

1966. No. 287

[NC]

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE****The Rules of the Supreme Court (Northern Ireland) (No. 5) 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. Immediately after Order XLIC of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the Order XLID set out in the Schedule hereto.

2. In Order LXA, which relates to the jurisdiction of registrars, rule 1(1) shall be amended by the insertion immediately after item (XI) of the following item—

“(XIA) applications under Order XLID (registration of maintenance orders)”.

3. In Order LXIV, which relates to time, for rule 4 there shall be substituted the following rule:—

“4. Every pleading, including a petition in a matrimonial cause or matter, may be amended or delivered during the Long Vacation.”

4. In Order LXX, which relates to matrimonial causes and matters, for rule 26 there shall be substituted the following rule:—

“26.—(1) Subject to the provisions of the Act of 1939 and to this rule, the witnesses at the trial or hearing of any matrimonial cause shall be examined orally and in open Court.

(2) A Judge or Registrar may—

(a) subject to the provisions of paragraph (3), order that any particular facts to be specified in the order may be proved by affidavit;

(b) order that the affidavit of any witness may be read at the trial or hearing on such conditions as the Judge or Registrar may think reasonable;

(c) order that evidence of any particular facts to be specified in the order shall be given at the trial or hearing by statement on oath of information and belief or by production of documents or entries in books or by copies of documents or entries or otherwise as the Judge or Registrar may direct; and

(d) order that not more than a specified number of expert witnesses may be called.

(3) Where it appears to the Judge or Registrar that any party reasonably desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the

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

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

evidence of such witness to be given by affidavit but the expenses of such witness at the trial shall be specially reserved.

(4) An application to a Judge or Registrar for an order under paragraph (2) shall, if no appearance has been entered in the cause or if the petitioner and every party who has entered an appearance consents to the order, be made *ex parte* after first lodging with the Registrar a statement of facts verified by affidavit setting out the grounds of the application two clear days before the application is made.

(5) Any party may apply to a Judge for the appointment of an examiner or for a commission or for letters of request to examine a party or witness in any cause and for leave to give the depositions taken on the examination in evidence at the trial or hearing, and the provisions of rules 6 to 25 (inclusive) of Order XXXVII of the Rules of the Supreme Court shall apply to the examination.

(6) The Registrar may, upon the hearing of any application to which this rule relates, adjourn the same to be heard by a Judge.

(7) Nothing in any order made by a Judge or Registrar under this rule shall affect the power of the Judge at the trial or hearing to refuse to admit evidence tendered in accordance with any such order or to require a witness to be examined orally in open Court, if he should think it just to do so."

5. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 5) 1966 and shall come into force on 2nd January 1967.

Dated 12th December 1966.

Signed: *MacDermott*
L. E. Curran
H. A. McVeigh
E. W. Jones
A. McGonigal
Leonard I. G. Fox
James J. Napier

SCHEDULE

Rule 1

Order to be inserted after Order XLIC of the Rules of the Supreme Court

ORDER XLID

Registration and Variation of certain Maintenance Orders under the Maintenance and Affiliation Orders Act (Northern Ireland) 1966

Interpretation and Application

1.—(1) In this Order unless the context otherwise requires—

“the Act” means the Maintenance and Affiliation Orders Act (Northern Ireland) 1966(a).

“maintenance order” has the meaning assigned to it by section 10(2) of the Act.

“proper officer” means—

(a) in the case of an order made under an enactment mentioned in

(a) 1966, c. 35 (N.I.).

section 10(2)(a) and (b) of the Act, the Chief or Assistant Registrar of the Queen's Bench Division (Matrimonial);

(b) in the case of an order made under an enactment mentioned in section 10(2)(c), (d) and (e) of the Act, the Registrar.

"the register" means any register kept for the purposes of the Act.

(2) This Order applies to maintenance orders made by the High Court, or a court of summary jurisdiction, other than maintenance orders registered under Part II of the Maintenance Orders Act 1950(a).

Application for registration

2.—(1) An application under section 11 of the Act for the registration in a court of summary jurisdiction of a maintenance order made by the High Court may be made—

(a) on the making of the maintenance order or an order varying the maintenance order; or

(b) at any other time by lodging with the proper officer a certified copy of the maintenance order and an affidavit by the applicant, together with a copy thereof, stating—

(i) the address and occupation of the person liable to make payments under the maintenance order;

(ii) the date of service of the maintenance order on the person liable to make payments thereunder or, if the maintenance order has not been served, the reason why service has not been effected;

(iii) the reason why registration of the maintenance order in a court of summary jurisdiction is desired;

(iv) the amount of any arrears due to the applicant under the maintenance order, the date to which those arrears have been calculated and the date on which the next payment under the maintenance order falls due;

(v) the date of birth of each child named in the maintenance order;

(vi) that the maintenance order is not already registered under the Act; and

(vii) whether any proceedings are pending, or any writ, warrant or other process is in force, for the enforcement of the maintenance order.

