

1968. No. 150

[NC]

**SUPREME COURT, NORTHERN IRELAND  
PROCEDURE****The Rules of the Supreme Court (Northern Ireland) (No. 1) 1968**

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 LIXF of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the Order LIXG set out in the Schedule hereto.

2. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1968 and shall come into force on 1st August 1968.

Dated 28th June 1968.

(Signed)

*MacDermott*

*L. E. Curran*

*H. A. McVeigh*

*Robert Lowry*

*Leonard I. G. Fox*

*James J. Napier*

## SCHEDULE

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

## ORDER LIXG

Appeal to the Court of Appeal by case stated under Section 14 of the  
Industrial Training Act (Northern Ireland) 1964(c)

*Interpretation*

1. In this Order—

“the Act” means the Industrial Training Act (Northern Ireland) 1964;

“the Secretary of the Tribunals” means the Secretary of the Central Office of the Industrial Tribunals for the time being;

“tribunal” means a tribunal established under section 13 of the Act.

*Appeal from tribunal by case stated*

2.—(1) A party dissatisfied in point of law with a decision of a tribunal may require the tribunal to state and sign a case for the opinion of the Court of Appeal which sets forth the precise point of law involved in the decision with which the appellant is dissatisfied and which states concisely such facts and refers to such documents as may be necessary to enable the Court of Appeal to decide any question on which the determination of the point of law may depend.

(2) The requisition to state a case shall set out the precise point of law involved in the decision with which the appellant is dissatisfied and where the appeal is against part of the decision only that part must be specified.

*Special case stated*

3. Where in the course of any proceedings before a tribunal a question of law arises, which in the opinion of the Chairman should be decided by the Court of Appeal before the determination of such proceedings, the tribunal may, of its own motion or at the request of any party to the proceedings before it, state a special case for the opinion of the Court of Appeal.

*Time for appealing*

4.—(1) The requisition to state a case under rule 2 must be lodged with the Secretary of the Tribunals within a period of 21 days, commencing on the day the decision of the tribunal was sent to the appellant by the Secretary of the Tribunals.

(2) A copy of the requisition must be sent to the Registrar and every other party to the proceedings.

*Time for stating case*

5.—(1) A case stated must be settled and sent to the appellant within a period of 6 weeks commencing on the day the requisition was lodged with the Secretary of the Tribunals.

(2) The appellant or if there is more than one, the party whose name first appears on the requisition shall be the party having carriage, unless the Court otherwise directs.

*Entering case stated*

6. The party having carriage of a case stated under section 14(1) of the Act must within 7 days of receiving the case stated from the Secretary of the Tribunals—

- (a) lodge the case stated with a duly stamped requisition for entering with the Registrar, and
- (b) serve a copy of the case stated on any other party to the proceedings giving him notice of such entry.

*Entering special case stated*

7.—(1) The Secretary of the Tribunals shall lodge a special case stated by a tribunal under section 14(2) of the Act with the Registrar as soon as it is perfected and send copies of the case stated to the parties.

(2) The Registrar on receipt of the special case stated shall enter the case for hearing not earlier than 8 days after the date of lodgment and notify the parties and the Secretary of the Tribunals of such entry.

*Service of documents*

8.—(1) Any document required by these rules to be served, lodged or sent to any person may be sent by recorded delivery or delivered—

- (a) in the case of a document directed to the Registrar, to the Royal Courts of Justice (Ulster), Chichester Street, Belfast, BT1 3JF,
  - (b) in the case of a document directed to any party, to his address for service or in the absence of such an address to his last known address or place of business in the United Kingdom or if a party is a company to the company's registered office, and
  - (c) in the case of a document directed to the Secretary of the Tribunals to the Office of the Tribunals.
- (2) A document sent by recorded delivery shall be deemed to be served at the time when it is delivered.
- (3) In this rule "document" includes a notice.

*Application for order to state case*

9. Where a tribunal refuses or fails to state a case under section 14 of the Act the appellant may, within 21 days after the date of such refusal or failure, apply by summons to a Judge of the Court of Appeal for an order directing the tribunal to state a case within the time limited by the order.

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**EXPLANATORY NOTE**

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

The new Order LIXG, inserted in the Rules of the Supreme Court by these rules, prescribes the procedure on appeal to the Court of Appeal on a point of law from a decision of a tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964.

The appeal is by way of a case stated and signed by the tribunal at the request of the appellant for the opinion of the Court of Appeal. Rule 3 of the Order relates to the stating of a special case by the tribunal in the course of the proceedings.