

STATUTORY RULES AND ORDERS OF  
A GENERAL CHARACTER  
ISSUED IN 1966

1966. No. 1

[NC]

**SUPREME COURT; NORTHERN IRELAND  
PROCEDURE**

**The Rules of the Supreme Court (Northern Ireland) (No. 1) 1966**

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. In Order LIV of the Rules of the Supreme Court (Northern Ireland) 1936(b), which relates to applications and proceedings at Chambers, paragraph (23) of rule 13 shall be amended by substituting for the words “rules 52 and 59” the words “rules 44 and 51”.

2. In rule 21 of Order LVI, which relates to proceedings and applications under the Arbitration Act (Northern Ireland) 1937(c), for the words “Rule 60” there shall be substituted the words “rule 34”.

3. For Order LIX, which relates to appeals and cases stated in inferior court proceedings, there shall be substituted the Order set out in Schedule 1 hereto.

4. In rule 2(4) of Order LIXC, which relates to proceedings under The War Damage Act 1943(d) and The War Damage (Valuation) Appeals Act 1945(e), for the words “Rule 60” there shall be substituted the words “rule 34”.

5. In Order LXV, which relates to costs, for Parts X, XI, XII, XIII, and XIII there shall be substituted the following Part:—

**“X. COSTS IN APPEALS FROM COUNTY COURTS AND IN CASES STATED**

**64.** Part II of Appendix S shall apply to the taxation of all costs of and incidental to:—

- (a) appeals from a decree of a county court to a Judge of Assize or to the High Court under the County Court Appeals Act (Northern Ireland) 1964;
- (b) a case stated under the County Court Appeals Act (Northern Ireland) 1964;
- (c) a case stated to which rule 34 of Order LIX applies;
- (d) appeals to the Court of Appeal under section 11(1)(b) of the Town Tenants (Ireland) Act 1906; and
- (e) a case stated by a magistrates’ court under section 146 of the Magistrates’ Courts Act (Northern Ireland) 1964.”

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(a) 10 & 11 Eliz. 2. c. 30.

(d) 6 & 7 Geo. 6. c. 21.

(b) S.R. & O. 1936 (No. 70) II, p. 2559.

(e) 9 & 10 Geo. 6. c. 8.

(c) 1 Edw. 8 & 1 Geo. 6. c. 8 (N.I.).

6. Order LXXIII, which relates to proceedings under The Guardianship of Infants Act 1886(a) and The Adoption of Children Act (Northern Ireland) 1950(b), shall be amended as follows:—

- (1) In rule 13 the words “to the Lord Chief Justice” shall be deleted; and
- (2) rule 35 shall be revoked.

7. In Order XCI, which relates to interpretation, the definition of “Judge of Assize” shall be deleted.

8. For Part II of Appendix S of the Rules of the Supreme Court there shall be substituted the Part set out in Schedule II hereto.

9. The Forms in Schedule III hereto shall be substituted for Forms Nos. 30 to 38 in Appendix B of the Rules of the Supreme Court.

10. In Appendix X of the Rules of the Supreme Court for the reference to “OLIX R.60” there shall be substituted the words “Order LIX rule 34”.

11. The new Part II of Appendix S of the Rules of the Supreme Court, contained in Schedule II hereto, and the amendments made by rule 5 to Order LXV shall not apply to any appeal from a county court (including an appeal by way of case stated) where the proceedings, which are the subject of an appeal, were instituted in the county court before these rules came into force and the costs of any such appeal shall be ascertained as if these rules had not been made.

12. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1966 and shall come into force on the 1st day of February, 1966.

Dated the 3rd day of January, 1966.

Signed:

*MacDermott*  
*L. E. Curran*  
*Charles L. Sheil*  
*Robert Lowry*  
*Ambrose McGonigal*  
*Leonard I. G. Fox*  
*James J. Napier*

## SCHEDULE I

Rule 3

ORDER TO BE SUBSTITUTED FOR ORDER LIX OF THE  
RULES OF THE SUPREME COURT

## ORDER LIX

## APPEALS AND CASES STATED

## PART I

APPEALS UNDER THE COUNTY COURT APPEALS ACT (NORTHERN IRELAND) 1964 (including appeals under section 5 of the Local Government (Ireland) Act 1898, and in Remitted Actions) and Cases Stated under the Magistrates' Courts Act (Northern Ireland) 1964.

*Interpretation*

1. In this Part, unless the context otherwise requires:—

“the Act” means the County Court Appeals Act (Northern Ireland) 1964(a);

“Clerk” means the Clerk of the Crown and Peace or clerk of petty sessions, as the case may be;

“Judge” means the Judge of Assize or Judge of the High Court, as the case may be, to whom an appeal lies under subsection (3) or subsection (4) of section 1 of the Act;

“party having carriage” includes an applicant to state a case; and

“respondents notice” means a notice given by a respondent in a criminal injury appeal under rule 7.

## A. CIVIL BILL APPEALS

*Notice of appeal*

2.—(1) The appellant shall, within a period of ten days commencing on the date on which the decree was pronounced in the county court, lodge with the Clerk a notice of appeal in Form 30 in Appendix B or in a form to the like effect.

(2) The notice of appeal may be given either in respect of the whole or in respect of any specified part of the decree.

*Service of notice of appeal*

3.—(1) The appellant shall, within the period of ten days mentioned in rule 2(1), serve the notice of appeal upon all the parties who appeared at the hearing before the county court who are, or are likely to be, affected by the appeal.

(2) Where no party other than the appellant appeared at the hearing, then the appellant shall serve the notice of appeal on all parties directly affected by the appeal and, subject to the provisions of rule 6, it shall not be necessary to serve the notice on parties not so affected.

*Application to state case treated as notice of appeal*

4.—(1) Where:—

(a) any party has applied to the county court judge to state a case under section 2 of the Act; and

(b) any other party lodges a notice of appeal under section 1 of the Act against the decree;

(a) 1964, c. 3 (N.I.).

then, unless the parties otherwise agree, the application to state a case under section 2 of the Act shall have effect as if it were a notice of appeal lodged under rule 2 against the decree.

(2) Subject to any direction by the Judge, service of the application to state a case under section 2(2) of the Act shall be deemed to be service for the purposes of rule 3.

