

- (c) the slaughter is of any animal under or by virtue of the Diseases of Animals Acts (Northern Ireland), 1894 to 1948;

Provided that the above mentioned exemptions shall not apply unless in each case the animal is instantaneously slaughtered or by stunning instantaneously rendered insensible to pain until death supervenes, and such slaughtering or stunning shall be effected by a person who is at the time the holder of a licence issued by the local authority and shall be so effected by means of a mechanically operated instrument in proper repair and of a type approved by the local authority;

- (d) the slaughter is of animals whose immediate slaughter becomes necessary or expedient by reason of injury or by reason of infirmity other than disease within the meaning of the Diseases of Animals Acts (Northern Ireland), 1894 to 1948.

Given under the Official Seal of the Ministry of Agriculture for Northern Ireland this twenty-eighth day of June, one thousand nine hundred and fifty-four.

(L.S.)

W. C. Glover,

Assistant Secretary.

SUMMARY JURISDICTION

Ejectment Proceedings, p. 659

*Londonderry Court of
Conscience, p. 676*

*Game Dealers' Certificates,
p. 673*

*Petty Sessions Districts and
Times, p. 677*

Resident Magistrates, p. 681

Ejectment Proceedings Rules

RULES MADE BY THE SUMMARY JURISDICTION RULES COMMITTEE UNDER SECTION 2 OF THE SUMMARY JURISDICTION ACT (NORTHERN IRELAND), 1953, WITH THE APPROVAL OF THE LORD CHIEF JUSTICE.

1954. No. 172

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under sub-section (2) of section 1 of the Summary Jurisdiction Act (Northern Ireland), 1953, by virtue of the powers vested in us by section 2 of the said Act, do hereby make the Rules hereinafter set forth as summary jurisdiction rules in regard to ejectment proceedings to be in force in the courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of sub-section (1) of section 3 of the said Summary Jurisdiction Act (Northern Ireland), 1953, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

T. A. Blair.
 G. Courtney.
 E. Malachy Doris.
 J. C. Hogg.
 J. V. S. Mills.
 James J. Napier.
 J. Ritchie Wilson.

I approve of these Rules which shall come into force on Monday, 29th November, 1954.

Dated the 25th day of November, 1954.

MacDermott,
 Lord Chief Justice of Northern Ireland.

Citation

1. These rules may be cited as the Summary Jurisdiction (Ejectment Proceedings) Rules (Northern Ireland), 1954.

Application of Interpretation Act

2. The Interpretation Act, 1889, shall apply to the interpretation of these rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Definitions

3. In these rules the following expressions have the meanings hereby assigned to them:—

“Act of 1935” means the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

“Act of 1953” means the Summary Jurisdiction Act (Northern Ireland), 1953;

“complainant” in Part II of these rules means a person at whose suit a warrant has been granted for possession of premises;

“defendant” in Part II of these rules means a person against whom a warrant has been granted for possession of premises.

PART I

ORIGINAL EJECTMENT PROCEEDINGS

Forms of Summons and Warrant

4. In a case to which paragraph (a) of subsection (1) of section 15 of the Act of 1935 applies, the date on which the notice to quit which determined the tenancy expired, and the date on which it was served, or the date on which the interest of the tenant in the premises ended, as the case may be, shall be inserted in the summons.

In a case to which paragraph (b) of the said subsection (1) applies, the date on which the demand for possession was made shall be inserted in the summons.

The forms numbered 1 to 6 inclusive in the First Schedule to these rules, or forms to the like effect, may be used in proceedings under Part IV of the Act of 1935, as amended by Part II of the Act of 1953, and, with such adaptations as may be required, may be used for the purpose of enforcing the determination of a court of quarter sessions upon an appeal under Part VI of the Act of 1935.

Costs

5. In proceedings under Part IV of the Act of 1935, as amended by Part II of the Act of 1953, the court may award costs not exceeding the appropriate amount set forth in the Second Schedule to these rules

- (a) to the complainant where a warrant is granted for possession of premises;
 - (i) if he has been represented by a solicitor from the time of the commencement of the proceedings, and the fact that he has been represented appears on the summons; or
 - (ii) if he has not been represented by a solicitor from the time of the commencement of the proceedings, but has been represented by a solicitor at the hearing;
- (b) to the defendant, where a dismiss is obtained, if he has been represented by a solicitor at the hearing.

In addition to the foregoing, the court may award to a successful party such sum for witnesses' expenses properly incurred as the court considers reasonable.

The court may award to a successful party, who has not been represented by a solicitor, any fees paid or to be paid by him, together with such sum for witnesses' expenses properly incurred as the court considers reasonable.

