred and forty-eight, is the date on which the emergency that was the occasion of the passing of the Act came to an end.

Given at Government House, Hillsborough, this twenty-eighth day of June, 1948.

J. M. Sinclair.
Brian Maginess.
S. H. Hall-Thompson.
R. Moore.

COUNTY COURTS

County Court Rules, p 23

| *Drainage, p 29*
 | *Exchange Control, p 33*

County Court Rules dated the 26th day of April, 1948.

1948. No. 123

WE, the undersigned members of the County Court Rules Committee appointed by the Lord Chief Justice of Northern Ireland under sub-section (3) of section 2 of the County Courts (Salaries and Rules) Act (Northern Ireland), 1947, by virtue of the powers vested in us by section 2 of the said Act, do hereby make the Rules hereinafter set forth as county court rules to be in force in the Recorder's Court for the City of Belfast, and, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

(Signed)

Bernard J. Fox
Isaac Copeland
H. A. McVeigh.
Samuel Cumming
Geo. H. Pollock

I APPROVE of these Rules which shall come into force on the 15th day of May, 1948.

Dated the 26th day of April, 1948.

(Signed)

James Andrews

Lord Chief Justice of Northern Ireland.

The scale of Court Fees provided for in Rule 13 has been fixed with consent of the Ministry of Finance.

IN WITNESS whereof the Official Seal of the Ministry has been affixed hereto this 11th day of May, 1948, in the presence of

John I. Cook,

(L.S.)

Assistant Secretary.

1. These Rules may be cited as the County Court (Proceedings and Actions before the Registrar for Belfast) Rules, 1948 and shall apply to proceedings and actions brought in the Recorder's Court for the City of Belfast.

2. Subject to the provisions of these Rules, and to any general or special directions of the Recorder, the Registrar shall, at the place and times appointed by the Recorder, hear and determine such matters as are by these Rules to be heard and determined by the Registrar; provided that the Clerk of the Crown and Peace shall have and, in the absence of the Registrar, may exercise all the powers by these Rules vested in the Registrar.

3.—(1) There may be entered for hearing by the Registrar —

- (a) any action founded upon contract in which the defendant admits the claim or has not given notice of intention to dispute the claim in accordance with the provisions of these Rules; and
- (b) any action in which the sum claimed or the amount involved does not exceed the sum of Ten Pounds if the Recorder has, on the application of the parties, given leave for such case to be heard by the Registrar;

Provided that no action shall be entered for hearing by the Registrar in —

- (i) any proceeding under the Debtors (Ireland) Act, 1872;
- (ii) any civil bill to enforce a right to recover possession of goods under the Hire Purchase Act (Northern Ireland), 1940.

(2) No action under paragraph (1) (a) of this Rule shall be so entered unless the civil bill shall have been served upon the defendant, where the amount claimed does not exceed Twenty Pounds, at least

six clear days, or, where the amount claimed exceeds Twenty Pounds, at least fifteen clear days, or, where it is sought to obtain a decree by default, at least fourteen clear days before the day appointed for the entry of cases for hearing by the Registrar. Such appointed day shall, in all cases, be not more than four clear days before such hearing by the Registrar.

4.—(1) Every civil bill intended for hearing by the Registrar shall be in the form prescribed by law for an ordinary civil bill except that—

- (a) the defendant shall be required to attend before the Registrar on the day appointed ;
- (b) it shall bear on the face thereof an endorsement in the Form No. 1 in the First Schedule hereto.

(2) All civil bills intended for hearing by the Registrar shall be entered by delivery by the plaintiff or his solicitor in the Crown and Peace Office, on the day appointed for that purpose, of such civil bills and also of a list thereof arranged in alphabetical order according to the surname of the plaintiff ; provided that no entry for hearing by the Registrar shall be accepted where a defendant has given notice of intention to dispute the plaintiff's claim or where the civil bill does not bear the endorsement provided by paragraph (1) (b) of this Rule.

(3) The provisions of the foregoing paragraphs of this Rule shall not apply to any action which is, on the application of the parties and by leave of the Recorder, to be heard by the Registrar. No such action shall be required to be re-entered for hearing by the Registrar if at the time of giving such leave the Recorder fixed the date upon which such action is to be heard by the Registrar.

5. Where in any action intended to be heard by the Registrar (other than an action to be heard by the Registrar on the application of the parties and by leave of the Recorder) a defendant intends to dispute the claim, he shall give notice of such intention in writing to the Clerk of the Crown and Peace within three clear days after service of the civil bill upon him and the Clerk of the Crown and Peace shall notify the plaintiff or his solicitor accordingly.