(3) The Clerk on the lodgment of a notice of appeal, to which this rule applies, shall inform the applicant that:—

- (a) a notice of appeal has been lodged under section 1 of the Act; and
- (b) unless the parties otherwise agree, his application to state a case shall have effect as if it were a notice of appeal against the decree under section 1 of the Act.

(4) The parties shall inform the Clerk, not later than fourteen days from the date of the lodgment of the notice of appeal, of any agreement reached between the parties concerning the manner of questioning the decision of the county court judge.

#### *Co-appellants*

5.—(1) Where two or more parties each lodge a notice of appeal against the same decree the appeals shall be listed and heard together, unless the Judge otherwise directs.

(2) The Judge may declare any one or more of the parties appealing to be separately entitled or liable to the costs of such appeal or any part thereof.

#### *Directions as to service*

6.—(1) The Judge may in any case direct that the notice of appeal be served upon any party to the proceedings in the county court on whom it has not been served, or upon any person not a party to those proceedings.

(2) In any case in which the Judge directs the notice of appeal to be served on any party or person, the Judge may also direct that any respondent's notice by which that party or person is directly affected shall be served upon him.

(3) In any case where a direction is given under this rule the Judge may:—

- (a) postpone or adjourn the hearing of the appeal for such period and upon such terms as may be just; and
- (b) give such judgment and make such order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

#### *Respondent's notice in criminal injury cases*

7.—(1) A respondent in an appeal under section 5 of the Local Government (Ireland) Act 1898(a) who, not having appealed from the decree of the county court, desires to contend on the appeal that the decision of the county court should be varied, either in any event or in the event of the appeal being allowed in whole or in part, shall give notice to that effect.

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(a) 61 & 62 Vict, c, 37.

(2) A respondent who desires to contend on the appeal that the decision of the county court should be affirmed on grounds other than those relied upon by that court shall give notice to that effect.

(3) Any notice given by the respondent under this rule shall be served on the appellant, the Clerk, and all parties to the proceedings in the county court who are directly affected by the contentions of the respondent and shall be served within twenty-one days after the service of the notice of appeal on the respondent.

(4) Failure by the respondent to give any notice under this rule shall not diminish the powers of the Court, but may, in the discretion of the Judge be treated as a ground for the adjournment of the appeal or for making a special order as to costs or for granting both such adjournment and order.

#### *Entering of appeal for hearing*

8.—(1) Where notice of appeal is lodged under rule 2, the Clerk shall:—

- (a) in the case of an appeal under section 1(3) of the Act, enter the appeal for hearing at the Assize for the county or county borough in which the decree was pronounced which are next held after the lodgment of the notice of appeal and shall send particulars of the appeal to the Judge and his registrar; or
- (b) in the case of an appeal under section 1(4) of the Act, send to the Registrar forthwith particulars of the appeal.

(2) Particulars of appeals given under this rule shall be in Form 31 in Appendix B and shall not contain any reference to any order for costs or to any payment of money into or out of Court.

(3) Where a county court judge gives his certificate under section 1(5) of the Act the Clerk shall, on the appellant giving such security for costs as may be required, send to the Registrar forthwith particulars of the appeal and paragraph (2) of rule 10 shall apply to every such appeal.

#### *Withdrawal of appeal*

9.—(1) An appellant may withdraw his appeal by:—

- (a) lodging a notice of withdrawal with the Clerk six clear days before the day fixed for the hearing of the appeal;
- (b) serving the notice of withdrawal within such period on every party who was served with a notice of the appeal; and
- (c) paying the costs appropriate to such withdrawal.

(2) A party who has given a respondent's notice under rule 7 and who is served with the notice of withdrawal may, within six days from the receipt thereof serve on the appellant notice of his intention to proceed with the appeal and shall serve a copy of that notice on every other interested party and upon the Clerk.

(3) Where notice of withdrawal is lodged in an appeal which lies to the High Court the Clerk shall forward the notice to the Registrar forthwith.

#### *Appeals to the High Court*

10.—(1) Where the appeal is from a decree of the Belfast Recorder's Court or a county court for a division which is included in the County of Antrim or in the County of Down the appeal shall be heard by a Judge of the High Court sitting in Belfast.

(2) The Registrar shall list any such appeal for hearing by the Judge on a date not being earlier than seven days after the date on which he received particulars of the appeal from the Clerk.

*Lodgment not to be disclosed*

11. 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 the county 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 a discretion as to costs, shall take into account both the fact that the money has been paid into the county court and the amount of such payment.

*Clerk to attend Judge of Assize on appeal*

12. Where an appeal lies to the Judge of Assize, the Clerk or a member of his staff shall:—

- (a) attend at the hearing of the appeal;
- (b) keep a record of the names of all witnesses examined and of all documents given in evidence;
- (c) mark all such documents;
- (d) take and preserve a note of any oral evidence given in Court if so required by the Judge;
- (e) in a Probate suit enter in the testamentary civil bill book a complete copy of the order made on the appeal; and
- (f) in every other case enter in his appeal list a summary of the order made on appeal.

B. APPEALS BY WAY OF CASE STATED

*Application for order to state case*

13. Where a county court judge refuses or fails to state a case under section 2 of the Act, the applicant may, within a period of ten days commencing on the date of such refusal or failure, apply by summons to a Judge of the Court of Appeal for an order directing the county court judge to state a case within the time limited by the order.

*Application to Judge to state case*

14.—(1) An application by a party under section 3(1) of the Act to the Judge to state a case for the opinion of the Court of Appeal upon a point of law arising on an appeal under section 1 of the Act shall be made by lodging a requisition with the Registrar within a period of fourteen days commencing on the date on which the decision was given and the requisition shall be served on the other party.

(2) The requisition shall specify the point of law upon which the applicant wishes to have the opinion of the Court of Appeal.

(3) The applicant, or if there is more than one, such party as the Judge may appoint shall be the party having carriage of the case stated.

(4) The Registrar shall inform the parties of the result of the application.

*Judge to settle case stated*

15. A case stated under section 3(1) of the Act shall, after such reference to the parties as he may think desirable, be settled by the Judge who shall send the case to the Registrar for lodgment.

*Entering case stated under section 2 or 3 of the Act for hearing*

**16.**—(1) The Registrar on receipt of a case stated under section 2 or 3 of the Act shall forthwith notify the party having carriage and the other parties served of the date of such lodgment.

