1972. No. 280 [C]

COUNTY COURT RULES

Affidavit of Service of Notices, etc.

RULES, DATED 20TH OCTOBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers me enabling in that behalf do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Citation and commencement

1. These Rules may be cited as the County Court (Affidavit of Service) Rules (Northern Ireland) 1972 and shall come into operation on 15th November 1972.

Form of affidavit used to prove service of certain documents

2.—(1) The form of affidavit prescribed for the purposes of any enactment or otherwise in proving service of any summons, notice or other document in criminal proceedings shall be that in the Schedule and when duly sworn shall be produced in court by the prosecution.

(2) Nothing in these Rules shall derogate from any rule of law or practice whereby oral evidence on oath is required to prove service upon anyone of—

(*a*) a notice requiring him to show cause why he should not be punished for contempt of the court in failing to appear in answer to a summons; or

(*b*) the summons to which that notice refers.

Dated this 20th day of October 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(a) 1959. c. 25. (b) 1972. c. 22.