1973. No. 39 **[NC]**

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Rules of the Supreme Court (Northern Ireland) (No. 1) 1973

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. In Order 30, rule 1 of the Rules of the Supreme Court (Northern Ireland) 1936(b) items (22) and (23) shall be deleted.

2. Immediately after Order 59G there shall be inserted the Order 59H set out in Schedule 1 hereto.

3. In Order 60A for rule 1 there shall be substituted the following rule:—

"**1.**—(1) The Registrar may transact all such business and exercise such jurisdiction in respect of the same as may be transacted or exercised by a Judge in proceedings and matters under the following Orders and rules, namely—

(*a*) Order 3A, rule 4(1) (leave to enter default judgment in a moneylenders' action),

(*b*) Order 7, rules 3 and 4 (change of solicitor),

(*c*) Order 8, rule 1 (renewal of writ),

(*d*) Order 9, rules 4, 10, 12, 18 and 21 (service of writ of summons),

(*e*) Order 12, rules 32, 34 and 37 (appearance),

(*f*) Order 13, rules 1, 19 and 20 (default of appearance),

(*g*) Order 16A, rules 1(2), 5(1)(*b*), 7(2), 8(1) and 9(3) (third party procedure),

(*h*) Order 17, rules 4 and 8 (order to carry on on death and compelling party to proceed),

(*i*) Order 22, rules 4 and 9 (payment out of money lodged in court),

(*j*) Order 27, rules 20 and 21 (hire-purchase actions and mortgage suits),

(*k*) Order 28, rule 1 (amendment of indorsements or pleadings),

(*l*) Order 35, rule 1 (order by consent for trial without pleadings),

(*m*) Order 37, rule 49(1)(*b*) (specification of time),

(*n*) Order 41D (registration of maintenance orders),

(*o*) Order 42 (enforcement of judgments),

(*p*) Order 43 (enforcement of orders made in exercise of matrimonial jurisdiction),

(*q*) Order 48A, rules 1 and 8 (actions by or against a firm),

(a) 10 & 11 Eliz. 2. c. 30. (b) S.R. & O. 1936, No. 70 (II, p. 2559).

(*r*) Order 54F, rule 4(2) (remittal),

(*s*) Order 55, rule 7 (payment of moneys secured by a mortgage or charge or delivery of possession of property subject to a mortgage or charge),

(*t*) Order 62, rule 39 (payment out, etc., of funds in Court),

(*u*) Order 64, rule 7 (time),

(*v*) Order 93, rule 2 (functions).

(2) In addition to the powers conferred by paragraph (1), the Registrar may—

(*a*) receive a consent and make the same a rule of court for the purposes of the settlement of any action (save in cases under Order 22, rule 8),

(*b*) on consent set aside a judgment entered in default of appearance or defence.

(3) The provisions of this rule shall not operate to give jurisdiction to the Registrar to make an order in a matter directly relating to the liberty of the subject."

4. In Order 84 for rule 82 there shall be substituted the following rule:—

"**82.**—(1) Every application for bail to the High Court where the applicant 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*) deliver a copy of the summons to the Director of Public Prosecutions and at the same time inform him by telephone of the terms of the application which is being delivered to him,

(*b*) send to the appropriate clerk of the Crown and peace or clerk of petty sessions, as the case may be, a letter requiring him to return 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 letter which is being 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 7 days from the date on which the summons was issued.

(4) The Registrar shall notify the Director of Public Prosecutions and 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 an applicant is admitted to bail the Registrar shall forthwith file the order admitting the applicant to bail and such order may be in Form 2 of Appendix V.

(6) The Registrar shall give a copy of the order to the applicant by handing it to the person having custody of him and send a copy of the order to the clerk of the Crown and peace or clerk of petty sessions to whom the letter under paragraph 3(*b*) was sent.

(7) A recognisance may be entered into by or in respect of any applicant before any clerk of petty sessions on the production to him of a copy of the order admitting the applicant to bail."

5. In Appendix V for Forms 1 and 2 there shall be substituted the forms set out in Schedule 2 hereto.

6. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1973 and shall come into force on 2nd April 1973.

Dated 21st February 1973.

(Signed) *Robert Lowry.*
L. E. Curran.
Maurice W. Gibson.
Turlough O'Donnell.
John MacDermott.
Donald Murray.

SCHEDULE 1 Rule 2

Order to be inserted after Order 59G of the Rules of the Supreme Court

ORDER 59H

Appeal to the High Court by case stated from a Value Added Tax Tribunal under section 13 of the Tribunals and Inquiries Act 1971

Interpretation

1. In this Order—

"the Act" means the Tribunals and Inquiries Act 1971,

"the Court" means the Court or a Judge thereof,

"proper officer" means a member of the administrative staff of a tribunal authorised to accept service of documents under or pursuant to the Value Added Tax Tribunal Rules 1972 or any rules substituted therefor,

"tribunal" means a Value Added Tax Tribunal for Northern Ireland constituted in accordance with Schedule 6 to the Finance Act 1972.

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 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 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 before the determination of such proceedings, the tribunal may state a special case for the opinion of the Court.

Time for appealing

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

(2) A copy of the requisition must be sent by the appellant 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 proper officer.

(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.