

6. The following amendments shall be made in Order LXV (which relates to costs):—

(1) In Rules 77 and 79 after the words and figure “appeals by case stated under Section 6 of the same Act” there shall be inserted the words and figures “as amended by Section 11 of the County Courts Act (Northern Ireland), 1955.”

(2) In Rule 83 after the words and figures “County Courts Appeals (Ireland) Act, 1889” where they firstly occur, there shall be inserted the words and figures “as amended by Section 11 of the County Courts Act (Northern Ireland), 1955.”

7. The following Form shall be added to Appendix B and shall stand as Form 5A:—

“ No. 5A

Acceptance of Sum paid into Court by one of several defendants.

(0.22, r.5)

[*Heading as in Form I.*]

Take notice that the plaintiff accepts the sum of £ paid by the defendant C.D. into Court in satisfaction of his claim against that defendant.

Dated the day of , 19 .

X.Y., Plaintiff's Solicitor.

To Mr. P.Q., Solicitor for the Defendant C.D.,.....
and
Mr. R.S., Solicitor for the Defendant E.F.”

8. In Section III of Part II of Appendix S the heading shall be amended by inserting after the words and figures, “County Court Appeals (Ireland) Act, 1889 (52 & 53 Vict., c. 48)” the words and figures “as amended by the County Courts Act (Northern Ireland), 1955.”

**The Supreme Court Rules (Northern Ireland) (No. 2)
Order in Council, 1957.**

1957. No. 105

[NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council in Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as that enactment applies to the Supreme Court of Judicature of Northern Ireland(b) and of all other

(a) 40 & 41 Vict. c. 57.

(b) S.R. & O. 1921 (No. 1802) p. 1,332.

powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the Rules of the Supreme Court of Northern Ireland(a) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) (No. 2) Order in Council, 1957, and shall come into force on the first day of July, 1957.

Given at Government House, Hillsborough, this twelfth day of June, 1957.

MacDermott
W. B. Topping
Brian Maginess
L. E. Curran

SCHEDULE

1.—(1) In Rule 11 of Order V (which relates to the issue of warrants of arrest in actions *in rem*) after paragraph (a) there shall be inserted the following paragraph:—

“(b) in an action *in rem* brought against a ship by virtue of sub-paragraph (4) of paragraph 3 of Part I of the First Schedule to the Administration of Justice Act, 1956, the affidavit shall state—

(i) whether or not the ship proceeded against is the ship in connection with which the claim arose;

(ii) that in the belief of the deponent the person who would, apart from paragraph 4 of Part I of the First Schedule to that Act, be liable on the claim in an action *in personam* was, at the time the cause of action arose, the owner or charterer, or in possession or control, of the ship in connection with which the claim arose and was also, at the time of the issue of the writ, the beneficial owner of all the shares in the ship proceeded against; and

(iii) the grounds for the deponent's belief.”

(2) Paragraphs (b) and (c) of Rule 11 shall be re-designated (c) and (d).

2. The following amendments shall be made in Order XI (which relates to service out of the jurisdiction):—

(a) S.R. & O. 1936 (No. 70) II. p. 2,559.

(1) At the beginning of Rule 1 there shall be inserted the words "Except, in the case of a writ to which Rule 1A of this Order applies."

(2) After Rule 1 there shall be inserted the following Rule:—

"1A. Where a writ of summons contains a claim to which paragraph 4 of Part I of the First Schedule to the Administration of Justice Act, 1956, applies, service out of the jurisdiction of the writ or of notice thereof may be allowed by the Court or a judge, if, but only if,—

(a) the defendant has his habitual residence or place of business within Northern Ireland; or

(b) the cause of action arose within inland waters of Northern Ireland or within the limits of a port of Northern Ireland; or

(c) an action arising out of the same incident or series of incidents is proceeding in the High Court or has been heard or determined in the High Court; or

(d) the defendant has submitted or agreed to submit to the jurisdiction of the High Court.

In this Rule "inland waters" and "port" have the same meanings as in sub-paragraph 1 of the said paragraph 4."

(3) In Rule 2 for the words "the last preceding rule" there shall be substituted "Rule 1 of this Order".

3. In Order XLI B (which relates mainly to the registration of judgments under the Foreign Judgments (Reciprocal Enforcement) Act, 1933), the word "foreign" shall be omitted in the second place where it occurs in Rule 1, and in both places where it occurs in Rule 12.

4. In Rule 2 of that Order, after the words "seal and" in sub-paragraph (a) of paragraph (1) there shall be inserted the words "where the judgment is not in the English language."

5. At the end of that Order there shall be inserted the following Rule:—

"15. This Order shall apply to an award in proceedings on an arbitration in any part of Her Majesty's dominions or other territory to which Part II of the Administration of Justice Act, 1920, extended immediately before Part I of the Foreign Judgments (Reciprocal Enforcement) Act, 1933, was extended thereto if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place, as it applies in relation to a judgment given by that court, subject, however, to the following modifications:—

(a) for references to the country of the original court there shall be substituted references to the place where the award was made; and

(b) the affidavit required by Rule 2 of this Order may, in lieu of exhibiting a certified copy of the award as mentioned in sub-paragraph (a) of paragraph (1) of

that Rule, exhibit the award itself or a verified or otherwise duly authenticated copy thereof, and shall state (in addition to the other matters required by that Rule) that to the best of the information and belief of the deponent the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place; and any form of affidavit, summons or writ of execution mentioned in this Order shall be modified as circumstances may require."

**The Supreme Court Rules (Northern Ireland) (No. 3)
Order in Council, 1957.**

1957. No. 112

[NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as that enactment applies to the Supreme Court of Judicature of Northern Ireland(b) and of all other powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the Rules of the Supreme Court of Northern Ireland(c) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) (No. 3) Order in Council, 1957, and shall come into force on the fourth day of July, 1957.

Given at Government House, Hillsborough, this twenty-fifth day of June, 1957.

MacDermott
Terence O'Neill
Brian Maginess
Arthur Black

(a) 40 & 41 Vict. c. 57. (b) S.R. & O. 1921 (No. 1802) p. 1,332.
(c) S.R. & O. 1936 (No. 70) II. p. 2,559.