The Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940, County Court Rules, 1942.

1942. No. 168.

I, THE RIGHT HONOURABLE SIR JAMES ANDREWS, Baronet, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by sub-section (2) of section 4 of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and of all other powers me thereunto enabling, do hereby make and certify the rules hereinafter set forth as rules to be in force in proceedings in the county court under The Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940.

Dated this 8th day of October, 1942.

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

The Court Fees included in rule 12 have 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 15th day of October, 1942, in the presence of

(L.S.) *W. B. Spender*,
Secretary, Ministry of Finance.

THE RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT (NORTHERN IRELAND), 1940.

COUNTY COURT RULES, 1942.

Dated this eighth day of October, 1942.

The following rules under the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940, (in these rules referred to as " the Act ") shall apply to the county courts.

These rules may be cited as The Rent and Mortgage Interest (Restrictions) (County Court) Rules (Northern Ireland), 1942.

Applications to the Court.

1.—(1) Applications for stay, suspension, postponement, discharge, rescission or variation of orders or judgments under section 8, sub-section 3, or section 9, sub-section 1, or for compensation under section 8, sub-section 5, or under section 27, shall be made to the court in which the order of judgment complained of was made.

(2) An application for an order authorizing a mortgagee to call in and enforce a mortgage pursuant to the third proviso to section 10 may be made

(*a*) to the court of the county and division in which the mortgaged property is situate; or

(*b*) to the court of the county and division in which the mortgagor resides or carries on business.

(3) All other applications under the Act shall be made in the court of the county and division in which the premises are situate.

Mode of Application.

2. An application under these rules (other than the applications referred to in Rule 15) shall be made by means of a notice of motion entitled " In the matter of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940," but in other respects in such one of the forms in the appendix to the Increase of Rent and Mortgage Interest (Restrictions) Rules, 1920, as, with the necessary modifications, shall be applicable to the case, such notice of motion to be returnable on the first day of the sessions at which the same is to be heard.

Filing of Notices.

3. Duplicate copies of the notice shall be filed with the Clerk of the Crown and Peace three clear days before the return day, and such application shall be entered by him in the ordinary Civil Bill book and tried as an ordinary civil bill.

Service and Substituted Service.

4. The notice shall be served on every person affected thereby six clear days at least before the first day of the sessions at which the same is to be heard, unless the judge at any time gives leave for shorter service.

5.—(1) Service may be effected in the manner prescribed for the service of ordinary civil bills by the County Courts (Ireland) Orders, 1890, or any amendment thereof.

(2) Service upon a landlord may also be effected by serving in any of the modes allowed by paragraph (1) of this rule, his known agent to whom the tenant's rent has been usually paid.

(3) The court shall have power to direct such substituted or other service or such service out of the jurisdiction as it shall in the circumstances deem just. In any case the court may upon just grounds declare the service actually effected sufficient.

(4) The civil bill officer's fee shall be :—

	s.	d.
First copy served	2	6
Each additional copy served	1	0