6. Where in any action intended to be heard by the Registrar (other than an action to be heard by the Registrar on the application of the parties and by leave of the Recorder) —

- (a) a defendant gives notice under Rule 5 of intention to dispute the claim ; or
- (b) a defendant gives notice of any defence or of any set-off or counterclaim ; or
- (c) a defendant pays into court by way of tender a sum less than the full amount claimed or admits liability for a part only of the amount claimed ;

the action shall be entered by the plaintiff or his solicitor for hearing by the Recorder at the next ensuing sittings for the hearing of ordinary

civil bills, and the plaintiff or his solicitor shall inform the defendant by registered post of the date upon which the action shall be heard by the Recorder.

7. Where in any action for hearing by the Registrar any defendant gives notice of intention to dispute the claim after the time prescribed by Rule 5 for the giving of such notice, the Registrar shall adjourn the hearing of the action to the next sittings of the Recorder and shall give notice to the parties of the day on which the hearing is to take place. Provided that if in any such case or at the hearing by the Registrar a defendant states that he desires to have the action tried by the Recorder without having given the notice prescribed by Rule 5, he may be ordered by the Recorder to pay any costs or expenses properly incurred by the plaintiff or other party by reason of his non-compliance with the said Rule.

8.—(1) There may also be entered for hearing by the Registrar any application to renew a decree or dismiss, affirmance or reversal provided that no such application shall, where the application is made on notice to a party, be so entered unless —

- (a) the notice has been served upon such party, where the amount in respect of which the decree or dismiss, affirmance or reversal is sought to be renewed does not exceed Twenty Pounds, at least six clear days, or where such amount exceeds Twenty Pounds, at least fifteen clear days, before the day appointed for the entry of cases for hearing by the Registrar;
- (b) the notice bears on the face thereof an endorsement in the Form No. 2 in the First Schedule hereto.

(2) Subject to the foregoing paragraph of this Rule the same provisions as are by these Rules laid down for the entry, hearing and determination by the Registrar of an action founded upon contract and commenced by ordinary civil bill shall, mutatis mutandis, apply to the entry, hearing and determination of an application for the renewal of a decree or dismiss, affirmance or reversal intended to be heard by the Registrar.

(3) Subject to the provisions of these Rules the same provisions as are by law in force for the renewal of a decree or dismiss, affirmance or reversal by the Recorder shall apply to the renewal of any decree or dismiss, affirmance or reversal granted by the Registrar.

9.—(1) Any action intended for hearing by the Registrar shall, subject to the provisions of these Rules, be subject to the same provisions as are prescribed by law for actions to be heard by the Recorder.

(2) In any case which the Registrar has power under these Rules to hear and determine he shall, subject to the provisions of these Rules, have the same power to grant a decree, payable by instalments or otherwise, or a dismiss as the Recorder would have had, and may exercise any other power which the Recorder might have exercised.

(3) If owing to special circumstances or difficulty a case appears to the Registrar to be more fit to be dealt with by the Recorder he may on that ground adjourn the case for hearing by the Recorder.

10.—(1) Any party who is dissatisfied with a determination of the Registrar may (except where all parties have consented to the terms of such determination) apply in writing to the Clerk of the Crown and Peace within four clear days after the hearing to have such determination reviewed by the Recorder, and in the event of such an application the Clerk of the Crown and Peace shall have the case brought before the Recorder for review on the first convenient day and shall notify the parties accordingly. Such notice shall be in the Form No. 3 in the First Schedule hereto.

(2) The Recorder may, upon such review, set aside the determination of the Registrar and give such judgment or make such order as he may think fit or may order a further hearing before the Registrar on such terms (if any) as he may think fit.

11.—(1) Every determination by the Registrar, except where the case has been determined on a review by the Recorder, shall be a decree or a dismiss, as the case may be, in such one of the forms as are by law prescribed for a decree or dismiss granted by the Recorder or to the like effect, save that it shall be headed " By the Registrar for Belfast " (or " By the Clerk of the Crown and Peace ", as the case may be) instead of " By the Recorder of Belfast and County Court Judge and Chairman of Antrim." Such decree or dismiss shall be sealed with the Seal of the County Court for the City of Belfast authenticated by the signature of the Clerk of the Crown and Peace or the Registrar. Every such decree or dismiss shall, subject to the provisions of these Rules, be subject to the same provisions as are by law applicable to a decree or dismiss, as the case may be, granted by the Recorder.

(2) Subject to the provisions of the preceding paragraph of this Rule every such decree or dismiss granted by the Registrar shall be drawn up and issued and shall be enforced and enforceable in the same manner as if it had been a decree or dismiss granted by the Recorder.