(2) The party having carriage shall within a period of fourteen days commencing on the date of lodgment enter the case for hearing by lodging an office copy of the case stated and a duly stamped requisition for entry with the proper officer of the Court of Appeal and shall give notice of such entry to the other party.

(3) The party having carriage shall lodge appeal books with the proper officer in the manner prescribed by Order LVIII rule 8(b).

*Failure by party having carriage*

**17.** Where the party having carriage fails within the prescribed time to comply with the provisions of rule 16 any other party may comply with the provisions of that rule within a period of ten days commencing on the date of such failure and such party shall thereupon become the party having carriage, subject to any direction of the Judge to the contrary.

*Withdrawal of case stated*

**18.**—(1) A party having carriage may withdraw the case stated by:—

- (a) lodging a notice of withdrawal with the Registrar and the Clerk within fourteen clear days from the lodgment of the case stated;
- (b) within the like period serving the notice of withdrawal on each party on whom the requisition or application was served; and
- (c) paying the costs appropriate to such withdrawal.

(2) Any party served with the notice of withdrawal may, within six days from the receipt thereof, serve on the party having carriage notice of his intention to proceed with the case stated and shall serve a copy of that notice on every other interested party and on the Registrar and thereupon such party shall become the party having carriage, subject to any direction of the Judge to the contrary.

**C. CASES STATED BY MAGISTRATES' COURTS***Application of rules*

**19.** Rules 16-18, 20(1), and 21 to 26 shall, with the necessary modifications, apply in relation to a case stated by a magistrates' court under section 146 of the Magistrates' Courts Act (Northern Ireland) 1964(a) as they apply in relation to a case stated by a county court judge under section 2 of the Act.

**D. GENERAL PROVISIONS***Stay of execution*

**20.**—(1) Subject to paragraph (2), the lodgment of a notice of appeal, or an application to state a case, shall not operate as a stay of execution on foot of the decree, unless security is given for the costs of the appeal in accordance with rule 21 or in accordance with a direction given by a county court judge under section 4 of the Act.

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(a) 1964. c. 21 (N.I.).

(2) The lodgment of a notice of appeal, or an application to state a case, in an appeal under section 5 of the Local Government (Ireland) Act 1898 shall operate as a stay of execution on the foot of the decree without security for the costs of the appeal being given.

*Security for costs*

**21.** Security for the costs of an appeal (including an appeal by way of case stated) may be given:—

- (a) by lodging the sum of £10 with the Clerk; or
- (b) entering into a recognizance in the sum of £10, with one independent surety approved by the Clerk, conditioned to pay the costs of the appeal; or
- (c) on the grant of a certificate under section 1(5) of the Act, in such security and in such manner as the county court judge may direct.

*Abandonment of appeal*

**22.** An appellant or party having carriage who fails to comply with any of the provisions of this Order shall, subject to any order by the Judge, be deemed to have abandoned the appeal or the case stated, as the case may be, and any other party may proceed as if the appeal or case stated had been withdrawn.

*Return of recognizance*

**23.** Where an appeal or case stated has been withdrawn within the time limited by these rules or abandoned:—

- (a) the sum, if any, deposited or any bond or recognizance given as security for costs or due prosecution of the proceedings shall abide the order of the Registrar or Clerk, as the case may be; and
- (b) any stay of execution under this order shall stand discharged.

*Certificate by Registrar*

**24.** Where a case stated has been withdrawn or abandoned or disposed of by the Court of Appeal the Registrar shall certify the result to the Clerk and shall send him a copy of any order made by the Court of Appeal or by the Registrar.

*Service of documents*

**25.—(1)** Any notice under this Part may be lodged with the Registrar or the Clerk, as the case may be, by leaving it at his office or sending it to him by recorded delivery.

(2) Any notice under this Part may be served:—

- (a) upon a party who appeared by a solicitor, by leaving it at the office of his solicitor; or
- (b) upon a party who has not appeared by a solicitor, by delivering it to him personally or by leaving it at his residence, with a clerk, servant, wife, child, or other person over 16 years of age; or
- (c) in either of the above cases, by sending it by recorded delivery addressed to his office or last known address.

(3) The time at which a notice posted by recorded delivery is delivered shall be considered as the time of service thereof.



(4) Any service as aforesaid may be proved by affidavit which shall be filed with the Registrar or Clerk, as the case may be, at the same time as the notice is lodged with him.

(5) If the mode of service prescribed by this rule can not for any reason be used the Judge may deem any other form of service to be sufficient.

*Clerk to send decree to Registrar*

26.—(1) In every appeal (including appeal by way of case stated) the Clerk shall send or hand to the Registrar, so as to reach him before the hearing of the appeal, the original decree appealed against or a certificate as to its nature and effect.

(2) In a probate suit or any other matter where the original decree appealed from has been entered up in the permanent record books of the county court an office copy certified by the Clerk may be sent to the Registrar instead of the original.

PART II

APPEALS TO THE COURT OF APPEAL FROM RESTRICTIVE PRACTICES COURT

*Appeal by notice of motion*

27. An appeal to the Court of Appeal from the Restrictive Practices Court under the Restrictive Trade Practices Act 1956(a) shall be brought by notice of motion, which shall state the question of law which it is desired to have determined by the Court of Appeal and the appellant's contentions thereon.

*Service of notice of motion*

28. Within twenty-one days after the appellant receives a copy of the judgment constituting the case, the notice of motion shall be served on the proper officer of the Restrictive Practices Court and shall also be served, together with a copy of the judgment, on every other party to the proceedings before that Court.

*Date of receipt of judgment after application to alter*

29. Where the appellant applies to the Restrictive Practices Court for the Court's judgment to be amplified or amended, he shall be deemed to have received a copy of the judgment on the date on which he receives a copy of the order made on his application; and the judgment constituting the case shall be the judgment with such amplifications or amendments, if any, as may be specified in the order.

*Entry for appeal for hearing*

30. Within two days after the service of the notice of motion the appellant shall lodge the judgment constituting the case and two copies of the notice of motion with the Registrar of the Court of Appeal, who shall enter the appeal in a list to be kept for the purpose; and the appeal shall not come on to be heard until after the expiration of twenty-one days from the date of entry.

