1967. No. 348 **[C]**

COUNTY COURTS

County Court Rules (Amendment) Rules (Northern Ireland) 1967

RULES, DATED 28TH DECEMBER 1967, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, the Right Honourable William Craig, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, do hereby make the Rules hereinafter set forth.

Dated this 28th day of December 1967.

Wm. Craig,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby consents to the amendment made in the Schedule to Appendix ZM of the County Court Rules (Northern Ireland) 1965(b).

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of January 1968.

(L.S.) *J. V. Morrison,*
Assistant Secretary.

Citation

1. These Rules shall be cited as the County Court Rules (Amendment) Rules (Northern Ireland) 1967.

Schedule of Amendments

2. The provisions of the County Court Rules (Northern Ireland) 1965(b) to which reference is made in column 1 of the Schedule shall have effect subject to the amendments or revocations specified in column 2 thereof.

(a) 1959. c. 25.

(b) S.R. & O. (N.I.) 1965, No. 261.

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

Provision amended or revoked	Amendment or revocation
Order 1: Rule 8	At the end of the Rule there shall be inserted the words "as may be appropriate".
Order 1: Rule 16	The Rule shall be revoked.
Order 4: Rule 2	After paragraph (2) of the Rule there shall be added the following paragraph— "(3) This Rule does not apply to proceedings under Order 40.".
Order 5: Rule 3	In paragraph (1) of the Rule for the words "eight days ending on the entry day" there shall be substituted the words "ten days ending on the first day appointed for the hearing of civil bills" and for the words "two days ending on the entry day" there shall be substituted the words "five days ending on the first day appointed for the hearing of civil bills". For paragraph (3) of the Rule there shall be substituted the following paragraph— "(3) Unless the consent of the clerk of Crown and peace is obtained for the service of a notice under paragraph (1), any additional costs incurred thereby shall be in the discretion of the judge.".
Order 8: Rule 4	In paragraph (1) of the Rule after the words "to take defence" there shall be inserted the words "or to counterclaim". In paragraph (2) of the Rule after the words "a copy of the civil bill" there shall be inserted the words "and, where there is a counterclaim, a copy of the counterclaim".
Order 12: Rule 1	After paragraph (2) of the Rule there shall be added the following paragraph— "(3) Paragraph (2)(*a*) shall not, subject to any direction of the Court in relation to any particular proceedings, apply to a solicitor or firm of solicitors suing for costs.".
Order 12: Rule 13	At the end of the Rule there shall be added the following words— "A copy of such notice shall be lodged in the office on entry.".
Order 24: Rule 15	In paragraph (1) of the Rule after the words "shall be in the form of an ordinary" there shall be inserted the words "or default". In subparagraph (*b*) of paragraph (1) for the words "it shall bear" there shall be substituted the words "an ordinary civil bill shall bear". After subparagraph (*b*) of paragraph (1) there shall be added the following subparagraph— "(*c*) A default civil bill shall be in accordance with the form and procedure prescribed by Order 12 with the date for hearing by the Registrar stated instead of the Recorder's sitting.".

Provision amended or revoked	Amendment or revocation
Order 25	For the heading of the Order there shall be substituted the following— "PROCEEDINGS UNDER THE HIRE-PURCHASE ACT (NORTHERN IRELAND) 1966.".
Order 25: Rule 1	For Rule 1 there shall be substituted the following— *"Interpretation* (1) In this Order the expression "the Act of 1966" means the Hire-Purchase Act (Northern Ireland) 1966, and the expression "agreement" means, except in its application to conditional sale agreements as provided by Rule 8, a hire-purchase agreement.".
Order 25: Rule 2	In Rule 2 for the words "section 11 of the Act of 1940" there shall be substituted the words "section 34 of the Act of 1966".
Order 25: Rule 5	In paragraph (1) of the Rule for the words "section 12(3) of the Act of 1940" there shall be substituted the words "section 35(3) of the Act of 1966". For paragraphs (2) and (3) of the Rule there shall be substituted the following paragraph— "(2) Every other application under the Act of 1966 shall be by motion on notice in Form 1.".
Order 25: Rule 6	At the end of paragraph (1) of the Rule there shall be added the words "and stating also the total sum paid by the defendant and what is claimed to be still outstanding on foot of the decree and whether or not the goods or any part thereof have or has been recovered".
Order 25: Rule 7	In the Rule for the words "Act of 1940" there shall be substituted the words "Act of 1966".
Order 25: Rule 8	For Rule 8 there shall be substituted the following Rule— *"Application of Order to conditional sale agreements and saving for other rules etc.* 8.—(1) The provisions of this Order and the Forms in Appendix U shall apply to conditional sale agreements as they apply to hire-purchase agreements and shall have effect in relation to such first-mentioned agreements subject to the following modifications, that is to say— (*a*) for any reference to the hirer there shall be substituted a reference to the buyer; (*b*) for any reference to the owner there shall be substituted a reference to the seller; (*c*) for any reference to the hire-purchase price there shall be substituted a reference to the total purchase price; and (*d*) for any reference to a hire-purchase agreement or to goods let under the agreement, there shall be substituted a reference to the conditional sale agreement, or to goods agreed to be sold under the agreement, as the case may be. (2) Except as provided by this Order, the other provisions of these Rules or of any other County Court Rules and the practice for the time being in force, shall, so far as they would ordinarily be applicable, apply to proceedings under the Act of 1966.".