

1967. No. 348

[C]

COUNTY COURTS**County Court Rules (Amendment) Rules
(Northern Ireland) 1967**

RULES, DATED 28TH DECEMBER 1967, MADE BY THE MINISTER OF HOME AFFAIRS
UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND)
1959.

I, the Right Honourable William Craig, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, do hereby make the Rules hereinafter set forth.

Dated this 28th day of December 1967.

Wm. Craig,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby consents to the amendment made in the Schedule to Appendix ZM of the County Court Rules (Northern Ireland) 1965(b).

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of January 1968.

(L.S.)

J. V. Morrison,
Assistant Secretary.

Citation

1. These Rules shall be cited as the County Court Rules (Amendment) Rules (Northern Ireland) 1967.

Schedule of Amendments

2. The provisions of the County Court Rules (Northern Ireland) 1965(b) to which reference is made in column 1 of the Schedule shall have effect subject to the amendments or revocations specified in column 2 thereof.

(a) 1959. c. 25.

(b) S.R. & O. (N.I.) 1965, No. 261.

SCHEDULE

Amendment of the County Court Rules
(Northern Ireland) 1965

Provision amended or revoked	Amendment or revocation
Order 1: Rule 8	At the end of the Rule there shall be inserted the words "as may be appropriate".
Order 1: Rule 16	The Rule shall be revoked.
Order 4: Rule 2	After paragraph (2) of the Rule there shall be added the following paragraph— “(3) This Rule does not apply to proceedings under Order 40.”
Order 5: Rule 3	In paragraph (1) of the Rule for the words “eight days ending on the entry day” there shall be substituted the words “ten days ending on the first day appointed for the hearing of civil bills” and for the words “two days ending on the entry day” there shall be substituted the words “five days ending on the first day appointed for the hearing of civil bills”. For paragraph (3) of the Rule there shall be substituted the following paragraph— “(3) Unless the consent of the clerk of Crown and peace is obtained for the service of a notice under paragraph (1), any additional costs incurred thereby shall be in the discretion of the judge.”
Order 8: Rule 4	In paragraph (1) of the Rule after the words “to take defence” there shall be inserted the words “or to counterclaim”. In paragraph (2) of the Rule after the words “a copy of the civil bill” there shall be inserted the words “and, where there is a counterclaim, a copy of the counterclaim”.
Order 12: Rule 1	After paragraph (2) of the Rule there shall be added the following paragraph— “(3) Paragraph (2)(a) shall not, subject to any direction of the Court in relation to any particular proceedings, apply to a solicitor or firm of solicitors suing for costs.”
Order 12: Rule 13	At the end of the Rule there shall be added the following words— “A copy of such notice shall be lodged in the office on entry.”
Order 24: Rule 15	In paragraph (1) of the Rule after the words “shall be in the form of an ordinary” there shall be inserted the words “or default”. In subparagraph (b) of paragraph (1) for the words “it shall bear” there shall be substituted the words “an ordinary civil bill shall bear”. After subparagraph (b) of paragraph (1) there shall be added the following subparagraph— “(c) A default civil bill shall be in accordance with the form and procedure prescribed by Order 12 with the date for hearing by the Registrar stated instead of the Recorder’s sitting.”