*Powers on appeal*

31. On the hearing of the appeal the Court of Appeal shall have power to draw inferences of fact from the facts set forth in the judgment of the Restrictive Practices Court.

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(a) 4 & 5 Eliz. 2. c. 68.

*Costs*

32. The Court of Appeal may make such order as to the whole or any part of the costs of the appeal as may be just.

*Notification of result of appeal*

33. The Registrar of the Court of Appeal shall notify the proper officer of the Restrictive Practices Court of the decision of the Court of Appeal and of any directions given by the Court of Appeal thereon.

## PART III

## CASES STATED NOT OTHERWISE PROVIDED FOR

*Cases stated under Statutes*

34.—(1) This rule shall apply, mutatis mutandis, to every case which may be stated for the opinion of the Supreme Court or any Division thereof under the provisions of any Statute for the time being in force and which is not otherwise provided for in these Rules.

(2) Every such case shall be perfected, entered and heard within the time and in the manner and by the Court provided by the relevant Statute.

(3) In the absence of any such provisions the case stated shall be:—

(a) perfected within five weeks after the question has arisen in respect of which it lies;

(b) entered in the Registrar's office not later than seven days after it has been so perfected;

(c) served on the respondent or his solicitor by the appellant within two days after such entry; and

(d) heard by the Court of Appeal not earlier than eight days after such entry.

(4) The provisions of Order LVIII shall apply to a case stated under this rule insofar as it may be applicable thereto.

## PART IV

## APPEALS FROM LOCAL COURTS OF ADMIRALTY

*Appeals by notice of motion*

35. Every appeal from a decree, order or decision of a local Court in an Admiralty cause or matter under the provisions of the Court of Admiralty (Ireland) Act 1867(a), the Court of Admiralty (Ireland) Amendment Act 1876(b), or any other Statute for the time being in force in that behalf shall be by notice of motion.

*Particulars in notice of motion*

36.—(1) The notice of motion shall state the grounds of the appeal and whether all or part only of the decree, order or decision is complained of.

(2) The notice of motion shall be an eight days' notice, and shall be served on every party directly affected by the appeal. It shall contain an address for

(a) 30 & 31 Vict. c. 114.

(b) 39 & 40 Vict. c. 28.

service (as prescribed by Order IV, rule 2) of the party or the registered place of business of the solicitor serving the same.

(3) The notice of motion may be amended at any time by leave of the Judge on such terms as the Judge may think just to ensure the determination on the merits of the real questions in controversy between the parties.

#### *Lodgment of notice of motion*

37. Every such appeal shall be lodged by leaving in the Central Office a copy of the notice of motion.

#### *Time for service and lodgment*

38. The notice of motion shall be served and the appeal lodged within fourteen days from the date of the decree, order or decision appealed from.

#### *Entry of appearance*

39. The respondent shall within four days from service of the notice of motion enter an appearance in manner prescribed by Order XII with reference to an appearance entered in an action.

#### *Note of evidence and findings*

40.—(1) It shall be the duty of the Admiralty Registrar to apply on behalf of the Judge to the Judge of the local Court for a copy of the notes of the evidence given before him and for a statement of his judgment or finding on any question of law under appeal.

(2) Either party shall be entitled upon payment of the proper fee to obtain from the Admiralty Registrar an office copy of such notes and statement.

#### *Powers on appeal*

41. On any such motion by way of appeal the Judge shall have power, if the notes of the Judge of the local Court are not produced, to hear and determine such appeal upon any other evidence or statement of what occurred before such Judge which the Judge may deem sufficient.

#### *Admission of evidence*

42. Except as in the last preceding rule provided no evidence shall be admitted on appeal which was not given in the local Court unless the Judge shall otherwise order.

#### *Stay of proceedings*

43. The appeal shall not operate as a stay of proceedings under the decree, order or decision appealed from unless the Judge or Judge of the local Court shall so order or unless (not later than the service of the notice of motion) a deposit shall be made or security given to the satisfaction of the local Court for a sum to be fixed by the said Court not exceeding the amount of the money or the value of the property affected by the decree, order or decision appealed from.

#### *Security for costs*

44. After lodgment of the appeal any party may without any preliminary notice apply on summons to the Judge that the appellant may be ordered to give security for costs of the appeal or for directions as to the conduct of the appeal or the evidence to be taken thereon, and the Judge may make such order for security by deposit or otherwise, and give such directions as he may think just.

*Failure to prosecute appeal*

45. In case any such appeal be not prosecuted with effect within the time allowed by the Judge the Judge may dismiss the same and remit the cause to the local Court, which Court shall thereupon proceed as if no appeal had been instituted.

## PART V

APPEALS FROM AWARDS OF JUSTICES OR THEIR UMPIRE  
ON QUESTIONS OF SALVAGE*Notice of intention to appeal*

46. On an appeal from an award of Justices or their umpire on a dispute with respect to salvage the appellant shall within ten days after the date of the award give notice in writing to the Justices to whom the matter was referred of his intention to appeal, and shall within twenty days from the date of the award give to the opposite party an eight days' notice in writing of motion to appeal, and shall file in the Central Office an affidavit of the service of the said notice of intention to appeal, and of the said notice of motion, together with copies of the said notices, and no other proceeding shall be necessary for the institution of the said appeal.

*Service*

47. The notice of motion shall contain an address for service as prescribed by Order IV, rule 2 of the party or the registered place of business of the solicitor serving the same.

*Application of rule 39*

48. Rule 39 of this Order shall apply to every appeal under rule 46.

*Evidence*

49. Without the permission of the Judge no evidence shall be given other than what was adduced before the Court appealed from.

*Copies of notes of evidence*

50. In such appeal if the same is to be heard without any evidence other than that which was adduced before the Court appealed from the appellant shall within ten days from the filing of the proceedings and award leave in the Central Office copies thereof, and if he shall not do so the Judge may, on the application of the respondent, dismiss the appeal with costs.

