

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

The Rules of the Supreme Court (Northern Ireland) (No. 5) 1969

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. Order XIII, rule 9, of the Rules of the Supreme Court (Northern Ireland) 1936(b) shall be amended as follows—

- (1) immediately after the words “a judgment that” there shall be inserted the words “the defendant do deliver up to”, and
- (2) the words “shall recover” shall be deleted.

2. In Order XXII, rule 8(4) paragraph (iii), for the figure “21” there shall be substituted the figure “18”.

3. Order XXVII, rule 8, shall be amended as follows—

- (1) immediately after the words “judgment that” there shall be inserted the words “the defendant do deliver up to”, and
- (2) the words “shall recover” shall be deleted.

4. In Order LIV, rule 16, shall be revoked.

5. In Order LXV, rule 34, the words from “and upon the copy of the order” to the end of the rule shall be deleted.

6. Order LXXXIV shall be amended as follows—

(1) For rule 82 there shall be substituted the following rule—

“82.—(1) Every application for bail to the High Court where the defendant is in custody shall be made by summons setting out the grounds of the application.

(2) The summons must be in Form 1 of Appendix V and shall issue when received by the Registrar.

(3) The Registrar on the issue of a summons shall—

(a) send a copy of the summons to the appropriate Crown Solicitor and at the same time inform him by telephone of the application and that a copy of the summons has been sent to him,

- (b) draw up and send to the appropriate clerk of the Crown and peace or clerk of petty sessions, as the case may be, an order calling for the return of all documents in his possession which may be relevant to the application for bail and at the same time inform him by telephone of the terms of the order which has been sent to him, and
 - (c) subject to any direction by the Court or a Judge, list the application for hearing for a time not later than three days from the date on which the summons was issued.
 - (4) The Registrar shall notify the Governor of the prison or other place in which the applicant is detained of the time and place of the hearing of the application.
 - (5) Where the applicant is admitted to bail the Registrar shall send a notice in Form 2 of Appendix V to—
 - (a) the clerk of the Crown and peace or clerk of petty sessions to whom the order under paragraph (3)(b) was sent, and
 - (b) the clerk of petty sessions for the County of the City of Belfast.
 - (6) A recognizance may be entered into in respect of any applicant before the clerk of petty sessions for the County of the City of Belfast.”
- (2) In rule 163, paragraph (d), shall be deleted.

7. For paragraph (3) of regulation 2 of Part I of Appendix S of the Rules of the Supreme Court there shall be substituted the following paragraph—

- “(3) (i) The costs in respect of one counsel attending before a Judge in Chambers may be allowed, unless the Judge otherwise directs.
- (ii) No costs shall be allowed in respect of more than one counsel attending before a Judge in Chambers or in respect of counsel attending before a Registrar, unless the Judge or the Registrar, as the case may be, has certified such attendance as being proper in the circumstances of the case.”

8. The Forms in the Schedule hereto shall be inserted as Forms 1 and 2 in Appendix V of the Rules of the Supreme Court.

9. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 5) 1969 and shall come into force on 1st January 1970.

Dated 10th December 1969.

Signed: *MacDermott*
Robert Lowry
E. W. Jones
A. McGonigal
Maurice W. Gibson
Donald Murray
James J. Napier

SCHEDULE

Rule 8

Forms to be inserted as Forms 1 & 2 in Appendix V of the Rules of the Supreme Court

FORM 1—EX PARTE SUMMONS

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION (CROWN SIDE)

In the Matter of

A.B.,⁽¹⁾ an applicant for bail

TAKE NOTICE that⁽¹⁾ _____ of _____⁽²⁾
hereby applies to the Queen's Bench Division for an order that he be released from custody [pending his trial] [or while on remand] [or pending the hearing of his appeal]⁽³⁾ upon such terms and conditions as the Court may think just.

The grounds on which this application is made are as follows:—⁽⁴⁾

In the event of the applicant being admitted to bail the following persons would be willing to stand as sureties for the due surrender of the applicant to his bail:—

Name⁽⁵⁾

Address

Occupation

Name⁽⁵⁾

Address

Occupation

Dated

197 . . Signed

Applicant⁽⁶⁾
or
Solicitor for the Applicant.

To:

The Registrar of the Supreme Court.⁽⁷⁾

[See notes overleaf]

NOTES:

- (1) Insert full name of applicant.
- (2) Here state place in which he is confined.
- (3) Delete whichever is not applicable.
- (4) Set out the grounds on which the application is made.
- (5) The names of a surety or sureties may be inserted here. It is not necessary to give the names of sureties at this stage, but giving their names will facilitate the release of the applicant if the application is successful.
- (6) Where the applicant is not represented by a solicitor, the applicant must sign the summons.
- (7) Three copies of this Form must be completed. Where completed by the applicant in person they must be sent to the Registrar by the Governor of the prison or other place where the applicant is detained.
- (8) No affidavit is required in support of this application.

FORM 2

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
 QUEEN'S BENCH DIVISION (CROWN SIDE)

In the Matter of

an applicant for bail.

A Judge of the Queen's Bench Division has this day admitted
 to bail, himself in the sum of £
 £ with one/two sureties each in the sum of £
 subject to the following terms and conditions:—

Name of surety

Address

Occupation

Name of surety

Address

Occupation

Dated

197 . Signed

Registrar.

EXPLANATORY NOTE

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

These rules make certain miscellaneous amendments to the Rules of the Supreme Court (Northern Ireland) 1936 and come into force on 1st January 1970.

Rule 2, by amending Order XXII rule 8(4)(iii), allows payment to a person who attains the age of 18 years of any funds in Court to which he may be entitled. This amendment comes into force on the same day as the Age of Majority Act (Northern Ireland) 1969, which reduces the age of majority to 18 years.

The amendments made by rules 1 and 3 ensure that a default judgment, in an action for the recovery of land, is given in the same form as a judgment for the recovery of land in a defended action.

In Order LIV rule 16 is revoked. This rule is no longer necessary, as provisions relating to the costs in respect of counsel before a Judge in Chambers, are made by regulation 2 of Part I of Appendix S of the Rules of the Supreme Court. Rule 7 substitutes a new paragraph for paragraph (3) of this regulation.

Rule 6 substitutes a new rule 82 in Order LXXXIV, which relates to bail applications on the Crown Side. This rule is designed to expedite and simplify bail applications made under this Order.