Where a summons has been issued and the proceedings have been settled by agreement between the parties before the hearing, the appropriate amount set forth in the Second Schedule to these rules may be charged to the defendant by the complainant's solicitor for the costs of the proceedings up till the time of the settlement, if he has represented the complainant from the time of the commencement of the proceedings, and the fact that he has so represented the complainant appears on the summons.

Any reference made hereafter in these rules to costs shall be deemed to be a reference to any sum awarded to a successful party by way of costs, fees, or witnesses' expenses.

In a case in which a warrant is granted for possession of premises where two or more persons are defendants, or in a case in which a dismiss is granted where two or more persons are complainants, the court may order that any costs awarded be recovered from any one or more of those persons, and that no costs be recovered from the remainder, or may, if it thinks fit, order that such costs be apportioned so that the amount to be recovered from any of those persons be such portion of the full amount as the court may determine.

Where costs are ordered to be paid by a defendant against whom a warrant is granted for possession of premises, the court shall issue a warrant for the recovery of the amount, and such warrant shall be included in the same form as the warrant for possession of the premises.

Where a dismiss is granted with costs the court shall, upon the request of the party to whom the amount is payable, issue a warrant for the recovery thereof.

Signature on Warrant

6. A warrant issued by the court shall be signed by the resident magistrate constituting the court at which the proceedings were heard or by some other resident magistrate.

Execution by Under-Sheriff

7. A warrant for recovery of costs issued against either a complainant or defendant shall be executed by the under-sheriff of the county in which the party against whom it is issued resides or carries on business, or by his bailiffs, and by no other person, in the same manner as a decree of the county court is executed by him or them, and with the same powers, rights and authorities, and subject to the same duties, restrictions and limitations as are, by virtue of any enactment for the time being in force, applicable to the execution of such a decree.

Issue of Warrants

8. A warrant for possession of premises shall not issue from the court until after the expiration of seven days from the date of the hearing, or until after the expiration of such further period or periods as the court may direct.

A warrant for recovery of costs shall not issue from the court until after the expiration of seven days from the date of the hearing.

Where an appeal against any order is made to a court of quarter sessions the warrant of execution in respect of such order shall not issue from the court until the determination of the court of quarter sessions has been received by the clerk of petty sessions, or until the appeal has been abandoned in accordance with section 25 of the Act of 1935.

PART II

PROCEEDINGS SUBSEQUENT TO ORIGINAL HEARING

Stay of Execution and Application to Remove Stay

9. Where a warrant has been granted directing that a complainant be put in possession of premises to which paragraph (a) of subsection (1) of section 15 of the Act of 1935 applies, and the court has stayed the execution of the warrant for a period or periods conditional upon arrears of rent due by the defendant, and the costs (if any) of the proceedings, being paid by instalments either in addition to the current rent or otherwise, the warrant shall not issue from the court until after default has been made in payment of an instalment and an order has been made by the court removing the stay of execution as hereafter provided by this rule.

When default has been made as aforesaid, the complainant may apply to the court for an order to remove the stay of execution, upon giving to the defendant notice in writing of his intention to make the application not less than seven clear days before the date of the hearing thereof.

Upon the hearing of the application the court may remove the stay of execution, or may from time to time adjourn the application, or may further stay the execution of the warrant upon the existing conditions, or upon such new conditions as it shall think fit as to payment by instalments, or otherwise. When the court makes any such order other than an order of adjournment it may award to the complainant a sum not exceeding fifteen shillings for the costs of the application, which shall be in addition to, and recovered in the same manner as, any costs awarded on the original hearing.

Application to extend Period of Validity of Warrant

10. Where a warrant has been granted directing that a complainant be put in possession of premises to which subsection (1) of section 15 of the Act of 1935 applies, and the complainant desires to apply for an order that the warrant shall remain in force for a further period as provided by subsection (7) of the said section, he shall give to the defendant notice in writing of his intention to make such application not less than seven clear days before the date of the hearing thereof.

Upon the hearing of the application the court may, in addition to making such order as it is empowered by the said subsection (7) to make, award to the complainant a sum not exceeding fifteen shillings for the costs of the application, which shall be in addition to, and recovered in the same manner as, any costs awarded on the original hearing.

Forms of Notice of Application

11. The forms numbered 7 and 8 in the First Schedule to these rules, or forms to the like effect, may be used in applications made under this Part of these rules.

Signature on Notice of Application

12. A form of notice of application under this Part of these rules may be signed by the complainant or by his solicitor or firm of solicitors, or in the name of such solicitor or firm of solicitors by some person duly authorised so to sign.

