Notice of such date shall be served upon the Crown in a manner to be directed by the judge, and shall set out that the case will be heard on the date named, and such judgment given or other order made as to the judge may seem just, the Crown's absence notwithstanding. If the Crown does not appear on the adjourned hearing the judge may, upon proof of service of such notice, proceed to hear and determine the case and may give such judgment or make such other order as to him may seem just.

(2) A default process shall not be issued against the Crown."

**9.** At the end of Order XXXVI there shall be added the following new Rule :—

"**24.** Save as is otherwise provided by the Crown Proceedings Act or by these Orders —

(*a*) these Orders and any County Court Rules for the time being in force, shall, so far as may be, apply to all proceedings by or against the Crown in like manner as they apply to proceedings between subjects ; and

(*b*) proceedings by or against the Crown shall so far as may be take the same form as proceedings between subjects."

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## Elections and Franchise Act (Northern Ireland), 1946 (Reprint to 1948)

## County Court Rules (Northern Ireland), 1950

1950. No. 47

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 2 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 Elections and Franchise Act (Northern Ireland), 1946 (Reprint to 1948), 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*
*Samuel Cumming*
*Charles Stewart*
*Geo. H. Pollock.*

I approve of these Rules which shall come into force on the 1st day of April, 1950.

Dated the 9th day of March, 1950.

(Signed) *James Andrews*,
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, 1950, in the presence of

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

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ELECTIONS AND FRANCHISE ACT (NORTHERN IRELAND) 1946 (REPRINT TO 1948), COUNTY COURT RULES DATED 9TH DAY OF MARCH, 1950.

*Appeals under section 32 (1) of the Act*

**1.** An appeal under sub-section (1) of Section 32 of the Act shall, subject to the provisions of Rule 6 of these Rules, be heard by the Judge having jurisdiction in the appropriate Court as defined in these Rules.

**2.**—(1) A party desirous of appealing under the said sub-section from any determination of his claim or objection (in these Rules referred to as an Appellant) shall within five days from the making of the relevant determination serve by registered post —

(*a*) on the Electoral Officer concerned ;
(*b*) on the party in whose favour the determination was made ; and
(*c*) on the Registrar of the appropriate Court ;

a notice in writing (in these Rules referred to as notice of appeal) signed by or on behalf of the Appellant and stating —

(i) whether the whole or part only, and if part only, what part, of the determination is impugned ; and
(ii) the grounds of the appeal.

(2) With the notice referred to in paragraph (*c*) of the preceding sub-rule the Appellant shall transmit a notice in the Form No. 1 requiring the fixing of a time and place for the hearing of the appeal and giving an address for the service of notices and other documents.

**3.** The Electoral Officer shall within seven days from the receipt by him of a notice of appeal transmit to the Registrar of the appropriate Court —

(*a*) the said notice ;
(*b*) a copy of any claim or notice of objection sent to him in the matter ;

(*c*) a certificate setting forth the determination of the Revising Officer and any relevant observations recorded by him.

**4.** Where the Electoral Officer is of opinion that two or more notices of appeal are based on the same grounds, he shall when complying with the last preceding Rule also transmit to the Registrar a declaration in the Form No. 2 setting forth that opinion.

**5.**—(1) The Registrar of each County Court —

(*a*) shall maintain a book in the Form No. 10 (which may be known as the Registration Appeals Book) ;

(*b*) shall consecutively number and enter in that book particulars of all notices of appeal duly served on him ;

(*c*) shall mark with the relevant number all notices and other documents subsequently received by him in relation to any appeal ;

(*d*) shall notify the Judge of the lodgment of each appeal.

(2) The Judge on being notified as aforesaid shall as soon as may be fix for the hearing of the appeal —

(*a*) a time, which may be either any day on which the ordinary business of the Court is to be dealt with, or a day specially fixed for such hearing, but not in any event being earlier than six clear days after the lodgment of the appeal ;

(*b*) a place which may be the Court-house where the appropriate Court is held or such other Court-house or place as the Judge may deem convenient.

**6.**—(1) Where a notice of appeal is served on the Registrar of a Court other than the appropriate Court and —

(*a*) before the fixing of the time and place of hearing it so appears to that Registrar, he shall forthwith transmit the said notice together with all documents served therewith to the Registrar of the appropriate Court ;

(*b*) after the fixing of the time and place of hearing it so appears to the Judge the Registrar shall forthwith transfer the appeal to the appropriate Court.

(2) Where under the preceding sub-rule a Registrar transmits a notice of appeal, or a Judge orders the transfer of an appeal, to the appropriate Court, that appeal shall be deemed to have been duly entered in that Court and shall be heard and determined accordingly.

