(*c*) the slaughter is of any animal under or by virtue of the Diseases of Animals Acts (Northern Ireland), 1894 to 1948;

Provided that the above mentioned exemptions shall not apply unless in each case the animal is instantaneously slaughtered or by stunning instantaneously rendered insensible to pain until death supervenes, and such slaughtering or stunning shall be effected by a person who is at the time the holder of a licence issued by the local authority and shall be so effected by means of a mechanically operated instrument in proper repair and of a type approved by the local authority;

(*d*) the slaughter is of animals whose immediate slaughter becomes necessary or expedient by reason of injury or by reason of infirmity other than disease within the meaning of the Diseases of Animals Acts (Northern Ireland), 1894 to 1948.

Given under the Official Seal of the Ministry of Agriculture for Northern Ireland this twenty-eighth day of June, one thousand nine hundred and fifty-four.

(L.S.) *W. C. Glover,*
Assistant Secretary.

## SUMMARY JURISDICTION

*Ejectment Proceedings, p.* 659
*Game Dealers' Certificates, p.* 673
*Londonderry Court of Conscience, p.* 676
*Petty Sessions Districts and Times, p.* 677
*Resident Magistrates, p.* 681

### Ejectment Proceedings Rules

RULES MADE BY THE SUMMARY JURISDICTION RULES COMMITTEE UNDER SECTION 2 OF THE SUMMARY JURISDICTION ACT (NORTHERN IRELAND), 1953, WITH THE APPROVAL OF THE LORD CHIEF JUSTICE.

1954. No. 172

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under sub-section (2) of section 1 of the Summary Jurisdiction Act (Northern Ireland), 1953, by virtue of the powers vested in us by section 2 of the said Act, do hereby make the Rules hereinafter set forth as summary jurisdiction rules in regard to ejectment proceedings to be in force in the courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of sub-section (1) of section 3 of the said Summary Jurisdiction Act (Northern Ireland), 1953, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

*T. A. Blair.*
*G. Courtney.*
*E. Malachy Doris.*
*J. C. Hogg.*
*J. V. S. Mills.*
*James J. Napier.*
*J. Ritchie Wilson.*

I approve of these Rules which shall come into force on Monday, 29th November, 1954.

Dated the 25th day of November, 1954.

*MacDermott,*
Lord Chief Justice of Northern Ireland.

*Citation*

**1.** These rules may be cited as the Summary Jurisdiction (Ejectment Proceedings) Rules (Northern Ireland), 1954.

*Application of Interpretation Act*

**2.** The Interpretation Act, 1889, shall apply to the interpretation of these rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

*Definitions*

**3.** In these rules the following expressions have the meanings hereby assigned to them:—

"Act of 1935" means the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

"Act of 1953" means the Summary Jurisdiction Act (Northern Ireland), 1953;

"complainant" in Part II of these rules means a person at whose suit a warrant has been granted for possession of premises;

"defendant" in Part II of these rules means a person against whom a warrant has been granted for possession of premises.

## PART I

### ORIGINAL EJECTMENT PROCEEDINGS

*Forms of Summons and Warrant*

**4.** In a case to which paragraph (*a*) of subsection (1) of section 15 of the Act of 1935 applies, the date on which the notice to quit which determined the tenancy expired, and the date on which it was served, or the date on which the interest of the tenant in the premises ended, as the case may be, shall be inserted in the summons.

In a case to which paragraph (*b*) of the said subsection (1) applies, the date on which the demand for possession was made shall be inserted in the summons.

The forms numbered 1 to 6 inclusive in the First Schedule to these rules, or forms to the like effect, may be used in proceedings under Part IV of the Act of 1935, as amended by Part II of the Act of 1953, and, with such adaptations as may be required, may be used for the purpose of enforcing the determination of a court of quarter sessions upon an appeal under Part VI of the Act of 1935.

*Costs*

5. In proceedings under Part IV of the Act of 1935, as amended by Part II of the Act of 1953, the court may award costs not exceeding the appropriate amount set forth in the Second Schedule to these rules

(*a*) to the complainant where a warrant is granted for possession of premises;

(i) if he has been represented by a solicitor from the time of the commencement of the proceedings, and the fact that he has been represented appears on the summons; or

(ii) if he has not been represented by a solicitor from the time of the commencement of the proceedings, but has been represented by a solicitor at the hearing;

(*b*) to the defendant, where a dismiss is obtained, if he has been represented by a solicitor at the hearing.

In addition to the foregoing, the court may award to a successful party such sum for witnesses' expenses properly incurred as the court considers reasonable.

The court may award to a successful party, who has not been represented by a solicitor, any fees paid or to be paid by him, together with such sum for witnesses' expenses properly incurred as the court considers reasonable.

Where a summons has been issued and the proceedings have been settled by agreement between the parties before the hearing, the appropriate amount set forth in the Second Schedule to these rules may be charged to the defendant by the complainant's solicitor for the costs of the proceedings up till the time of the settlement, if he has represented the complainant from the time of the commencement of the proceedings, and the fact that he has so represented the complainant appears on the summons.