Service and Lodgment of Notice of Application

13. A notice of intention to make an application under this Part of these rules may be served in accordance with the provisions of the Summary Jurisdiction Acts (Northern Ireland), or may be sent to the person to whom it is to be given by post in a registered letter addressed to that person at his last or most usual place of abode.

A copy of such notice shall be lodged with the clerk of petty sessions at least three days before the date of the hearing of the application, and if the notice has been served by sending it by registered post, the receipt for the letter shall be attached to the copy so lodged.

Application of Summary Jurisdiction Acts (Northern Ireland) to Applications

14. Any application under this Part of these rules, and any order made upon the hearing thereof, shall be deemed to be a complaint and an order made thereon under the Summary Jurisdiction Acts (Northern Ireland), and, except as otherwise provided in these rules, the provisions of those Acts shall apply to any such application and order.

Endorsement of Order on Original Warrant

15. Any order, other than an order of adjournment, made under this Part of these rules, shall be written upon the original warrant and signed by the resident magistrate who made the order, or by some other resident magistrate.

PART III

SUPPLEMENTAL

Enlargement or Abridgement of Times

16. The court may, upon such terms as it thinks fit, enlarge or abridge any of the times fixed by Part II of these rules for taking any step or doing any act in the proceedings, or declare any step taken or act done to be sufficient even though not taken or done within the time or in the manner prescribed by these rules.

Effect of Non-Compliance with Rules

17. Non-compliance with any of these rules shall not render any proceedings void, but, in case of such non-compliance, the court may direct that the proceedings be treated as void, or that they may be set aside in part as irregular, or that they be amended or otherwise dealt with in such manner or upon such terms as the court thinks fit. The clerk of petty sessions shall make a note of any such ruling in the order book.

When the court directs that the proceedings be treated as void, it shall have power to award, if it thinks fit, such costs as it could have awarded if it had dismissed the proceedings.

Times of Hearing

18. Original ejectment proceedings and applications under Part II of these rules shall be heard at such sittings of the court as may from time to time be directed by the resident magistrate appointed for the district.

Revocation of former Rules

19. The Summary Jurisdiction (Ejectment Proceedings) Rules 1935 and the Summary Jurisdiction (Ejectment Proceedings) Amendment Rules 1936 are hereby revoked.

FIRST SCHEDULE

FORM No. 1

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Ejection Summons (Overholding)

Complainant } Petty Sessions District of
 Defendant } County of

WHEREAS a complaint has been made to me that you have neglected refused to deliver up to the complainant the possession of the house situate at in the above named petty sessions district and county, which you lately held from the complainant as tenant from week to week at a rent not exceeding the rate of forty pounds a year, to wit, the rent of which tenancy was duly determined by a notice to quit served on the day of 19 which expired on the day of 19 or which tenancy ended on the day of 19

THIS IS THEREFORE TO COMMAND YOU to appear as defendant on the hearing of the said complaint before the Court of Summary Jurisdiction for the above named petty sessions district at the Petty Sessions Court House, on 19, at the day of to show cause why a warrant should not be granted to put the complainant in possession of the premises.

Dated this day of 19

Justice of the Peace for the said County.

To

of

the said defendant.

If the complainant has instructed a solicitor to represent him in the proceedings the name and address of the solicitor may be inserted here.

SUMMARY JURISDICTION

FORM No. 2

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Ejectment Summons (Permissive Possession)

Complainant } Petty Sessions District of
 Defendant } County of

WHEREAS a complaint has been made to me that you, having been put into the possession of the premises situate at in the above petty sessions district and county, by permission of the complainant as servant *herdsman caretaker*, have refused *omitted* to quit and deliver up possession of the premises on demand made on the day of 19 , by the *agent or receiver of the complainant*.

THIS IS THEREFORE TO COMMAND YOU to appear as defendant on the hearing of the said complaint before the Court of Summary Jurisdiction for the above named petty sessions district at the Petty Sessions Court House, 19 , at o'clock in the forenoon, to show cause why a warrant should not be granted to put the complainant in possession of the premises.

Dated this day of 19

Justice of the Peace for the said County.

To
 of
 the said defendant.

If the complainant has instructed a solicitor to represent him in the proceedings, the name and address of the solicitor may be inserted here.