**7.** The Registrar shall notify (Form No. 3) any officer or other party named in a notice of appeal of the time and place fixed for the hearing of the appeal, and may send to any officer or other party named in more than one notice of appeal one only such notification which shall set forth all the appeals in which that officer or party is interested and the date and place of hearing.

**8.**—(1) The Registrar shall, on the application and at the cost of any party to an appeal, furnish him with a copy of any document transmitted to the Registrar under Rule 3 of these Rules.

(2) Any document transmitted as aforesaid may be used on the hearing of the appeal and if used shall be received as prima facie evidence of the facts therein stated; but any party to the appeal may, by leave of the Judge, bring in such further or other evidence as he may be advised.

(3) If in the opinion of the Judge the material before the Court is insufficient to enable him to give judgment, he may require the Electoral Officer to furnish him with further particulars; and it shall be the duty of such officer to comply so far as is practicable with such a requirement.

**9.**—(1) Any party to an appeal may appear or act thereon in person or by solicitor or counsel, or by any other person nominated by him in writing signed by him, provided that the Judge may allow any party to appear or act by a person not nominated in writing if he is satisfied that such person is in fact authorised to appear or act for such party, and that the failure to obtain a nomination in writing is due to mistake or other reasonable cause.

(2) A person who is not a solicitor or of counsel shall not be entitled to have or recover any sum by way of fee or reward for appearing or acting on behalf of any party to an appeal.

**10.** Subject to the provisions of these Rules, the Judge shall in relation to any appeal have and may exercise any power exercisable by him at the ordinary sittings of the Court, and any relevant County Court Rule or rule of practice shall with any necessary modification have effect accordingly.

**11.** The Judge may at any stage of the proceedings on an appeal —

(*a*) direct or allow the service of the notice of appeal on any officer or person on whom it has not been served but who in the opinion of the Judge ought to or might properly have been served therewith;

(*b*) direct or allow the amendment of the notice of appeal;

(*c*) make such other order as he may think proper for the determination on the merits of any question at issue; and

(*d*) exercise any of the above-mentioned powers on such terms as he may think just.

**12.** The Judge shall make a note of any question of law raised at the hearing of an appeal and of the facts put in evidence in relation thereto and of his decision thereon and of his decision on the appeal, and where notice is served requiring a case to be stated under subsection (2) of section thirty-two of the Act, he shall, at the request and expense of any party thereto, sign and furnish him with a copy of the note so taken.

**13.** The costs of and incidental to any appeal shall be in the discretion of the Judge; and an order directing payment of any such costs shall be enforceable in like manner as an order to the like effect made in an action.

**14.**—(1) The order determining an appeal shall be in Form No. 4.

(2) The Registrar shall, not earlier than seven and not later than twelve days from the making of such order on any appeal, transmit a copy thereof to the Electoral Officer and each other party thereto ; and, subject to the succeeding provisions of this Rule, the Electoral Officer shall on receiving such copy make any necessary entry in or amendment of the Register.

(3) Where a notice requiring a case to be stated is lodged in respect of any appeal —

(*a*) the Registrar shall transmit a copy thereof to the Electoral Officer with each copy of the order transmitted as aforesaid ;

(*b*) the Electoral Officer shall not make any such entry or amendment as aforesaid until he has been notified of the decision given on the case stated.

**15.**—(1) Where it appears to the Judge, whether from a declaration transmitted under Rule 4 of these Rules, or otherwise, that the determination impugned in two or more notices of appeal depend for their validity on the same point or points of law, the Judge may declare (Form No. 5) that such appeals ought to be consolidated or that one appeal should be selected for hearing as a test case, and thereupon the following provisions shall apply and the time and place for the hearing thereof shall be fixed.

(2) The time and place fixed for the hearing of such selected appeal under the preceding sub-rule shall be notified in the Form No. 6 by the Registrar to the Electoral Officer and any other party named in the relevant notice of appeal and, subject to the provisions of Rule 7 of these Rules, to the Electoral Officer and any other party named in the notices of appeal relating to the said other appeals.

(3) The notification sent in respect of such other appeals as aforesaid shall require each party thereby notified to give notice in Form No. 7A (or 7B) to the Registrar and to the parties named in the relevant notice of appeal within three days of the receipt by him of such notification that either —

(*a*) he consents to be bound (without prejudice to any right conferred by sub-section (2) of section thirty-two of the Act) by the decision on the selected appeal directed to be heard as aforesaid ; or

(*b*) he requires the appeal to be heard in which he is interested ;

and a notice of consent or otherwise given by a party under this sub-rule may relate to (and if it so relates shall give particulars of) more than one appeal in which the Electoral Officer or party is interested by whom that notice is so given.

(4) Where in relation to any appeal no notice whether of consent or otherwise is given under the last preceding sub-rule, the parties named in the relevant notice of appeal shall (without prejudice to any