*Directions on appeal*

51. After the filing of the affidavits and copies as is mentioned in rule 46 any party may apply on summons to the Judge for directions as to the conduct of the appeal or the evidence to be taken thereon, and the Judge may give such directions as he may think just,

SCHEDULE II

Rule 8

No. 1

PART TO BE SUBSTITUTED FOR PART II OF APPENDIX S OF THE RULES OF THE SUPREME COURT

PART II

COSTS IN APPEALS FROM COUNTY COURTS AND IN CASES STATED

SECTION I

A. Ordinary Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

<p><i>In actions where amount sued for or decreed</i></p> <p>(1)</p>	<p><i>All charges preliminary or incident to the hearing of the appeal, and completing and taking out the order thereon; except those included in columns Nos. 3 and 4</i></p> <p>(2)</p>	<p><i>To the Appellant's solicitor, in addition, for lodging appeal, affidavit of service</i></p> <p>(3)</p>	<p><i>To the Appellant's solicitor, in addition, for preparing recognizance, or lodging money in lieu thereof, to be allowed only where done</i></p> <p>(4)</p>	<p><i>Counsel's fees</i></p> <p>(5)</p>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i) does not exceed £10 . . . . .	3 0 0	0 14 0	0 14 0	1 1 0 Unless Counsel disallowed
(ii) exceeds £10 but does not exceed £20 . . . . .	4 10 0	0 14 0	0 14 0	2 2 0
(iii) exceeds £20 but does not exceed £40 . . . . .	8 0 0	0 14 0	0 14 0	3 3 0
(iv) exceeds £40 but does not exceed £75 . . . . .	9 15 0	1 10 0	1 10 0	5 5 0
(v) exceeds £75 but does not exceed £100 . . . . .	16 15 0	1 10 0	1 10 0	6 6 0
(vi) exceeds £100 but does not exceed £150 . . . . .	19 0 0	1 10 0	1 10 0	7 7 0
(vii) exceeds £150 but does not exceed £225 . . . . .	27 10 0	1 10 0	1 10 0	8 8 0
(viii) exceeds £225 . . . . .	35 0 0	1 10 0	1 10 0	9 9 0

Supreme Court

SECTION I (*continued*)**B. Title Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964**

(To be calculated according to the valuation of the lands of the appellant or respondent under the Valuation Acts as the Judge or Taxing Master may direct)

Valuation	<i>All charges preliminary or incident to the hearing of the appeal, and completing and taking out the order thereon; except those included in columns Nos. 3 and 4</i>	<i>To the Appellant's solicitor, in addition, for lodging appeal, affidavit of service</i>	<i>To the Appellant's solicitor, in addition, for preparing recognizance, or lodging money in lieu thereof, to be allowed only where done</i>	Counsel's fees
(1)	(2)	(3)	(4)	(5)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i) not exceeding £30 . . . . .	14 10 0	0 15 0	0 15 0	4 4 0
(ii) exceeding £30 but not exceeding £50 . . . . .	21 0 0	1 10 0	1 10 0	6 6 0
(iii) exceeding £50 . . . . .	33 0 0	1 10 0	1 10 0	7 7 0

## SECTION I (continued)

## C. Ejectment Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

Valuation  (1)	<i>All charges preliminary or incident to the hearing of the appeal, and completing and taking out the order thereon; except those included in columns Nos. 3 and 4</i> (2)	<i>To the Appellant's solicitor, in addition, for lodging appeal, affidavit of service</i> (3)	<i>To the Appellant's solicitor, in addition, for preparing recognizance, or lodging money in lieu thereof, to be allowed only where done</i> (4)	<i>Counsel's fees</i> (5)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i) Where valuation does not exceed £30 . . . . .	4 15 0	1 10 0	1 10 0	4 4 0
(ii) Where valuation exceeds £30 but does not exceed £50 . . . . .	10 0 0	1 10 0	1 10 0	6 6 0
(iii) where valuation exceeds £50 . . . . .	14 5 0	1 10 0	1 10 0	8 8 0

## SECTION I (continued)

16

## D. Equity Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

	Column 1	Column 2	Column 3	Column 4
	Value of subject matter not exceeding £200	Value of subject matter exceeding £200 but not exceeding £500	Value of subject matter exceeding £500 but not exceeding £750	Value of subject matter exceeding £750
(The value of any lands to be taken as 40 times P.L.V.)				
<b>APPEALS FROM INTERLOCUTORY ORDERS</b>	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Fees of Appellant's Solicitor</i>				
1. For lodging notice of appeal with Clerk of Crown and Peace, service of notice of appeal being lodged where only one party to be served, and to cover all charges preliminary to the hearing of the appeal including preparing instructions and brief for counsel, if employed	2 0 0	3 0 0	4 10 0	7 10 0
2. For each additional service over one	0 4 0	0 4 0	0 4 0	0 4 0
3. For attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon	3 0 0	4 10 0	6 10 0	10 10 0
<i>Fees of Respondent's Solicitor</i>				
To cover all charges preliminary to the hearing including preparing instructions and brief for counsel, if employed and for attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon	4 10 0	6 15 0	9 10 0	15 0 0
<i>Counsel's fees</i>				
Counsel for appellant or respondent	3 3 0	4 4 0	4 4 0	6 6 0

Supreme Court

No. 1



## SECTION I (continued)

## D. Equity Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

	Column 1	Column 2	Column 3	Column 4
	<i>Value of subject matter not exceeding £200</i>	<i>Value of subject matter exceeding £200 but not exceeding £500</i>	<i>Value of subject matter exceeding £500 but not exceeding £750</i>	<i>Value of subject matter exceeding £750</i>
<i>(The value of any lands to be taken as 40 times P.L.V.)</i>				
<b>APPEALS FROM FINAL ORDERS</b>				
<i>Fees of Appellant's Solicitor</i>	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. For lodging notice of appeal with Clerk of Crown and Peace, service of notice of appeal being lodged where only one party to be served, and to cover all charges preliminary to the hearing of the appeal including preparing instructions and brief for counsel, if employed . . . . .	3 0 0	5 5 0	7 10 0	10 0 0
2. For each additional service over one . . . . .	0 4 0	0 4 0	0 4 0	0 4 0
3. For attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon . . . . .	4 10 0	7 10 0	10 10 0	14 10 0
<i>Fees of Respondent's Solicitor</i>				
To cover all charges preliminary to the hearing including preparing instructions and brief for counsel, if employed and for attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon . . . . .	6 15 0	10 15 0	15 0 0	20 0 0
<i>Counsel's fees</i>				
Counsel for appellant or respondent . . . . .	4 4 0	6 6 0	7 7 0	9 9 0

