13. On receipt of an appeal the Ministry shall submit the " Ministry's Sample " to the official Seed Testing Station for Northern Ireland for testing as to purity and if as the result of such test the appellant grower's seed shall be found to be of a purity appropriate to a higher grade than that originally applied to it the Ministry shall, as soon as may be, return the appeal fee to the grower together with such additional sum for purchase price, as he shall be found to be entitled to as a result of the said test.

14. If the said test does not show that the seed is of a purity appropriate to a superior grade than that originally applied to it then a test shall also be made of the " Grower's Sample " at the said Seed Testing Station and the appeal shall be determined on the average results obtained from the testing of both said samples and this determination shall be binding on the Ministry and the grower and proper adjustment (if any) to price and appeal fee shall be made as provided in paragraph 13.

15. Notwithstanding the provisions of paragraphs 13 and 14, the Ministry reserves the right to take germination into account in determining appeals in those cases in which the seed has been graded as Sub-Standard by the Grading Panel because of low germination ascertained as the result of a test

16. Seed delivered as Italian may, if necessary, be submitted to a fluorescence test and if it be found that not more than 10 per cent. of the seedlings tested react negatively to that test it shall be classified as Italian.

17. If the appeal be not successful the appeal fee shall be retained by the Ministry.

Prices

18. (delivered to nearest market)

Kind of Seed	Grade			
	A Plus	A	B	Sub-Standard
	per cwt.	per cwt.	per cwt.	per cwt.
Perennial	40/-	35/-	27/6	10/-
Italian	40/-	35/-	27/6	10/-

Seed to which the description " Unclassified " has been applied will be purchased at 20/- per cwt. provided that the purity of the seed is not less than 85 per cent. or at 10/- per cwt. if its purity is less than 85 per cent.

Agents

19. The Ministry may appoint to act as its agents in purchasing ryegrass seed from the growers thereof during such period as the Ministry may think fit the persons or firms in the following categories :—

(*a*) those persons or firms who on the 31st day of July, 1949, were carrying on in Northern Ireland the business of machine cleaning ryegrass seed, and

(*b*) any other persons or firms who may make application to the Ministry for appointment as agents provided that no such appointment shall be made by the Ministry without prior consultation with the accredited representatives of the growers and of the persons or firms already engaged in the business of machine cleaning ryegrass seed.

SUMMARY JURISDICTION

Debt Proceedings Rules, p. 344 | *Petty Sessions Districts and Times*, p. 384

Debt 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.

1953. No. 170

We, the undersigned members of the Summary Jurisdiction Rules Committee appointed by the Minister of Home Affairs under subsection (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 to be in force in the courts of summary jurisdiction in Northern Ireland, and, in pursuance of the provisions of subsection (1) of section 3 of the said Act, do hereby certify the same under our hands and do submit them to the Lord Chief Justice of Northern Ireland.

(Signed) *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 the 1st day of February, 1954.

Dated this 6th day of January, 1954.

(Signed) *MacDermott,*
Lord Chief Justice of Northern Ireland.

The scale of fees provided for in the Third Schedule has been fixed with consent of the Ministry of Finance.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 21st day of December, 1953, in the presence of

(L.S.) *D. C. B. Holden.*
Assistant Secretary.

Citation

1. These rules may be cited as the Summary Jurisdiction (Debt Proceedings) Rules (Northern Ireland), 1953.

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

" Act of 1872 " means the Debtors Act (Ireland), 1872 ;

" Schedule " means the Schedule to these rules ;

" proceeding " means any proceeding under Part II of the Act in relation to the recovery of a sum of money and, where the context so requires or admits, includes a set-off or counterclaim ;

" court " means the court of summary jurisdiction in which a proceeding is brought ;

" district " means the petty sessions district for which the court of summary jurisdiction, in which a proceeding is brought, acts ;

" clerk " means the clerk of petty sessions for the district in which a proceeding is brought, or any person for the time being acting for him ;

" summons server " means a person duly appointed to serve summonses under the Petty Sessions (Ireland) Act, 1851 ;

" order ", where it refers to a document issued by a court, includes a decree, dismiss, renewal, and an order under the Act of 1872 ;

" process " includes a renewal process, an instalment process, and an application for a duplicate of an order, and (save as expressly excepted by Rules 8 and 11) a process to commit under the Act of 1872.

