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

(1) In Rules 77 and 79 after the words and figure "appeals by case stated under Section 6 of the same Act" there shall be inserted the words and figures "as amended by Section 11 of the County Courts Act (Northern Ireland), 1955."

(2) In Rule 83 after the words and figures "County Courts Appeals (Ireland) Act, 1889" where they firstly occur, there shall be inserted the words and figures "as amended by Section 11 of the County Courts Act (Northern Ireland), 1955."

7. The following Form shall be added to Appendix B and shall stand as Form 5A:—

"No. 5A

Acceptance of Sum paid into Court by one of several defendants.

(0.22, r.5)

[*Heading as in Form I.*]

Take notice that the plaintiff accepts the sum of £ paid by the defendant **C.D.** into Court in satisfaction of his claim against that defendant.

Dated the day of , 19 .

X.Y., Plaintiff's Solicitor.

To Mr. **P.Q.**, Solicitor for the Defendant **C.D.**,.....,
and
Mr. **R.S.**, Solicitor for the Defendant **E.F.**"

8. In Section III of Part II of Appendix S the heading shall be amended by inserting after the words and figures, "County Court Appeals (Ireland) Act, 1889 (52 & 53 Vict., c. 48)" the words and figures "as amended by the County Courts Act (Northern Ireland), 1955."

The Supreme Court Rules (Northern Ireland) (No. 2) Order in Council, 1957.

1957. No. 105 **[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 in 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

(**a**) 40 & 41 Vict. c. 57. (**b**) S.R. & O. 1921 (No. 1802) p. 1,332.

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(a) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) (No. 2) Order in Council, 1957, and shall come into force on the first day of July, 1957.

Given at Government House, Hillsborough, this twelfth day of June, 1957.

MacDermott
W. B. Topping
Brian Maginess
L. E. Curran

SCHEDULE

1.—(1) In Rule 11 of Order V (which relates to the issue of warrants of arrest in actions *in rem*) after paragraph (*a*) there shall be inserted the following paragraph:—

" (*b*) in an action *in rem* brought against a ship by virtue of sub-paragraph (4) of paragraph 3 of Part I of the First Schedule to the Administration of Justice Act, 1956, the affidavit shall state—

(i) whether or not the ship proceeded against is the ship in connection with which the claim arose;

(ii) that in the belief of the deponent the person who would, apart from paragraph 4 of Part I of the First Schedule to that Act, be liable on the claim in an action *in personam* was, at the time the cause of action arose, the owner or charterer, or in possession or control, of the ship in connection with which the claim arose and was also, at the time of the issue of the writ, the beneficial owner of all the shares in the ship proceeded against; and

(iii) the grounds for the deponent's belief."

(2) Paragraphs (*b*) and (*c*) of Rule 11 shall be re-designated (*c*) and (*d*).

2. The following amendments shall be made in Order XI (which relates to service out of the jurisdiction):—

(a) S.R. & O. 1936 (No. 70) II. p. 2,559.