1967. No. 76 [NC]

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (No. 1) 1967

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. For Order LI of the Rules of the Supreme Court (Northern Ireland) 1936(**b**), which relates to sales in the Chancery Division and in Admiralty Actions, there shall be substituted the Order set out in the Schedule hereto.

2. In consequence of provision made by these rules, sections 49 and 50 of the Landed Estates Court (Ireland) Act 1858(**c**), in so far as they apply to Northern Ireland, are hereby repealed.

3. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1967 and shall come into force on 15th May 1967.

Dated 17th April 1967.

Signed: *MacDermott.*
L. E. Curran.
H. A. McVeigh.
Ch. L. Sheil.
Robert Lowry.
E. W. Jones.
Leonard I. G. Fox.
James J. Napier.

(a) 10 & 11 Eliz. 2. c. 30.
(b) S.R. & O. 1936, No. 70 (II, p. 2559).
(c) 21 & 22 Vict. c. 72.

SCHEDULE *Rule* 1

Order to be substituted for Order LI of the Rules of the Supreme Court

ORDER LI

SALES OF LAND BY ORDER OF COURT AND SALES IN ADMIRALTY ACTIONS

I. Sales, etc. of Land by Order of Court

Interpretation

1. In this Order—

"the Court" includes a Judge whether sitting in Court or in Chambers.

"land" includes any interest in, or right over, land.

Power to order sale of land

2. Where in any cause or matter in the Chancery Division relating to any land it appears necessary or expedient for the purposes of the cause or matter that the land or any part thereof should be sold, the Court may order that land or part to be sold, and any party bound by the order and in possession of that land or part, or in receipt of the rents and profits thereof, may be compelled to deliver up such possession or receipt to the purchaser or to such other person as the Court may direct.

Manner of carrying out sale

3.—(1) Where an order is made, whether in Court or in Chambers, directing any land to be sold, the Court may permit the party or person having the conduct of the sale to sell the land in such manner as he thinks fit, or may direct that the land be sold in such manner as the Court may either by the order or under paragraph (4) direct for the best price that can be obtained, and all proper parties shall join in the sale and conveyance as the Court shall direct.

(2) The party entitled to prosecute the order must—

(*a*) leave a copy of the order at the Chief Clerk's chambers with a certificate that it is a true copy of the order, and

(*b*) subject to paragraph (3), take out a summons to proceed with the order.

(3) Where an order for sale contains directions with regard to effecting the sale, the party entitled to prosecute the order shall not take out a summons under paragraph (2) unless and until he requires the further directions of the Court.

(4) On the hearing of the summons the Court may give such directions as it thinks fit for the purpose of effecting the sale, including, without prejudice to the generality of the foregoing words, directions—

(*a*) appointing the party or person who is to have the conduct of the sale;

(*b*) fixing the manner of sale, whether by contract conditional on the approval of the Court, private treaty, public auction, tender or some other manner;

(*c*) fixing a reserve or minimum price;

(*d*) requiring payment of the purchase money into Court or to trustees or other persons;