12. The Registrar shall keep a separate book in which there shall be recorded all cases entered for hearing or to be heard by the Registrar, the names of the witnesses examined and the date and description of all documents used in evidence at the hearing and a minute of the determination.

13. The same costs and court fees as are applicable in proceedings heard and determined by the Recorder shall apply to all proceedings before the Registrar, and, in addition thereto, the costs and court fees set forth respectively in the Second Schedule hereto shall also be payable.

14. In any proceedings before the Registrar any of the following persons may address the Registrar namely —

- (a) any party to the proceedings ;
- (b) a barrister or a solicitor acting on behalf of any party to the proceedings ;
- (c) any other person allowed by leave of the Registrar to appear instead of any party to the proceedings.

15. In the construction of these Rules unless the contrary intention appears —

“ The Recorder ” means the Recorder of Belfast.

“ Clerk of the Crown and Peace ” means the Clerk of the Crown and Peace for the City of Belfast.

“ Registrar ” means the Registrar for Belfast.

“ Action ” means a proceeding commenced by ordinary civil bill.

“ Ordinary Civil Bill ” means any civil bill except in ejection or replevin or an equity suit.

16. These Rules may be read and construed with the County Courts (Ireland) Orders 1890, and the County Court Rules of subsequent date amending the same ; and, save where 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 before the Registrar.

FIRST SCHEDULE

FORM No. 1

ENDORSEMENT TO BE PUT UPON EVERY CIVIL BILL INTENDED TO BE ENTERED FOR HEARING BY THE REGISTRAR.

“ This case will be heard by the Registrar on the day of , 19
 “ when if you admit the claim you may offer to pay the amount due by instalments.
 “ If you dispute the claim you must give notice of your intention to do so in writing
 “ to the Clerk of the Crown and Peace, County Courthouse, Crumlin Road, Belfast,
 “ within three clear days after the receipt of this Civil Bill. The Civil Bill will then
 “ be heard by the Judge on another day notice of which will be sent to you. If you
 “ give notice of intention to dispute later than the time mentioned above or if, having
 “ failed to give such notice, you dispute the claim at the hearing you may be ordered
 “ to pay any costs or expenses properly incurred by the plaintiff in consequence of
 “ your failure to give such notice within the time allowed.”

FORM No. 2

ENDORSEMENT TO BE PUT UPON EVERY NOTICE TO RENEW A DECREE OR DISMISS, AFFIRMANCE OR REVERSAL, INTENDED TO BE ENTERED FOR HEARING BY THE REGISTRAR.

“ This case will be heard by the Registrar on the day of , 19
 “ when if you admit the amount claimed to be still due by you as set forth in the written
 “ notice you may offer to pay such amount by instalments. If you dispute the claim

“ you must give notice of your intention to do so in writing to the Clerk of the Crown and Peace, County Courthouse, Crumlin Road, Belfast, within three clear days after receipt of this notice. The Application for Renewal will then be heard by the Judge on another day notice of which will be sent to you. If you give notice of intention to dispute later than the time mentioned above or if, having failed to give such notice, you dispute the claim at the hearing you may be ordered to pay any costs or expenses properly incurred by the plaintiff in consequence of your failure to give such notice within the time allowed.”

FORM No. 3

FORM OF NOTICE OF APPLICATION FOR A REVIEW BY THE RECORDER OF A DETERMINATION BY THE REGISTRAR.

RECORDER'S COURT BELFAST.

Plaintiff :

Defendant :

TAKE NOTICE that I hereby apply for a Review by the Recorder of the Determination by the Registrar made in the above action on the _____ day of _____, 19 .

DATED this _____ day of _____, 19 .

(Signed)

(Applicant or his Solicitor)

To :
The Clerk of the Crown and Peace.

SECOND SCHEDULE

PART 1

C O S T S

For attending hearing before the Recorder, either where a defendant has failed to give notice of intention to dispute the claim within due time, or where a defendant has obtained a review of a determination of the Registrar and such determination has been affirmed, if the Recorder so directs ... s. d.
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PART 2

F E E S

(Payable by County Court Stamps)

On every Notice of Application for a Review by the Recorder of a Determination by the Registrar 2 6

Drainage Act County Court Rules (Northern Ireland), 1948

1948. No. 37

WE, the undersigned members of the County Court Rules Committee appointed by the Lord Chief Justice of Northern Ireland under subsection (3) of section 2 of the County Courts (Salaries and Rules) Act (Northern Ireland), 1947, by virtue of the powers vested in us in this