Issue and contents of process

4.—(1) Every proceeding to recover a sum due shall be commenced by the issue of a process, in which shall be set forth the amount claimed and the nature of the claim. When an excess amount is abandoned, there shall, in addition to the writing served on the defendant as required by section 9 of the Act, be inserted in the process a statement of the fact of such abandonment after the particulars of the claim. Two or more causes of action may be joined in the same process, provided that the amount claimed in respect of each such cause be stated in the particulars of claim and, except in cases to which sub-section (2) of section 8 of the Act applies, the total amount does not exceed £20.

(2) In a proceeding on a bill of exchange, promissory note, or other security for money, the process shall state the date of such security, the sum for which it was given, the parties thereto, the sums claimed to be due thereon for principal and interest respectively, and the periods when such sums respectively became due and payable.

(3) In a proceeding for rent, or for use and occupation, the process shall state the amount claimed, the period up to which the amount is alleged to be due, and the situation of the lands or premises in respect of which the claim is made, and when brought upon a lease or other instrument, the date thereof and the parties thereto respectively.

(4) In a proceeding brought by an assignee of a debt, the process shall state the name and description of the assignor, and the nature and the date of the assignment.

(5) In a proceeding brought upon any written document not hereinbefore mentioned in this rule, the process shall state the date and nature of the document, and the parties thereto.

(6) A process shall be deemed to have been issued when it has been stamped, signed, and handed or sent by post to a summons server or to such other person as may be authorised to serve it, or to the clerk for delivery to a summons server.

Signature on process

5. Every process and every copy thereof for service shall 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.

Times of hearing

6. Processes shall be issued for hearing at such sittings of the court as may from time to time be directed by the resident magistrate appointed for the district.

Costs of process to be stated

7. The amount of the costs of a process payable by the defendant if the claim is paid before the entry day as provided by Rule 18 shall be stated on the face of the process. If the amount of the claim and such costs are so paid the proceeding shall be stayed.

Modes of service

8. Service of a process shall be effected —

(*a*) by delivering to the defendant personally a true copy thereof ; or

(*b*) by leaving a true copy thereof for the defendant

(i) at his residence within the district with any person not being under 16 years who is resident therein ; or

(ii) at any business premises used or occupied by him within the district with any person not being under 16 years who is in his employment.

Provided that nothing in this rule shall affect the provisions of sections 304 and 325 of the Companies Act (Northern Ireland), 1932, (which relate to the service of documents upon companies) or the provisions of section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland), 1953. Provided also that where the solicitor for a defendant in any proposed proceeding so requests or consents, a process may be served by delivering a true copy thereof at the office of such solicitor, who shall endorse upon the original process his acceptance of service. This rule shall not apply to the service of a process to commit under the Act of 1872.

Time for service

9. In all cases service shall be effected at least ten clear days before the date of hearing.

Persons entitled to serve processes

10. No person other than a summons server for the district shall have authority to serve a process.

Provided that when in any district a summons server is absent or unable to carry out his duties through illness or other cause, or when the office of summons server is vacant, a process may be served by a person other than a summons server, but who is not the complainant, or a member of his family, or a person in his employment or resident in his house, if permission for such other person to serve the process has been given by a resident magistrate or by the clerk and has been endorsed and signed by him on the original process.

Provided also that nothing in this rule shall affect the provisions of section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland), 1953.

Special mode of service

11. Notwithstanding anything in Rules 8 or 10, in any case where it is made to appear to a resident magistrate that a process cannot be served because the defendant is evading service or admission cannot be gained to his residence or business premises, he may give permission by an endorsement signed by him on the original process for service to be effected by registered post or in such other manner as may seem to him appropriate and sufficient.

This rule shall not apply to the service of a process to commit under the Act of 1872.

Service fees

12. The following fees shall be payable in respect of the service of processes :—

	s.	*d.*
For the service of a process where amount claimed does not exceed £10	2	0
For the service of a process where amount claimed exceeds £10	3	0
For the service of a copy on each additional defendant residing in the same house	1	0
For the service of a copy on each additional defendant not residing in the same house, where amount claimed does not exceed £10	1	6
For the service of a copy on each additional defendant not residing in the same house, where amount claimed exceeds £10	2	0
For the service of a notice of application for duplicate order	2	0

Where the service is required to be personal, the above fees shall be increased by one half.

The fee shall be paid at the time when the process is delivered for service to a summons server or to such other person as may be authorised to serve it, or is handed to the clerk for delivery to a summons server.

Summons Server's book

13. A book shall be kept by each summons server, in which he shall enter the names of the parties to any process handed to him