1969. No. 325 **[NC]**

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,

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

(*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