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Warrant of Execution (Overholding)

Complainant } Petty Sessions District of
 Defendant } County of

BEFORE the Court of Summary Jurisdiction held for the above named Petty Sessions District on the _____ day of _____ 19____

WHEREAS a complaint was made that the defendant had neglected refused to deliver up to the complainant possession of the house situate at _____ in the above named petty sessions district and county, which he lately held from the complainant as tenant from week _____ to week _____ at a rent not exceeding the rate of forty pounds a year, to wit, the rent of _____ per week which tenancy was duly determined by a notice to quit served on the _____ day of _____ 19____, which expired on the _____ day of _____ 19____, or which tenancy ended on the _____ day of _____ 19____

AND WHEREAS a summons was duly served on the defendant commanding him to appear as defendant on the hearing of the said complaint.

AND WHEREAS it appears to the court that the defendant still neglects refuses to deliver up the possession of the said premises, and proof of the said holding, its determination or end and the time and manner thereof has been duly given, and the title of the complainant having accrued since the commencement of the tenancy, proof of the right by which the complainant claims possession has been duly given, and the defendant has failed to show to the satisfaction of the court reasonable cause why possession should not be given,

IT IS THEREFORE ORDERED BY THE COURT that the complainant be put in possession of the said premises; and the under sheriff of the county in which the said premises are situate is hereby commanded to put the complainant in possession of the said premises,

AND IT IS FURTHER ORDERED that the complainant do recover from the defendant _____ the sum of _____ for costs*

*Insert any order as to apportionment under Rule 5

and the several under sheriffs in Northern Ireland are therefore hereby commanded to take in execution the goods of the defendant

to satisfy the sum of _____, being the costs awarded to the complainant against him.

Dated this _____ day of _____ 19____

Resident Magistrate.

Under Sheriff's Warrant

County of _____ } I authorise and empower
 To Wit _____ } and _____ of _____ balliffs
 or either of them, and their or either of their assistants, to execute the above warrant.

Given under my hand and seal this _____ day of _____ 19____
 Under Sheriff of the said County.

The sum to be levied hereunder is £ _____

Under Sheriff.

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Warrant of Execution (Permissive Possession)

Complainant } Petty Sessions District of
Defendant } County of

BEFORE the Court of Summary Jurisdiction held for the above named Petty Sessions District on the day of 19

WHEREAS a complaint was made that the defendant had refused omitted to quit and deliver up to the complainant the possession of the premises situate at in the above named petty sessions district and county on demand made by the agent or receiver of the complainant on the day of 19 into the possession of which premises the defendant had been put by permission of the complainant as servant herdsman caretaker.

AND WHEREAS a summons was duly served on the defendant commanding him to appear as defendant on the hearing of the said complaint.

AND WHEREAS it appears to the court that the defendant still refuses omits to deliver up the possession of the said premises, and proof of the said permissive possession, its determination and the time and manner thereof has been duly given, and the title of the complainant having accrued since the commencement of the permissive possession, proof of the right by which the complainant claims possession has been duly given, and the defendant has failed to show to the satisfaction of the court reasonable cause why possession should not be given.

IT IS THEREFORE ORDERED BY THE COURT that the complainant be put in possession of the said premises; and the under sheriff of the county in which the said premises are situate is hereby commanded to put the complainant in possession of the said premises,

AND IT IS FURTHER ORDERED that the complainant do recover from the defendant the sum of for costs*

*Insert any order as to apportionment under Rule 5

and the several under sheriffs in Northern Ireland are therefore hereby commanded to take in execution the goods of the defendant to satisfy the sum of being the costs awarded to the complainant against him.

Dated this day of 19

Resident Magistrate.

Under Sheriff's Warrant

County of I authorise and empower
To Wit. } and of

balliffs, or either of them, and their or either of their assistants, to execute the above warrant.

Given under my hand and seal this day of 19

Under Sheriff of the said County.

The sum to be levied hereunder is £

Under Sheriff.

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Warrant of Execution for Costs of a Dismiss (Overholding)

Complainant } Petty Sessions District of
Defendant } County of

BEFORE the Court of Summary Jurisdiction held for the above named Petty Sessions District on the day of 19

WHEREAS a complaint was made that the defendant had neglected refused to deliver up to the complainant possession of the house situate at in the above named petty sessions district and county, which he lately held from the complainant as tenant from week to week, at a rent not exceeding the rate of forty pounds a year, to wit, the rent of per week, which tenancy was duly determined by a notice to quit served on the day of 19, which expired on the day of 19, or which tenancy ended on the day of 19

AND WHEREAS a summons was duly served on the defendant commanding him to appear as defendant on the hearing of the said complaint.

AND WHEREAS it was ordered by the court that the said complaint be dismissed on the merits, without prejudice, and that the defendant do recover from the complainant the sum of for costs*

*Insert any order as to apportionment under Rule 5

and the several under sheriffs in Northern Ireland are therefore hereby commanded to take in execution the goods of the complainant to satisfy the sum of, being the costs awarded to the defendant against him.

