58. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 24th day of July, Nineteen Hundred and Fifty-two in the presence of

(L.S.) *J. B. O'Neill,*
Assistant Secretary.

COUNTY COURT RULES

Business Tenancies, p. 59 | *Rent Restriction Law, p.* 73

BUSINESS TENANCIES (TEMPORARY PROVISIONS) ACT (NORTHERN IRELAND), 1952

County Court Rules (Northern Ireland), 1952

1952. No. 45

WE, the undersigned members of the County Court Rules Committee, appointed by the Lord Chief Justice of Northern Ireland under sub-section (3) of section two of the County Courts (Salaries and Rules) Act (Northern Ireland), 1947, by virtue of the powers vested in us in this behalf, do hereby make the Rules hereinafter set forth as Rules to be in force in proceedings in the County Courts under the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and do hereby certify the same under our hands and submit them to the Lord Chief Justice of Northern Ireland accordingly.

(Signed) *Bernard J. Fox*
Isaac Copeland
Charles Stewart
Samuel Cumming
G. H. Pollock

I approve of these Rules which shall come into force on the 2nd day of April, 1952.

Dated the 2nd day of April, 1952.

MacDermott,
Lord Chief Justice of Northern Ireland.

The scale of Court Fees in the Second Schedule has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 27th day of March, 1952, in the presence of

(L.S.) *Thom McCrea,*
Assistant Secretary.

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1. These Rules may be cited as the Business Tenancies (Temporary Provisions) County Court Rules, 1952, and the expression " the Act " shall mean the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952.

2.—(1) A notice of application for renewal of a tenancy under sub-section (1) of section two, or under sub-section (2) of section five of the Act, may be in the Form No. 1 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 2 in the First Schedule hereto, or, if a second application has been heard at the same time as the first, in the Form No. 4 in the First Schedule hereto.

3.—(1) A notice of a second application under the proviso to sub-section (2) of section two of the Act may be in the Form No. 3 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 4 or 4A in the First Schedule hereto, as the nature of the case may require.

4. A copy of any notice of application referred to in the two preceding Rules shall be served upon the landlord not less than ten days before the first day of the Court at which such application is to be heard, and in accordance with sub-sections (1) and (2) of section four of the Act. A copy of any notice of a second application shall be served upon the landlord's successor in title.

5.—(1) A notice of application under sub-section (5) of section two of the Act may be in the Form No. 5 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 6 in the First Schedule hereto.

6.—(1) A notice of application under sub-section (8) of section five of the Act may be in the Form No. 7 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 8 in the First Schedule hereto.

7.—(1) A notice of application under sub-section (3) of section seven of the Act may be in the Form No. 9 in the First Schedule hereto.

(2) The Order made by the Court on the hearing of such application may be in the Form No. 10 in the First Schedule hereto.

8. A copy of any notice of application referred to in the three preceding Rules shall be served not less than six days before the first day of the Court at which such application is to be heard.

9. Service of any documents required by these Rules may be effected either personally or in the manner prescribed by section eight of the Act.

10. All applications under the Act shall be entered in the office of the Clerk of the Crown and Peace, on a separate entry sheet, upon the entry day fixed for the Court at which such applications are to be heard, and shall be listed for hearing according to the initial letter of the applicant's surname in the same way as ordinary civil bills.

11. There shall be payable in respect of every application under the Act the court fees specified in the Second Schedule hereto.

12. There shall be payable to solicitors and counsel in respect of all applications under the Act the fees set out in the Third Schedule hereto, and, where compensation has been awarded under the Town Tenants (Ireland) Act, 1906, such additional fee as the Court may decide.

13. The costs, including witnesses' expenses, as between party and party shall be taxed by the Clerk of the Crown and Peace in accordance with the provisions of the Second and Third Schedules hereto. Any party aggrieved by any taxation may appeal to the Court and have the costs reviewed by it.

14. The Forms in the First Schedule hereto, with such variations as the Court may allow, may be used on all applications under the Act, and an application shall not be refused solely on the ground that the Form used does not comply with the Form specified for such application.

FIRST SCHEDULE

FORM No. 1

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER OF the business tenement situated at in the said County and Division.

By the (Recorder of) (County Court Judge for the County of)

APPLICATION UNDER SECTION 2 (1)

TAKE NOTICE that I, of in the County of , the tenant of the above tenement, held by me under a contract of tenancy made on the day of 19 , which tenancy (will terminate) (terminated) on the day of 19 , intend to apply to the Court for a renewal of my tenancy (or in the alternative for compensation under the Town Tenants (Ireland) Act, 1906).

AND TAKE FURTHER NOTICE that such application will be heard at the Court commencing on the day of 19 .

Dated this day of 19 .

Applicant

Solicitor for the Applicant

To :— of in the County of , the landlord of the said tenement.

FORM No. 2

In the County Court for the County of

Division of

IN THE MATTER OF the Business Tenancies (Temporary Provisions) Act (Northern Ireland), 1952, and

IN THE MATTER of the business tenement situated at in the said County and Division.

By the (Recorder of) (County Court Judge for the County of .)

ORDER UNDER SECTION 2 (2)

THIS APPLICATION coming on for hearing at this present Court.

AND UPON HEARING for the tenant, and for the landlord, and the evidence offered on behalf of the parties.

AND IT APPEARING that the tenancy in the said tenement (will terminate) (terminated) on the day of 19 .

[AND IT ALSO APPEARING that the said tenancy ought to be renewed under the provisions of the above Act.

IT IS ORDERED that the said tenancy be, and the same is hereby, renewed until the day of 19 , and the landlord is hereby required to grant, and the tenant to accept, a renewal of the tenancy on the terms and conditions following, viz :—

[AND IT ALSO APPEARING that the (tenant) (landlord) is entitled to recoupment from the (landlord) (tenant) in respect of

]] or

[AND IT ALSO APPEARING that the said tenant is not entitled to a renewal of his tenancy, but is entitled to compensation under the Town Tenants (Ireland) Act, 1906.

IT IS ORDERED that the amount of such compensation be, and the same is hereby, fixed at the sum of £] or

[AND IT ALSO APPEARING that the said tenant is not entitled to a renewal of his tenancy, (nor to compensation under the Town Tenants (Ireland) Act, 1906)

IT IS ORDERED that the said application be, and the same is hereby, dismissed.]

IT IS FURTHER ORDERED that the (tenant) (landlord) do recover from the (landlord) (tenant) the sum of (£ as such (recoupment) (compensation) as aforesaid, together with the sum of) £ for costs (and witnesses' expenses), and the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said to satisfy the said (recoupment) and (compensation and)) costs.

Dated this day of 19 .

(SEAL)

Clerk of the Crown and Peace.