
STATUTORY INSTRUMENTS

1951 No. 1401

**The Reserve and Auxiliary Forces
(Protection of Civil Interests) Rules 1951**

PART V

OTHER COURTS

Courts of summary jurisdiction

35.—(1) Where in proceedings in a court of summary jurisdiction leave to proceed is required—

- (a) an application for leave to proceed may be made at the time when judgment is given if, at the request of the complainant, a notice adapted from Form 1 has been served on the defendant with the summons: or
- (b) if judgment has been given against the defendant, an application for leave to proceed may be made at the hearing of a summons in a form adapted from Form 2.

(2) In proceedings for the recovery of rates, an application for leave to levy a distress may be made at the hearing of the summons for non-payment of rates if a notice in Form 10 has been served on the defendant in the manner in which such a summons may be served not less than four clear days before the hearing of the summons.

(3) If a warrant of distress for rates has been issued without leave to levy the distress having been given under the Act and leave is or subsequently becomes necessary, an application for leave may be made to the court at the hearing of a summons in a form adapted from Form 2 and served on the defendant in the manner in which a summons for non-payment of rates may be served.

(4) If a notice or summons under paragraph (2) or (3) of this Rule is not served on the defendant personally, the rating authority shall, before the court decides whether to give leave to distrain, call the attention of the court to the date and manner of service and to any circumstances within the knowledge of the authority bearing on the question whether and when the notice or summons came to the knowledge of the defendant.

Other courts

36. Rules 9 to 15 and Rules 17 to 19 and the forms prescribed therein shall apply with such modifications as may be necessary to courts other than the High Court, county courts and courts of summary jurisdiction.