Any reference made hereafter in these rules to costs shall be deemed to be a reference to any sum awarded to a successful party by way of costs, fees, or witnesses' expenses.

In a case in which a warrant is granted for possession of premises where two or more persons are defendants, or in a case in which a dismiss is granted where two or more persons are complainants, the court may order that any costs awarded be recovered from any one or more of those persons, and that no costs be recovered from the remainder, or may, if it thinks fit, order that such costs be apportioned so that the amount to be recovered from any of those persons be such portion of the full amount as the court may determine.

Where costs are ordered to be paid by a defendant against whom a warrant is granted for possession of premises, the court shall issue a warrant for the recovery of the amount, and such warrant shall be included in the same form as the warrant for possession of the premises.

Where a dismiss is granted with costs the court shall, upon the request of the party to whom the amount is payable, issue a warrant for the recovery thereof.

*Signature on Warrant*

6. A warrant issued by the court shall be signed by the resident magistrate constituting the court at which the proceedings were heard or by some other resident magistrate.

*Execution by Under-Sheriff*

7. A warrant for recovery of costs issued against either a complainant or defendant shall be executed by the under-sheriff of the county in which the party against whom it is issued resides or carries on business, or by his bailiffs, and by no other person, in the same manner as a decree of the county court is executed by him or them, and with the same powers, rights and authorities, and subject to the same duties, restrictions and limitations as are, by virtue of any enactment for the time being in force, applicable to the execution of such a decree.

*Issue of Warrants*

8. A warrant for possession of premises shall not issue from the court until after the expiration of seven days from the date of the hearing, or until after the expiration of such further period or periods as the court may direct.

A warrant for recovery of costs shall not issue from the court until after the expiration of seven days from the date of the hearing.

Where an appeal against any order is made to a court of quarter sessions the warrant of execution in respect of such order shall not issue from the court until the determination of the court of quarter sessions has been received by the clerk of petty sessions, or until the appeal has been abandoned in accordance with section 25 of the Act of 1935.

## PART II

### PROCEEDINGS SUBSEQUENT TO ORIGINAL HEARING

*Stay of Execution and Application to Remove Stay*

9. Where a warrant has been granted directing that a complainant be put in possession of premises to which paragraph (*a*) of subsection (1) of section 15 of the Act of 1935 applies, and the court has stayed the execution of the warrant for a period or periods conditional upon arrears of rent due by the defendant, and the costs (if any) of the proceedings, being paid by instalments either in addition to the current rent or otherwise, the warrant shall not issue from the court until after default has been made in payment of an instalment and an order has been made by the court removing the stay of execution as hereafter provided by this rule.

When default has been made as aforesaid, the complainant may apply to the court for an order to remove the stay of execution, upon giving to the defendant notice in writing of his intention to make the application not less than seven clear days before the date of the hearing thereof.

Upon the hearing of the application the court may remove the stay of execution, or may from time to time adjourn the application, or may further stay the execution of the warrant upon the existing conditions, or upon such new conditions as it shall think fit as to payment by instalments, or otherwise. When the court makes any such order other than an order of adjournment it may award to the complainant a sum not exceeding fifteen shillings for the costs of the application, which shall be in addition to, and recovered in the same manner as, any costs awarded on the original hearing.

*Application to extend Period of Validity of Warrant*

**10.** Where a warrant has been granted directing that a complainant be put in possession of premises to which subsection (1) of section 15 of the Act of 1935 applies, and the complainant desires to apply for an order that the warrant shall remain in force for a further period as provided by subsection (7) of the said section, he shall give to the defendant notice in writing of his intention to make such application not less than seven clear days before the date of the hearing thereof.

Upon the hearing of the application the court may, in addition to making such order as it is empowered by the said subsection (7) to make, award to the complainant a sum not exceeding fifteen shillings for the costs of the application, which shall be in addition to, and recovered in the same manner as, any costs awarded on the original hearing.

*Forms of Notice of Application*

**11.** The forms numbered 7 and 8 in the First Schedule to these rules, or forms to the like effect, may be used in applications made under this Part of these rules.

*Signature on Notice of Application*

**12.** A form of notice of application under this Part of these rules may be signed by the complainant or by his solicitor or firm of solicitors, or in the name of such solicitor or firm of solicitors by some person duly authorised so to sign.

*Service and Lodgment of Notice of Application*

**13.** A notice of intention to make an application under this Part of these rules may be served in accordance with the provisions of the Summary Jurisdiction Acts (Northern Ireland), or may be sent to the person to whom it is to be given by post in a registered letter addressed to that person at his last or most usual place of abode.

A copy of such notice shall be lodged with the clerk of petty sessions at least three days before the date of the hearing of the application, and if the notice has been served by sending it by registered post, the receipt for the letter shall be attached to the copy so lodged.