Dated this day of 19

Resident Magistrate.

Under Sheriff's Warrant

County of I authorise and empower To Wit. and of

balliffs, or either of them, and their or either of their assistants, to execute the above warrant.

The sum levied hereunder is £ : : .

Given under my hand and seal this day of 19

Under Sheriff.

SUMMARY JURISDICTION

FORM No. 6

SUMMARY JURISDICTION ACTS (NORTHERN IRELAND)

Warrant of Execution for Costs of a Dismiss
(Permissive Possession)

Complainant } Petty Sessions District of
Defendant } County of

BEFORE the Court of Summary Jurisdiction held for the above named Petty Sessions District on the day of 19

WHEREAS a complaint was made that the defendant had refused *omitted* to quit and deliver up to the complainant the possession of the premises situate at in the above named petty sessions district and county on demand made by the *agent or receiver of the complainant* on the day of 19 into the possession of which premises the defendant had been put by permission of the complainant as servant *herdsman caretaker*.

AND WHEREAS a summons was duly served on the defendant commanding him to appear as defendant on the hearing of the said complaint.

AND WHEREAS it was ordered by the court that the said complaint be dismissed on the merits, *without prejudice*, and that the defendant do recover from the complainant the sum of for costs*

*Insert any order as to apportionment under Rule 5

and the several under sheriffs in Northern Ireland are therefore hereby commanded to take in execution the goods of the complainant to satisfy the sum of , being the costs awarded to the defendant against him.

Dated this day of 19

Resident Magistrate.

Under Sheriff's Warrant

County of } I authorise and empower and
To Wit. } of
of

bailiffs, or either of them, and their or either of their assistants, to execute the above warrant.

The sum to be levied hereunder is £

Given under my hand and seal this day of 19

Under Sheriff.

FORM No. 7

Notice of Intention to Apply for Removal of Stay of Execution on Ejectment Warrant for Overholding

Complainant } Petty Sessions District of
Defendant } County of

Take notice that an application will be made to the Court of Summary Jurisdiction sitting at the day of 19 on at the hour of o'clock a.m. for an order to remove the stay of execution placed upon the warrant for the possession of the house situate at granted at the said court on the day of 19

The said application will be made upon the ground that default has been made by you in payment of the amounts which the court, at the time of the granting of the warrant, ordered you to pay.

You may, if you so desire, attend at the hearing of the application and make such representations to the court as you think fit.

Dated this day of 19

Complainant or solicitor for the complainant.

Address:—

FORM No. 8

Notice of Intention to Apply for Extension of Period of Validity of Ejectment Warrant

Complainant } Petty Sessions District of
Defendant } County of

Take notice that an application will be made to the Court of Summary Jurisdiction sitting at the day of 19 on the at the hour of o'clock, a.m. for an order to extend the period of validity of a warrant granted for possession of the house situate at granted at the said court on the day of 19

You may, if you so desire, attend at the hearing of the application and make such representations to the court as you think fit.

Dated this day of 19

Complainant or solicitor for the complainant. Address:—

SECOND SCHEDULE
SOLICITORS' COSTS AND COUNSEL'S FEES

672

	Overholding cases			Permissive Occupancy Cases
	Where the year- ly rent does not exceed £13	Where the year- ly rent exceeds £13 but does not exceed £27	Where the year- ly rent exceeds £27	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
To complainant.				
When case is settled before the hearing (if complainant has been represented by a solicitor from the time of the commencement of the proceedings) for instructions for proceedings	1 0 0	1 5 0	1 10 0	1 0 0
When case heard and warrant granted (if complainant has been represented only at the hearing by a solicitor) for preparing proofs and attending hearing	1 10 0	2 5 0	2 10 0	1 10 0
When case heard and warrant granted (if complainant has been represented by a solicitor from the time of the commencement of the proceedings) for instructions for proceedings and for preparing proofs and attending hearing	2 10 0	3 10 0	4 0 0	2 10 0
To defendant.				
For costs of a dismiss (if he has been represented by a solicitor at the hearing) for preparing proofs and attending hearing	1 10 0	2 5 0	2 15 0	1 10 0
All the above amounts of costs shall include any fees paid, but where there is an additional defendant a further amount may be allowed to cover the increased outlay.				
Counsel's fees.				
In a case in which the Court thinks it reasonable that counsel should be instructed, fees not exceeding the following amounts shall be allowed to either party ...	1 1 0	2 2 0	3 3 0	2 2 0

SUMMARY JURISDICTION