

1961. No. 151

[NC]

**SUPREME COURT, NORTHERN IRELAND:
PROCEDURE****The Supreme Court Rules (Northern Ireland)
Order in Council, 1961**

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) Order in Council, 1961, and shall come into force on the 1st day of August, 1961.

Given at Government House, Hillsborough, this 30th day of June, 1961.

*MacDermott**W. J. Morgan**Brian Maginness**L. E. Curran*

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

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

(c) S.R. & O. 1936 (No. 70) 11, p. 2,559.

SCHEDULE

1. In Order LIX (which relates, inter alia, to Appeals from the County Court)—

(1) There shall be substituted for Rule 83 the following rule:—

“83. On every appeal against any County Court order, the Clerk of the Crown and Peace shall before the hearing hand or transmit the original order appealed from, or a certificate as to the nature and effect thereof, to the Registrar of the appellate court. In Probate suits and in any other matters where the original order appealed from has been entered up in the permanent record books of the County Court, an office copy, certified by the Clerk of the Crown and Peace, may be so forwarded in lieu of the original.”

(2) There shall be added immediately after Rule 83 the following rules:—

“83A. On the hearing of any appeal in an action commenced by ordinary Civil Bill or remitted to the County Court, where any money has been paid into Court, that fact shall not be communicated to the Judge until all questions of liability and the amount of the debt or damages have been decided, and the Judge, in exercising his discretion as to costs, shall take into account both the fact that money has been paid into Court and the amount of such payment.

“83B. In the case of all appeals to be heard by a Judge of Assize, the appeal lists prepared by the Clerk of the Crown and Peace shall be as near as may be to Form No. 37 in Appendix B (omitting the heading). In the said Form No. 37 and in the said appeal lists there shall be no references to orders for costs or expenses or to any payment of money into or out of Court.”

2. In Appendix B there shall be substituted for Form No. 37, the following form:—

“No. 37

Particulars of Entry of Appeal under
O.LIX, Part VIII

Appellant and	Respondent and	Cause of Action	Place and date of Sessions	Order appealed from, other than costs or expenses	Witnesses examined	Whether money lodged or recognizance entered into	Solicitors and Counsel

Signed.....

Clerk of the Crown
and Peace.

Dated the day of 19 ”