

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order, which has been made with the approval of the Northern Ireland Trade Statistics Consultative Committee, prescribes that an undertaking employing not more than ten persons shall be exempt from the requirement to furnish a detailed return in respect of the Census of Production for the year 1958, and also exempts entirely from the scope of the census all undertakings engaged in mining and quarrying.

COUNTY COURTS ACT (NORTHERN IRELAND), 1955**County Court Rules (Northern Ireland), 1958**

1958. No. 73

[C]

We, the undersigned members of the County Court Rules Committee duly appointed under sub-section (4) of section eighteen of the County Courts Act (Northern Ireland), 1955, do by virtue of the powers vested in us in this behalf hereby make the Rules in the Schedule set forth as Rules regulating statutory appeals, applications and references to county courts not otherwise provided for, which Rules shall take effect and may be cited as Order XXXVIA of the County Court (Ireland) Orders, 1890; and do hereby certify the same under our hands and submit them to the Lord Chief Justice accordingly.

*Bernard J. Fox**Wm. Johnson**J. G. Agnew**Turlough O'Donnell**James J. Napier**John L. Pinkerton**T. F. Glass**J. F. Caldwell*

I approve these Rules which shall come into force on the second day of June, 1958.

Dated the 15th day of May, 1958.

MacDermott,
Lord Chief Justice of Northern Ireland.

SCHEDULE
ORDER XXXVIA

STATUTORY APPEALS, REFERENCES AND APPLICATIONS

Appeals

1. Rules 1 to 8 and rule 11 of this Order shall apply, with any necessary modifications and subject to the provisions of the relevant enactment, to any appeal not otherwise provided for which under any enactment for the time being in force may lie to a county court against any order, determination, award or other decision of a tribunal (hereinafter referred to as an "order").

2.—(1) Every such appeal (in this Order referred to as an "appeal") shall be by way of re-hearing; and where any question of fact is involved in an appeal, the evidence bearing on such question shall be given orally unless the judge, as respects that evidence or any part thereof, otherwise directs.

(2) Every appeal shall be brought by notice of appeal intituled in the matter of the relevant enactment and as between the parties to the appeal, and shall set forth the grounds upon which the appellant relies.

3.—(1) Every such notice shall be served—

- (a) within the time provided by the relevant enactment or if no time is so provided then within twenty-one days from the date on which the order was made or within such further period as the judge having regard to all the circumstances may in his discretion allow;
- (b) upon every body or person making, or affected by, the order; and
- (c) subject to any directions of the judge, in like manner as an equity civil bill may be served under the rules for the time being in force.

(2) Every appeal shall be entered in the Office by the appellant, who shall send by prepaid post to, or leave at, the Office—

- (a) a true copy of the order or notice of the order if in his possession; and
- (b) a true copy of the notice of appeal and endorsement of each service thereof;

so as to be received in the Office not later than the entry day for the sessions at which the appeal is to be heard.

(3) Every appeal shall be to the equity sessions held next after the expiration of fifteen clear days from the last day for appealing as provided by the relevant enactment or, as the case may be, by paragraph (1)(a) of this rule.

4. An appellant may by his notice appeal against the whole or any part of the order; and the notice shall state whether the whole or part only, and if part only which part, of the order is impugned.

5.—(1) Upon the entry of an appeal the clerk of the Crown and peace may require the secretary, registrar or other proper officer of the tribunal to furnish to the Office a copy of the order.

(2) The clerk of the Crown and peace may make and issue to any party, or any person interested, a copy of the order.

6. Every appeal shall be heard in the division—

(a) in which any land, property or business affected by the order is wholly or mainly situate or carried on; or

(b) in which the order was made.

7. Subject to the provisions of this Order, the judge shall in relation to an appeal have the like powers and authorities as he has in the exercise of the jurisdiction of the court in equity matters.

8. Subject to the provisions of the relevant enactment and of this Order, the procedure, rules and practice for the time being in force in county courts with respect to equity proceedings shall apply to every appeal.

References

9. The foregoing rules and rule 11 of this Order shall with any necessary modifications apply to any matter or proceeding not otherwise provided for where under any enactment for the time being in force any matter, question or issue whether of law or of fact may be submitted or referred to a county court for its opinion or decision.

Applications

10. Any application (other than an application by way of appeal or reference) under the provisions of any enactment for the time being in force, not otherwise provided for, may be brought either in the manner in which similar or analogous applications are brought under the rules and practice for the time being in force in the county courts, or in the manner (subject to any necessary modifications) in which appeals may be brought under rules 1 to 8 and rule 11 of this Order.

Interpretation

11. In this Order the expression—

“enactment” means an Act or a statutory instrument or any provision of an Act or statutory instrument;

“the Office” means the office of the clerk of the Crown and peace;

“tribunal” means any court, authority, body or person making an order.