Provision amended or revoked	Amendment or revocation
Order 25	<p>For the heading of the Order there shall be substituted the following—</p> <p style="text-align: center;">“PROCEEDINGS UNDER THE HIRE-PURCHASE ACT (NORTHERN IRELAND) 1966.”</p>
Order 25: Rule 1	<p>For Rule 1 there shall be substituted the following—</p> <p><i>“Interpretation</i></p> <p>(1) In this Order the expression “the Act of 1966” means the Hire-Purchase Act (Northern Ireland) 1966, and the expression “agreement” means, except in its application to conditional sale agreements as provided by Rule 8, a hire-purchase agreement.”</p>
Order 25: Rule 2	<p>In Rule 2 for the words “section 11 of the Act of 1940” there shall be substituted the words “section 34 of the Act of 1966”.</p>
Order 25: Rule 5	<p>In paragraph (1) of the Rule for the words “section 12(3) of the Act of 1940” there shall be substituted the words “section 35(3) of the Act of 1966”.</p> <p>For paragraphs (2) and (3) of the Rule there shall be substituted the following paragraph—</p>
Order 25: Rule 6	<p>“(2) Every other application under the Act of 1966 shall be by motion on notice in Form 1.”.</p> <p>At the end of paragraph (1) of the Rule there shall be added the words “and stating also the total sum paid by the defendant and what is claimed to be still outstanding on foot of the decree and whether or not the goods or any part thereof have or has been recovered”.</p>
Order 25: Rule 7	<p>In the Rule for the words “Act of 1940” there shall be substituted the words “Act of 1966”.</p>
Order 25: Rule 8	<p>For Rule 8 there shall be substituted the following Rule—</p> <p><i>“Application of Order to conditional sale agreements and saving for other rules etc.</i></p> <p>8.—(1) The provisions of this Order and the Forms in Appendix U shall apply to conditional sale agreements as they apply to hire-purchase agreements and shall have effect in relation to such first-mentioned agreements subject to the following modifications, that is to say—</p> <ul style="list-style-type: none"> (a) for any reference to the hirer there shall be substituted a reference to the buyer; (b) for any reference to the owner there shall be substituted a reference to the seller; (c) for any reference to the hire-purchase price there shall be substituted a reference to the total purchase price; and (d) for any reference to a hire-purchase agreement or to goods let under the agreement, there shall be substituted a reference to the conditional sale agreement, or to goods agreed to be sold under the agreement, as the case may be. <p>(2) Except as provided by this Order, the other provisions of these Rules or of any other County Court Rules and the practice for the time being in force, shall, so far as they would ordinarily be applicable, apply to proceedings under the Act of 1966.”.</p>

Provision amended or revoked	Amendment or revocation
Order 29: Rule 3	At the end of paragraph (3) of the Rule there shall be added the words "but with the addition to the costs therein stated of a sum of ten shillings as the costs and outlay of such affidavit".
Order 41: Rule 3	In paragraph (3) of the Rule the words "valuation appeals or other" shall be omitted.
Order 41: Rule 11	In paragraph (4) of the Rule the words "valuation appeals or other" shall be omitted.
Order 44: Rule 16	The Rule shall be revoked.
Appendix B: Form 3	In Form 3 after the words "Solicitor of the Supreme Court or Officer of the Court" under the signature of the person authorised to witness the signature of the person entering into the undertaking there shall be added the words "or Justice of the peace or Commissioner for oaths".
Appendix E	After item 7 there shall be added the following— "8. For personal service of a summons under Rule 1(1)(i) of Order 47 for contempt 7s. 6d. 9. For personal service of a primary decree in Equity (including completion of affidavit) 10s. 6d."
Appendix G.	In Form 1 after the words "undernoted causes */" there shall be inserted "counterclaim */".
Appendix K	Under the heading to Form 2 there shall be added "Summary/Default**" and at the foot of the Form there shall be added the following directions— "Delete whichever is inapplicable. **The name and address of the Plaintiff's solicitor must be stamped on this Form before it is served on the Defendant together with the civil bill." Under the heading to Form 3 there shall be added "Summary/Default**" and after the direction at the foot of the Form there shall be added the following additional directions— "Delete whichever is inapplicable. ***The name and address of the Plaintiff's solicitor must be stamped on this Form before it is served on the Defendant together with the civil bill."
Appendix O: Form of Summons	In the Form of Summons the word "(Seal)" on the line below that for the signature of the clerk of the Crown and peace shall be omitted.
Appendix Q: Form 6	In the heading to Form 6 for the words "less than" there shall be substituted the words "not greater than" and in the body of the Form for the words "costs of the defence of a civil bill for £ " there shall be substituted the words "being the costs for the payment of which the plaintiff is liable under Rule 4 of Order 21 based on the amount lodged".
Form 8	In the heading to Form 8 for the words "less than" there shall be substituted the words "not greater than".