## SECTION I (continued)

## E. Probate Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

(1)	Where there are no lands and personalty sworn at a sum not exceeding £200	Where there are no lands and personalty sworn at a sum exceeding £200 but not exceeding £500 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands does not exceed £30	Where there are no lands and personalty sworn at a sum exceeding £500 but not exceeding £750 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands exceeds £30 but does not exceed £50	Where there are no lands and personalty sworn at a sum exceeding £750 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands exceeds £50
	(2)	(3)	(4)	(5)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<b>APPEALS FROM INTERLOCUTORY ORDERS</b>				
<i>Fees of Appellant's Solicitor</i>				
1. For lodging notice of appeal with Clerk of Crown and Peace, service of notice of appeal being lodged where only one party to be served, and to cover all charges preliminary to the hearing of the appeal including preparing instructions and brief for counsel, if employed . . . . .	2 0 0	3 0 0	4 10 0	7 10 0
2. For each additional service over one . . . . .	0 4 6	0 4 6	0 4 6	0 4 6
3. For attending on the hearing and to cover all charges incidental to the hearing, and completing and taking out the order thereon . . . . .	3 0 0	4 10 0	6 10 0	10 10 0
<i>Fees for Respondent's Solicitor</i>				
To cover all charges preliminary to the hearing including preparing instructions and brief for counsel if employed and for attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon . . . . .	4 10 0	6 15 0	9 10 0	15 0 0
<i>Counsel's fees</i>				
Counsel for appellant or respondent . . . . .	3 3 0	4 4 0	4 4 0	6 6 0

## SECTION I (continued)

## E. Probate Appeals under Section I of the County Court Appeals Act (Northern Ireland) 1964

	Where there are no lands and personalty sworn at a sum not exceeding £200	Where there are no lands and personalty sworn at a sum exceeding £200 but not exceeding £500 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands does not exceed £30	Where there are no lands and personalty sworn at a sum exceeding £500 but not exceeding £750 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands exceeds £30 but does not exceed £50	Where there are no lands and personalty sworn at a sum exceeding £750 OR Where personalty sworn at a sum not exceeding £100 and valuation of lands exceeds £50
(1)	(2)	(3)	(4)	(5)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<b>APPEALS FROM FINAL ORDERS</b>				
<i>Fees of Appellant's Solicitor</i>				
1. For lodging notice of appeal with Clerk of Crown and Peace, service of notice of appeal being lodged where only one party to be served, and to cover all charges preliminary to the hearing of the appeal including preparing instructions and brief for counsel, if employed	3 0 0	5 5 0	7 10 0	10 0 0
2. For each additional service over one	0 4 0	0 4 0	0 4 0	0 4 0
3. For attending on the hearing and to cover all charges incidental to the hearing, and completing and taking out order thereon	4 10 0	7 10 0	10 10 0	14 10 0
<i>Fees of Respondent's Solicitor</i>				
To cover all charges preliminary to the hearing including preparing instructions and brief for counsel, if employed and for attending on the hearing, and to cover all charges incidental to the hearing, and completing and taking out the order thereon	6 15 0	10 15 0	15 0 0	20 0 0
<i>Counsel's fees</i>				
Counsel for appellant or respondent	3 3 0	5 5 0	7 7 0	9 9 0

## SECTION I (continued)

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**F. Criminal Injury Appeals under Section I of County Court Appeals Act (Northern Ireland) 1964**

FEES OF APPELLANT'S SOLICITOR, exclusive of necessary outlay

<i>Where amount</i>	<i>For lodging notice of appeal and for service of notice of appeal where only one party to be served and all charges preliminary to hearing of appeal</i>	<i>For each additional service over one</i>	<i>Attending hearing and all charges incident to the hearing and completing and taking out order</i>	<i>Counsel's fees</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(1) Does not exceed £20	<i>Judge shall allow such sum not exceeding £4 4s. 0d. as he may think reasonable.</i>			1 1 0
(2) Exceeds £20 but does not exceed £50 . . . . .	5 0 0	0 4 0	4 0 0	2 2 0) } £20 - £25 3 3 0) } £25 - £50
(3) Exceeds £50 but does not exceed £200 . . . . .	8 8 0	0 4 0	5 15 0	4 4 0) } £50 - £75 5 5 0) } £75 - £100 7 7 0) } £100 - £200
(4) Exceeds £200 but does not exceed £400 . . . . .	12 0 0	0 4 0	7 0 0	8 8 0) } £200 - £300 9 9 0) } £300 - £400
(5) Exceeds £400 . . . . .	14 14 0	0 4 0	8 10 0	10 10 0

Supreme Court

No. 1

SECTION I (continued)

F. Criminal Injury Appeals under Section I of County Court Appeals Act (Northern Ireland) 1964

FEES OF RESPONDENT'S SOLICITOR, exclusive of necessary outlay

<i>Where amount</i>	<i>For all charges preliminary to the hearing</i>	<i>Attending hearing and all charges incident to the hearing and completing and taking out order</i>	<i>Counsel's fees</i>
	£ s. d.	£ s. d.	£ s. d.
(1) Does not exceed £20	<i>Judge shall allow such sum not exceeding £4 4s. 0d. as he may think reasonable.</i>		1 1 0
(2) Exceeds £20 but does not exceed £50	3 10 0	4 0 0	2 2 0) } £20 - £25 3 3 0) } £25 - £50
(3) Exceeds £50 but does not exceed £200	6 10 0	5 15 0	4 4 0) } £50 - £75 5 5 0) } £75 - £100 7 7 0) } £100 - £200
(4) Exceeds £200 but does not exceed £400	10 5 0	7 7 0	8 8 0) } £200 - £300 9 9 0) } £300 - £400
(5) Exceeds £400	12 12 0	9 10 0	10 10 0

The aforementioned costs and fees (unless otherwise ordered) shall be payable, in a case where an application for compensation is refused, by and to such party or parties as the Judge may direct, according to the amount claimed; and in a case where compensation is awarded the said costs and fees (unless otherwise ordered) shall be payable by and to such party or parties as the Judge may direct, according to the amount awarded.

