SECOND SCHEDULE

BY COUNTY COURT STAMPS

	£	s.	d.
On each Petition	1	0	0
On each copy for service	0	2	6
On each interim order	0	10	0
On each application for an adoption order	0	10	0
On each application for the discharge of an interim order ...	0	5	0
On each adoption order	0	10	0
On each discharge of an interim order	0	5	0
On each application for a licence	0	10	0
On each licence	1	0	0

Crown Proceedings Act County Court Rules (Northern Ireland), 1950

1950. No. 22

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 Crown Proceedings Act, 1947, 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
Geo. H. Pollock
Charles Stewart.

I approve of these Rules which shall come into force on the 14th day of February, 1950.

Dated the 2nd day of February, 1950.

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

1. These Rules may be cited as the County Court (Crown Proceedings) Rules (Northern Ireland), 1950, and shall have effect for the purposes of civil proceedings by or against the Crown instituted on or after the first day of March, 1950.

2. The County Courts (Ireland) Orders, 1890 (as those Orders have effect in Northern Ireland) shall have effect subject to the following provisions of these Rules.

3. At the end of the interpretation paragraph prefixed to the said Orders there shall be added the following :—

" " The Crown Proceedings Act " means the Crown Proceedings Act, 1947, as extended to Northern Ireland by the Northern Ireland (Crown Proceedings) Order, 1949 ;

the Crown shall be deemed to reside within the jurisdiction of each county court."

4. At the end of Order III there shall be added the following new Rule :—

" **11.**—(1) When civil proceedings are brought against the Crown in accordance with the provisions of the Crown Proceedings Act the Crown may, within two days from the service of the civil bill, serve a notice upon the plaintiff or his solicitor, requiring such information as may be reasonably necessary to show the circumstances in which the alleged liability of the Crown has arisen, and any department and officer of the Crown concerned.

(2) The plaintiff or his solicitor shall, within three days from the service of such notice, serve upon the Crown an answer to the notice containing the required particulars, and the plaintiff shall be bound by the statements contained therein unless at the hearing of the civil bill the judge otherwise directs.

(3) If the plaintiff fails to comply with the requirements of such notice as aforesaid, the judge shall, subject to paragraph (4) of this Rule, adjourn the hearing of the civil bill and direct the plaintiff to furnish the required particulars within such time as shall be specified by the judge. The costs of such adjournment shall be in the discretion of the judge.

(4) If it appears to the judge, on the application of the plaintiff, that the furnishing by the plaintiff of any particulars required by the Crown is not reasonably practicable or is likely to prejudice the plaintiff's case, the judge shall not direct such particulars to be furnished ; and in any such case an answer by the plaintiff which omits such particulars shall be deemed to be a sufficient compliance with the notice ; and if such an answer has already been served the judge may proceed to hear and determine the civil bill without an adjournment."

5. At the end of Order IV there shall be added the following new Rule :—

" **10.**—(1) In proceedings by the Crown for the recovery of any taxes, duties or penalties, a defendant shall not be entitled to avail himself of any set-off or counterclaim.

(2) In any proceedings by the Crown other than those referred to in the preceding paragraph, a defendant shall not be entitled to avail himself of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.