Provision amended or revoked	Amendment or revocation
Form 9	In the heading to Form 9 for the words "out of Court to" there shall be substituted the words "to the credit of".
Appendix U: Form 1	In the heading of the Form the words "under Section 12(3) or Section 13" shall be omitted and in the body of the Form for the words "Hire-Purchase Act (Northern Ireland) 1940" there shall be substituted the words "Hire-Purchase Act (Northern Ireland) 1966".
Form 2	In the heading of the Form for the words "under Section 12(4)(a)" there shall be substituted the words "under Section 35(4)(a)".
Form 3	In the heading of the Form for the words "under Section 12(4)(b)" there shall be substituted the words "under Section 35(4)(b)".
Form 4	In the heading of the Form for the words "under Section 12(4)(c)" there shall be substituted the words "under Section 35(4)(c)".
Form 5	In the heading of the Form for the words "under Section 13" there shall be substituted the words "under Section 39" and in the body of the Form for the words "Section 13(4) of the Hire-Purchase Act (Northern Ireland) 1940" there shall be substituted the words "Section 39(1) of the Hire-Purchase Act (Northern Ireland) 1966".
Appendix Y	In Form 4 in the final paragraph of the body of the Form after the words "is a minor" there shall be inserted the words "having been born on
Appendix Z	In Form 1 in paragraph 5 for the words "a deposit of one-fourth of" there shall be substituted the words "a deposit of such sums as the clerk of the Crown and peace may determine being not less than one-tenth of".
Appendix ZC: Form 7	In Form 7 in the final paragraph in the body of the Form for the words "that the plaintiff do recover from the defendant" there shall be substituted the words "that the defendant shall pay to the plaintiff".
Form 14	In Form 14 in the final paragraph in the body of the Form the words "and witnesses' expenses" shall be omitted and on the line above the figure of the total amount for which the notice is issued the words "Witnesses' expenses" shall also be omitted.
Appendix ZL: Part I	In Part I of the Appendix in Table 3 after the words in the paragraph below the Table "shall be in accordance with Tables 1 and 2" there shall be added the words "or, if the Judge so directs under Rule 10 of Order 44 the costs of the Plaintiff shall be in accordance with the above Table or Table 4, as the case may be".

Provision amended or revoked	Amendment or revocation
Part IX	<p>In Part IX under the heading "JUDGMENT MORTGAGE" for the words beginning "For preparing" to the words "above-mentioned fees" there shall be substituted the following—</p> <p>"For taking instructions, for preparing judgment mortgage affidavit, having same sworn and filed, copy thereof to be certified, including application (if any) for certificate under Order 36, Rule 26(2)(b) the sum of £6. 6. 0.</p> <p>In addition there shall be allowed the proper fee for registration of the judgment mortgage affidavit in the Registry of Deeds or Land Registry.</p> <p>For all work in connection with obtaining certificate of satisfaction under Order 36, Rule 26(6) the sum of £2. 2. 0."</p> <p>In Part IX also, under the heading "GARNISHEE PROCEEDINGS" in the first paragraph, for the words "in accordance with Part I, Table 4 as if" there shall be substituted the words "in accordance with Part I, Table 3 (with the addition of 10/- for the Plaintiff's affidavit in support of garnishee notice and 5/- for notices to be served on the debtor) as if".</p>
Appendix ZM	<p>In Part I in item No. 27 after the words "On a notice of application to the judge" there shall be inserted the words "or to the clerk of the Crown and peace".</p>
Appendix ZO	<p>In column 3 of the Appendix opposite the entry relating to the Planning and Housing (County Court) Rules (Northern Ireland) 1932 after the words "Rule 16 and Schedule III" there shall be added the words "and so much of Schedule II as relates to the costs of appeals to County Courts".</p>

EXPLANATORY NOTE

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

These Rules amend the County Court Rules (Northern Ireland) 1965 which govern the procedure applicable to most proceedings before the County Court. The provisions of the 1965 Rules have been amended by the present Rules in order to clarify and modify in certain minor respects some of those provisions.

1967. No. 349

[C]

HOUSING ON FARMS

Grants in respect of farmhouses and of approved workers' houses

ORDER*, DATED 14TH DECEMBER 1967, MADE BY THE MINISTRY OF DEVELOPMENT, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 12 OF THE HOUSING ON FARMS ACT (NORTHERN IRELAND) 1950.

The Ministry of Development (in this Order referred to as "the Ministry") with the approval of the Ministry of Finance, in exercise of the powers conferred on the Ministry by Section 12 of the Housing on Farms Act (Northern Ireland) 1950(a) and of every other power it thereunto enabling, hereby makes the following Order:—

1. This Order may be cited as the Housing on Farms (Grants) (Variation) Order (Northern Ireland) 1967 and shall be construed as one with the Housing on Farms (Grants) Order (Northern Ireland) 1967.

2. The Housing on Farms (Grants) Order (Northern Ireland) 1967, shall be varied as follows:—

In paragraph (a) of the second column to the Third Schedule "the sum of £500" shall be substituted for "the sum of £400".

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 14th day of December 1967.

(L.S.)

W. K. Fitzsimmons,
Minister of Development.

The Ministry of Finance for Northern Ireland hereby approves the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 14th day of December 1967.

(L.S.)

H. V. Kirk,
Minister of Finance.

(a) 1950. c. 21.

*The above Order was confirmed by Resolutions of the Senate on the 13th day of February 1968 and the House of Commons on the 22nd day of February 1968.