## SECTION II

## Cases Stated

- A. (1) Case stated under section 2 or 3 of the County Court Appeals Act (Northern Ireland) 1964 in Ordinary Civil Bill cases, Title cases, Ejectment cases, Equity cases and Probate cases.  
 (2) Case stated in proceedings brought under Parts VII to IX of the Magistrates' Courts Act (Northern Ireland) 1964.

## COSTS

<i>(The value of any lands to be taken as 40 times P.L.V.)</i>	Column 1	Column 2	Column 3	Column 4
	<i>Value of subject matter not exceeding £200</i>	<i>Value of subject matter exceeding £200 but not exceeding £500</i>	<i>Value of subject matter exceeding £500 but not exceeding £750</i>	<i>Value of subject matter exceeding £750</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Fees of Solicitor for Party requiring Case to be stated</i>				
1. To cover all preliminary charges up to and including the setting down of the case stated, and service of notice thereof, where only one party to be served including preparing instructions and brief for counsel, if employed	3 10 0	4 10 0	6 5 0	8 5 0
2. For each additional service over one	0 4 0	0 4 0	0 4 0	0 4 0
3. For attending on the hearing of the case stated, and to cover all charges incidental to the hearing, and completing and taking out the order made thereon	3 5 0	5 10 0	6 10 0	9 0 0
<i>Fees of Solicitor for Party in whose favour the Court below decided</i>				
1. To cover all preliminary charges up to and including the receiving of notice of the setting down of the case stated including preparing instructions and brief for counsel, if employed	2 15 0	3 15 0	6 0 0	8 0 0
2. For attending on the hearing of the case stated, and to cover all charges, incidental to the hearing, and completing and taking out the order made thereon	3 5 0	5 10 0	6 10 0	9 0 0
<i>Counsel's fees</i>				
Counsel for any party to case stated	4 4 0	6 6 0	7 7 0	9 9 0

B. The costs of any case stated, not included in paragraph A above, shall be taxed in accordance with the provisions of Part I.

## SECTION III

1. Costs payable where appeal to Judge of Assize or Judge of the High Court is withdrawn under rule 9 of Order LIX:—

A. In cases to which Sections IA, IB and IC apply there shall be payable to the solicitor for the respondent for all his charges of and incidental to the appeal the fee of fifteen shillings in cases within columns 1, 2 and 3 of Section IA and columns 1 and 2 of Section IB, and in all other cases the sum of One pound ten shillings.

B. In cases to which Section ID applies the following costs:—

## EQUITY CASES

	Column 1	Column 2
<i>(The value of any lands to be taken as 40 times P.L.V.)</i>	<i>Value of subject matter not exceeding £500</i>	<i>Value of subject matter exceeding £500</i>
	£ s. d.	£ s. d.
To respondent's solicitor, to cover all charges up to receipt of notice of withdrawal and for attending before the Judge of Assize or High Court and taking out an order confirming the decree of the County Court Judge—		
In the case of appeals from interlocutory orders	0 15 0	2 5 0
In the case of appeals from final orders	1 10 0	4 0 0

## SECTION III (continued)

C. In cases to which Section IE applies the following costs:—

## PROBATE CASES

	<i>Where there are no lands and personalty does not exceed £500 OR Where the personalty does not exceed £100 and the valuation of the lands does not exceed £30</i>	<i>Where there are no lands and personalty exceeds £500 OR Where the personalty does not exceed £100 and the valuation of the lands exceeds £30</i>
	£ s. d.	£ s. d.
To respondent's solicitor, to cover all charges up to receipt of notice of withdrawal and for attending before the Judge of Assize or High Court and taking out an order confirming the decree of the County Court Judge—		
In the case of appeals from interlocutory orders . . . . .	0 15 0	2 5 0
In the case of appeals from final orders	1 10 0	4 0 0

D. In cases to which Section IF applies the following costs:—

## CRIMINAL INJURY

	£ s. d.
To the solicitor for each respondent, to cover all charges up to the receipt of notice of withdrawal and for attending before Judge of Assize or High Court and taking out an order confirming the decree, dismissal, refusal, direction, or order of the County Court Judge—	
Where the amount claimed does not exceed £50 . . . . .	1 15 0
Where the amount claimed exceeds £50 . . . . .	3 5 0

## CASES STATED

2. Costs payable where case stated to which Section II applies is withdrawn:—	£ s. d.
To solicitor for party in whose favour the court of first instance, or the Judge on appeal, has decided, to cover all charges incidental to the settling of the case stated and up to time of withdrawal . . . . .	4 4 0



## COSTS REGULATIONS

*Interpretation and application*

1.—(1) In this Part “Poor Law Valuation” means the Poor Law Valuation ascertained in accordance with the provisions of the Valuation Acts.

(2) The costs set out in the foregoing scales shall be allowed in accordance with the provisions of these regulations and where for any reason the work contemplated by any of the items in those scales has not been completed the taxing officer shall make such proportionate allowance in lieu thereof as he may think just.

(3) The provisions of these regulations shall apply to a respondent’s notice as they apply to a notice of appeal save that no costs shall be payable by the party withdrawing a respondent’s notice in respect of a decree in a criminal injury case the appeal from which has also been withdrawn.

*Apportionment when lands not separately valued*

2. Where any lands are not separately valued under the Valuation Acts the Judge or the taxing officer may make any apportionment of valuation necessary for the determination of the costs applicable.

*Costs on counterclaim*

3.—(1) Where an appeal is against a decree made on the foot of a counterclaim then, for the purpose of costs, the counterclaim shall be treated as if it had been commenced by a separate civil bill.

(2) This rule shall not apply to a set-off or to a counterclaim founded on substantially the same facts as the claim.

*Court’s discretion as to costs*

4.—(1) The Court, if it thinks fit, may in any case:—

(a) direct that the costs be taxed in accordance with a higher scale than the scale which, under the provisions of this Part, would otherwise be applicable; or

(b) measure the costs at such larger amount than is prescribed by the scales in this Part as may appear to the Court to be just and reasonable in the circumstances of the case.

(2) In a case to which the provisions of Section IIA applies the Court, being satisfied that owing to the difficulty, complexity or importance of the case, the costs provided by the said section are inadequate, may order that the costs be taxed in accordance with Part I.

