EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Conditions of Employment and National Arbitration Order (Northern Ireland), 1940, set up machinery for the compulsory settlement of trade disputes or questions in trade or industry concerning terms and conditions of employment.

The present Order provides that the Conditions of Employment and National Arbitration Order (Northern Ireland), 1940, shall not apply in respect of any trade dispute or question not reported to the Ministry before the tenth day of December, 1958; and that the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940 to 1945, shall cease to have effect on the first day of March, 1959.

SUPREME COURT, NORTHERN IRELAND

Procedure, p. 562 | *Winter Assize, p.* 606

PROCEDURE

The Supreme Court Rules (Northern Ireland) Order in Council, 1958.

1958. No. 55 [NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as that enactment applies to the Supreme Court of Judicature of Northern Ireland(b) and of all other powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the Rules of the Supreme Court of Northern Ireland(c) in the manner appearing in that Schedule).

(a) 40 & 41 Vict. c. 57.
(b) S.R. & O. 1921 (No. 1802), p. 1332.
(c) S.R. & O. 1936 (No. 70) II, p. 2559.

This Order may be cited as the Supreme Court Rules (Northern Ireland) Order in Council, 1958, and shall come into force on the second day of June, 1958.

Given at Government House, Hillsborough, this twenty-ninth day of April, 1958.

Brian Maginess
Arthur Black
L. E. Curran
R. Corkey

SCHEDULE

1. The Supreme Court Rules (Northern Ireland) (No. 4) Order in Council, 1957(a) shall be annulled.

2. The rules and fees (other than subrules 4 to 7 inclusive of Rule 7) contained in this Order shall not apply to any business done in any cause or matter commenced, or in any appeal or case stated lodged, before this Order comes into force and, except as hereinbefore provided, costs and fees in respect of any such business shall be charged and taxed in accordance with the rules of Court then in force.

3. The following amendment shall be made in Rule 8 of Order III (which relates to Indorsements of Claim):—

In paragraph (2) for the words and figures immediately following the words "as follows" to the end of the paragraph there shall be substituted the following:—

	£	s.	d.
"If the plaintiff's claim be settled by payment in respect of the demand of a sum not exceeding £20	1	15	0
If exceeding £20 and not exceeding £40	3	0	0
If exceeding £40 and not exceeding £75	5	10	0
If exceeding £75	8	0	0

With fifteen shillings for each additional service after the first service."

4. The following amendments shall be made in Order XII (which relates to entry of appearance):—

(1) The following rules shall be substituted for Rules 2 and 3 respectively:—

"2. A defendant shall enter his appearance to a writ of summons by delivering to the proper officer of the Division to which the action is assigned an appearance in the Form No. 1 in Appendix A Part II, dated on the day of its delivery and signed by the defendant's solicitor, or, signed by the defendant and stating that the defendant appears in person. He shall at the same time deliver to the officer a duplicate of the appearance, which the officer shall impress with the office stamp

(a) S.R. & O. (N.I.) 1951, No. 111.

showing the date on which it is received and then return to the person entering the appearance.

"**3.** A defendant shall on the day on which he enters an appearance give notice of such appearance to the plaintiff by delivering a copy of the appearance to the plaintiff's solicitor, or, if the plaintiff sues in person, to the plaintiff himself in the ordinary way at the address for service, or by sending it by prepaid letter directed to that address and posted on the day of entering the appearance in due course of post."

(2) In Rules 4, 5, 6 and 9, for the word "memorandum" there shall be substituted the word "appearance".

(3) In Rules 7, 40 and 43 the words "memorandum of" shall be omitted.

(4) In Rule 8 for the words "a memorandum of" there shall be substituted the word "an".

(5) In Rule 42 the words "memorandum of" shall be omitted and for the word "memorandum" where it secondly occurs there shall be substituted the word "appearance" and for the words "where the memorandum" there shall be substituted the word "which".

5. In Order XXXVI (which relates, inter alia, to proceedings at Trial), there shall be inserted after Rule 37 the following Rule:—

"**37A.** The Registrar or other proper officer present at any hearing or trial shall make a note of the times at which such hearing or trial shall commence and terminate respectively, and the time actually occupied thereby on each day on which the same shall take place, for communication to the Taxing Master if required."

6. The following amendments shall be made in Order LIX (which relates to appeals and cases stated in inferior court proceedings)—

(1) In the heading of Part VIII there shall be added the words and figures "and appeals by certificate under Section 22 of the County Courts Act (Northern Ireland), 1955".

(2) Rule 38 shall be annulled.

(3) In Rule 39 there shall be inserted the words and figures "and appeals under Section 22 of the County Courts Act (Northern Ireland), 1955" after the words "County Court Judge of Antrim" and before the words "shall be heard".

(4) In Rule 60 subrule (iii) for the words and figures "rules 36 and 38" there shall be substituted "Rule 36".

