Exchange Control Act, 1947

County Court Rules, (Northern Ireland), 1948

1948. No. 54

WE, the undersigned members of the County Court Rules Committee appointed by the Lord Chief Justice of Northern Ireland under subsection (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 Exchange Control Act, 1947, and do hereby certify the same under our hands and submit them to the Lord Chief Justice of Northern Ireland.

(Signed) *Bernard J. Fox*
Isaac Copeland
H. A. McVeigh
Samuel Cumming
Geo. H. Pollock

I APPROVE of these Rules which shall come into force immediately the County Courts in Northern Ireland have been prescribed by the Treasury for the purpose of paragraph 4 of the Fourth Schedule to the Exchange Control Act, 1947.

Dated the 16th day of March, 1948.

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

1.—(1) These Rules may be cited as the Exchange Control County Court Rules, (Northern Ireland), 1948.

(2) Expressions used in these Rules shall have the same meaning as the same expressions used in the Exchange Control Act, 1947 (hereinafter called " the Act ").

(3) These Rules shall be read and construed with the County Courts (Ireland) Orders, 1890, and rules and orders of subsequent date amending the same, which, save where otherwise appearing in these Rules, shall apply to all proceedings in the county courts under the Exchange Control Act, 1947.

2.—(1) Any person who is required by any judgment, order or award of a county court to pay any sum, may, if he apprehends that the payment of that sum is unlawful under the Act except with the permission of

the Treasury, pay that sum into the county court. Such payment into the county court shall be made by lodgment, with the privity of the Clerk of the Crown and Peace, of such sum in the county court for the county in which the judgment, order or award requiring payment of such sum was granted.

(2) Notice of such payment into court shall be given to the person to whom payment was required to be made, his solicitor or agent, and to any other person specified in the judgment, order or award and shall be in the Form No. 1 in the Schedule hereto subject to such modifications as may be necessary.

(3) Payment into court under paragraph (1) of this Rule, together with delivery of notice as prescribed in paragraph (2) of this Rule, shall, to the extent of the payment, be a good discharge to the person making the payment.

3.—(1) Any party resident, or who is acting by order or on behalf of a person resident outside the scheduled territories and who is seeking execution of a judgment, order or award of a county court, shall, before the issue of such judgment, order or award, lodge with the Clerk of the Crown and Peace the permission in writing of the Treasury under the Act which must have been given without conditions, or upon conditions that have been complied with.

(2) Upon lodgment of such permission of the Treasury as aforesaid the Clerk of the Crown and Peace shall cause to be endorsed on the said judgment, order or award, before the issue of the same, a certificate in the Form No. 2 in the Schedule hereto.

(3) Any party mentioned in paragraph (1) of this Rule who has not obtained the permission of the Treasury mentioned in such paragraph may, by notice in writing given before the issue of the said judgment, order or award, require the Clerk of the Crown and Peace to give a direction to the several Under-Sheriffs in Northern Ireland that the proceeds of such execution be paid into the county court in the county in which such judgment, order or award was granted.

(4) Where a direction to the several Under-Sheriffs in Northern Ireland under paragraph (3) of this Rule is given, it shall be endorsed on the said judgment, order or award before the same shall issue, and shall be in the Form No. 3 in the Schedule hereto.

(5) Notice of any payment into court under paragraph (3) of this Rule shall be given by the Under-Sheriff to the party aforementioned or his solicitor, and to any other person specified in the judgment, order or award, and shall be in the Form No. 4 in the Schedule hereto, subject to such modifications as may be necessary.

4.—(1) Where it appears that any person resident outside the scheduled territories would but for the Act be entitled to money in court, the money shall not be paid out of court to, or for the credit of such person or to any person acting on his behalf, unless the Judge is