(3) In a case to which no scale of costs applies the Court may measure the costs or direct that:—

(a) one of the foregoing scales shall apply to the case; or

(b) the costs be taxed in accordance with Part I.

(4) Nothing in these regulations shall be deemed to restrict the Court in the exercise of its general discretion as to costs, and, without prejudice to the generality of the foregoing, from refusing costs, or limiting the amount thereof or directing by or to what party the same shall be paid or otherwise making such order as to costs as may be just.

*Costs on adjournment*

5. Where the Court grants an adjournment on the application of any party, the Court may order that the costs of such adjournment (including a refresher fee to counsel) shall be paid in such manner and by such person as the Court shall direct.

*Costs in probate appeals*

6. In probate appeals under section 1 of the County Court Appeals Act (Northern Ireland) 1964, where the estate consists of personalty sworn at a sum exceeding £100 and lands not exceeding £75 in annual value the costs and fees payable to solicitor and counsel shall be ascertained by reference to columns (2), (3) and (4) of Section IE in the following manner:—

- (a) the columns which yield the higher sum shall apply;
- (b) where each column yields the same sum that sum shall apply.

*Additional disbursements*

7.—(1) In addition to the costs prescribed by this Part, there may, subject to paragraph (2) and to any order of the Court, be allowed all disbursements necessarily or properly made.

(2) Notwithstanding the provisions of any enactment there may be allowed to or in respect of the expenses of any one witness a sum not exceeding £20, as the Court shall think just.

*Costs of decree or dismiss*

8.—(1) As between party and party the costs prescribed by Sections IA and IB of this Part shall, unless the Court otherwise orders, be allowed in the case of a decree according to the amount decreed and in the case of the dismiss according to the amount sued for.

(2) As between solicitor and client—

(a) the solicitor for the plaintiff shall be entitled to the above-mentioned costs and also to be reimbursed all outlay reasonably incurred provided—

(i) that such costs shall be calculated upon the amount claimed and not on the amount awarded; and

(ii) that in any case where it appears that the amount claimed was not reasonable and proper and was not in accordance with the instructions received by the solicitor for his client, such lesser sum may be allowed, whether for outlay or for costs, as may be appropriate;

(b) the solicitor for the defendant, having regard to the degree of responsibility necessarily assumed by him in the interest of his client, the work and labour performed, the amount involved, the nature and importance of the case to his client, and all other circumstances, shall be entitled to such costs as, having regard to the relevant scales, may be fair and reasonable, provided that where such costs fall to be assessed under Section IA or IB they shall not exceed the amount prescribed by the scale applicable to the amount claimed.

*Taxation of solicitors bill of costs*

9. The Taxing Master may, on the taxation of a solicitors bill of costs to his client, exercise any of the powers of the Court under these regulations, with the exception of the power to measure costs.

*Abandonment of appeal*

10.—(1) Where an appeal or a case stated is abandoned and no other party proceeds with the appeal, the party in whose favour the case was decided shall be entitled to the costs incurred by him in relation thereto.

(2) The proper officer shall, on being required to do so, give a certificate that the case has been abandoned and that no other person has given notice of his intention to proceed with the appeal.

SCHEDULE III

Rule 9

FORMS TO BE SUBSTITUTED FOR FORMS Nos. 30 TO 38  
IN APPENDIX B OF THE RULES OF SUPREME COURT

Rule 2

No. 30

NOTICE OF APPEAL UNDER COUNTY COURT APPEALS ACT  
(NORTHERN IRELAND) 1964

1964 No.

On Appeal from the County Court for the  
Division of  
**AB** of  
in the County of

Plaintiff;

and

**CD** of  
in the County of

Defendant.

**Notice of Appeal**

TAKE NOTICE that I, the above-named Plaintiff and Appellant [*or*  
Defendant and Appellant] hereby appeal to the next going Judge of Assize  
[*or* the High Court] from the whole of [*or* that part of] the decree made by  
the County Court in this suit [*or* matter] on the            day of  
196    whereby it was adjudged [*or* ordered] that (*here state decree or part*  
*of decree complained of*).

Dated            day of

196

**XY**

Solicitor for the  
above-named Plaintiff  
Appellant [*or*  
Defendant Appellant].

To

The Clerk of the Crown and Peace.

Served a true copy of the Notice of Appeal, endorsed on other side, on Solicitor for Respondent, by delivering same unto and leaving it with

this day of 19 .

County of } I  
Division of } of

County of make oath and say:—

That I did on the day of 19  
serve , Esq.,  
Solicitor for Respondent, with a true copy of the Notice on the other side of this paper, and I have endorsed above the mode and particulars of such service.

Sworn at  
in the County of  
this day of 19

before me, a Commissioner for Oaths/  
Justice of the Peace, for said County.  
Commissioner for Oaths/Justice of the  
Peace.

LIST OF APPEALS

APPELLANT	<i>Respondent</i>	<i>Cause of Action</i>	<i>Place and Date of Sessions</i>	<i>Order appealed from other than costs or expenses</i>	<i>Witnesses Examined</i>	<i>Whether money lodged or Recognizance entered into</i>	<i>Solicitors and Counsel</i>	<i>Decision on Appeal</i>
1.								
2.								
3.								

Dated this                      day of                      , 19                      .

Signed : .....

Clerk of the Crown and Peace.

## EXPLANATORY NOTE

*(This note is not part of the rules, but is intended to indicate their general purport.)*

These rules substitute for Order LIX, which relates to appeals and cases stated in inferior courts, the new Order LIX in Schedule I of the rules.

Part I of the new Order LIX provides for appeals (including appeals by way of case stated) under the County Court Appeals Act (Northern Ireland) 1964, and for cases stated by a magistrate's court under the Magistrates' Courts Act (Northern Ireland) 1964. Part II relates to appeals to the Court of Appeal from the Restrictive Practices Courts. Part III provides for cases stated not otherwise provided for. Parts IV and V contain the existing rules relating to appeals from Local Courts of Admiralty and appeals from awards of justices on questions of salvage.

The cost provisions which apply to county court appeals and cases stated by a magistrate's court have been consolidated in the new Part II to Appendix S which is contained in Schedule II of the rules. The costs tables in this Part have been revised following the introduction of the new county court costs scales and certain cases stated to which scale costs formerly applied may now be taxed under Part I of Appendix S.