(5) The following amendments shall be made in Rule 77—

(*a*) There shall be substituted for the numeral "VIII" the numeral "VII".

(*b*) There shall be substituted for the figure "£50" the figure "£400".

(6) In Rule 80 there shall be substituted for the numeral "IX" the numeral "VIII".

(7) After Rule 83 the following Rules shall be added—

"**84.** On every appeal by way of case stated under this Order except cases stated under Part XII hereof or under Part XIII of Order LXV costs awarded against the appellant or respondent shall, unless the Court shall otherwise order, be taxed in accordance with the scales set out in Appendix S, Part II, Section III. The provisions of Rule 69 of Order LXV shall apply, mutatis mutandis, to every such appeal. In cases of difficulty, complexity or importance the Court may order that the costs shall be taxed in accordance with the provisions of Part I of the said Appendix.

"**85.** On every appeal by way of case stated under this Order except cases stated under Part XII hereof, or under Part XIII of Order LXV, where default is made in setting down the case for hearing, the fees payable by the party making default shall be those set forth in Appendix S, Part II, Section V."

7. The following amendments shall be made in Order LXV (which relates to Costs):—

(1) Rule 19A shall be annulled.

(2) In Rule 21 the words "in the column headed 'Lower Scale'" and the words "provided that in all causes and matters pending at the date aforesaid, to which the higher scale of costs in force before the 23rd day of October, 1883, was applicable, the same scale shall continue to be applied" shall be omitted.

(3) Rules 22, 23 and 24 shall be annulled.

(4) The following Rules shall be substituted for Rules 36, 37 and 38:—

"**36.** A copy of every judgment or order whereby any costs are directed to be paid, or, in the case of taxations under Rule 48(*b*) of this Order, a copy of the application for the taxation of costs and the undertaking in said Rule 48(*b*) mentioned, together with a Statement of Parties in such form as the Taxing Master may approve, shall be lodged with the Bill of Costs in the office of the Taxing Master and the solicitor lodging such copies shall be answerable that they are correct copies.

"**37.** As soon as possible after the lodgment of a bill of costs for taxation and the documents in the last preceding Rule mentioned the Taxing Master shall send by post to the parties appearing in person, and to the solicitors of the parties not appearing in person, a notice appointing the date before which all necessary papers and vouchers are to be left for taxation, and a subsequent date on which the taxation is to be proceeded with; such notice shall contain such directions as to the furnishing of particulars and the production of evidence in respect of any items appearing in the bill of costs as the Taxing Master may consider necessary and such directions (if any) which the Taxing Master may think fit to make in pursuance of Regulation (26) of Rule 61 of this Order.

"**38.** Where under any Order or Judgment more than one party are entitled to costs the Taxing Master shall have authority to arrange for the bills of costs of all such parties to be taxed on the same day, and to this end may require any of such parties who are in default to lodge a bill of costs for taxation by such date as he may direct.

"**38A.** Rules 36 and 37 of this Order shall not apply to ex parte taxations and under urgent circumstances (to be decided by the Taxing Master) the provisions of Rule 37 may, in the discretion of the Taxing Master, be so modified as to expedite the taxation."

(5) In Rule 39 regulations (*b*) and (*o*) shall be annulled and for regulations (*g*), (*h*), (*i*), (*j*), (*k*), (*l*) and (*m*) there shall be substituted the following regulations:—

"(*g*) The necessary papers and vouchers referred to in Rule 37 shall include all briefs, certificates, drafts of all documents, records of attendances and correspondence charged for in the bill of costs and receipts or vouchers for each disbursement therein charged.

"(*h*) All papers and vouchers lodged for taxation shall be tied in a bundle or bundles in the same order as the charges therefor appear in the bill of costs.

"(*i*) Each brief shall have indorsed thereon or annexed thereto an index or schedule of all documents included in such brief.

"(*j*) All drafts and other documents, the preparation of which is charged for by the folio, shall have the number of folios comprised therein indorsed thereon in figures.

"(*k*) Where a bill of costs shall contain items of disbursement in respect of witnesses' expenses such items shall clearly show the place of abode, and the condition, quality, occupation, or rank in life, of the witnesses or intended witnesses charged for; the places at which they are subpoenaed and the distances they have to travel for the purpose of attending the trial; also if they attended as witnesses in any other cause or came upon any other business and the length of time they were necessarily absent from home for the purpose of the trial, in going, remaining and returning.

"(*l*) Certificates of the amount of costs allowed shall be prepared and issued by the Taxing Master, but in no case shall such certificate be signed until the time for lodging objections has expired.

"(*m*) The Taxing Master shall allow solicitors attending to oppose the taxation of costs as between solicitor and client, proper charges for their attendance."

(6) The following rule shall be substituted for Rule 41:—

"**41.** The taxation shall, if possible, be continued without interruption till completed, but if adjourned for any reason notice of the adjournment shall be sent by the Taxing Master