(2) Where such application is granted, the applicant must, if he has not already done so, lodge with the proper officer a certified copy of the maintenance order and, where the application was granted on the making of the maintenance order or an order varying the maintenance order, a statement signed by the applicant or his solicitor, and a copy thereof, giving the address of the person entitled to receive payments under the maintenance order and the particulars mentioned in paragraph (1)(b)(i), (ii) and (v).

(3) The period required to be prescribed by rules of court for the purpose of section 11(2) of the Act shall be 14 days.

(4) The proper officer shall cause the certified copy of a maintenance order required by the said section 11(2) to be sent to the clerk of petty sessions acting for the petty sessions district in which the defendant appears to be, indorsed with a note that the application for registration of the maintenance order has been granted and to be accompanied by a copy of the affidavit or statement lodged under paragraph (1) or (2), as the case may be.

(5) On receipt of notice that a maintenance order made by the High Court has been registered in a court of summary jurisdiction in accordance with section 11(5) of the Act, the proper officer shall enter particulars of the registration in the Court minutes.

Registration of order made by court of summary jurisdiction

3. On receipt of a certified copy of a maintenance order made by a court of summary jurisdiction sent to him pursuant to section 11(4)(c) of the Act, the proper officer shall cause the order to be registered in the High Court by filing the copy and making an entry in the register and shall notify the clerk of petty sessions that the maintenance order has been duly registered.

Variation or discharge of registered order

4.—(1) Where the High Court makes an order varying or discharging a maintenance order registered in a court of summary jurisdiction under Part II of the Act, the proper officer shall send a certified copy of the first-mentioned order to the clerk of petty sessions concerned.

(2) Where a certified copy of an order varying a maintenance order made by the High Court and registered in a court of summary jurisdiction under Part II of the Act is received from the clerk of petty sessions, the proper officer shall file the copy and enter particulars of the variation in the Court minutes.

(3) Where a certified copy of an order varying or discharging a maintenance order made by a court of summary jurisdiction and registered in the High Court under Part II of the Act is received from a clerk of petty sessions, the proper officer shall—

- (a) file the copy; and
- (b) enter particulars of the variation or discharge in the register.

Appeal from variation, etc. of order by court of summary jurisdiction

5. Order LIXA shall apply to an appeal which lies to a Judge of the High Court under section 13(8) of the Act.

Cancellation of registration

6.—(1) A notice under section 14 of the Act by a person entitled to receive payments under a maintenance order registered in the High Court must be given to the proper officer.

(2) Where the High Court gives notice under the said section 14, the proper officer shall indorse the notice on the certified copy mentioned in rule 4(1).

(3) Where notice under section 14 of the Act is given in respect of a maintenance order registered in the High Court, the proper officer, on being satisfied by an affidavit by the person entitled to receive payments under the order that no process for the enforcement of the order issued before the giving of the notice remains in force, shall—

- (a) cancel the registration by entering particulars of the notice in the register; and
- (b) send notice of the cancellation to the clerk of petty sessions acting for the petty sessions district in which the order was made, stating, if such be the case, that the cancellation is in consequence of a notice given under subsection (1) of section 14 of the Act.

(4) On receipt of notice from a clerk of petty sessions that the registration in a court of summary jurisdiction under the Act of a maintenance order made by the High Court has been cancelled, the proper officer shall enter particulars of the cancellation in the Court minutes.

EXPLANATORY NOTE

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

Rule 1 inserts a new Order XLID in the Rules of the Supreme Court. The new Order makes provision concerning the registration and variation of certain maintenance orders for the purposes of Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966. The power to decide applications under the Order is delegated to the Registrar under Order LXA. In Order LXIV, which relates to time, a new rule 4 allows the amendment and delivery of pleadings during the Long Vacation (including a petition in a matrimonial matter). In Order LXX, which relates to matrimonial causes and matters, a new rule 26 allows the Registrar to exercise the powers conferred by this rule relating to the admission of evidence at the trial of a matrimonial cause.

1966. No. 288

[C]

FOOD AND DRUGS

Composition and Labelling

Antioxidants in Food

REGULATIONS, DATED 9TH DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, in exercise of the powers conferred upon it by sections 4, 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Antioxidants in Food Regulations (Northern Ireland) 1966 and shall come into operation on 9th December 1966.

Interpretation

2.—(1) In these regulations—

“the Act” means the Food and Drugs Act (Northern Ireland) 1958;

“antioxidant” means any substance which delays, retards or prevents the development in food of rancidity or other flavour deterioration due to oxidation but does not include lecithin, ascorbic acid, or its salts or esters, tocopherols, citric acid, tartaric acid, phosphoric acid or any permitted preservative, permitted emulsifier, permitted stabiliser, or permitted colouring matter;

“butter for manufacturing purposes” means butter sold or intended for sale,

(a) 1958. c. 27.