IRELAND), 1925, AND BY THE EXCHEQUER AND FINANCIAL PROVISIONS (NO. 2) ACT (NORTHERN IRELAND), 1936, OF THE RATES AT WHICH CHARGES ARE TO BE IMPOSED IN RESPECT OF LICENCES FOR THE SALE OF INTOXICATING LIQUOR BY RETAIL TO BE GRANTED OR RENEWED DURING THE YEAR ENDING 30TH SEPTEMBER, 1942.

1941. No. 126.

In pursuance of sub-sections (3) (*b*) and (4) of Section 3 of the Intoxicating Liquor Act (Northern Ireland), 1923, as amended by the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925, and by the Exchequer and Financial Provisions (No. 2) Act (Northern Ireland), 1936, the Ministry of Finance hereby determines that the rates at which charges are to be levied in respect of all licences for the sale of intoxicating liquor by retail granted or renewed during the year ending 30th September, 1942, shall be twelve shillings and six pence for each pound sterling of the maximum rates of charge authorised by sub-section (1) of Section 1 of the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925.

Given under the Seal of the Ministry of Finance, this Twenty-seventh day of June, 1941.

(L.S.) *C. H. Petherick,*
Assistant Secretary.

LIABILITIES (WAR-TIME ADJUSTMENT), 1941.

Rules.

Dated the 31st day of December, 1941.

1941. No. 210.

I, JAMES ANDREWS, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred upon me by section 16 of the Liabilities (War-Time Adjustment) Act (Northern Ireland), 1941, and all other powers enabling me in this behalf, do hereby make the following general Rules :—

PART I.

INDIVIDUALS AND FIRMS.

Scheme of Arrangement.

Application to adjustment officer.

Form 1.

1.—(1) An application by an individual or a firm (hereinafter called the debtor) to a liabilities adjustment officer (hereinafter called an officer) under section 1 (1) of the Act shall be in Form 1 and shall be delivered at or sent by prepaid post to the office of the officer (hereinafter called the adjustment office).

(2) The registrar or an officer may supply a copy of such form to any person on request.

Notice of interview. Form 2.

2.—On receipt of the debtor's application, the officer shall give notice to the debtor in Form 2 appointing a time and place for an interview at which the debtor may attend for the purpose of supplying information to the officer as to his affairs.

Interview.

3.—At the interview the debtor shall give particulars of his accrued debts and the name and address of the creditor to whom every such debt is due, and also particulars of his future liabilities in respect of obligations already incurred and the name and address of the person to whom every such liability will become due (hereinafter referred to as a future creditor) whether he is also a creditor in respect of an accrued debt or not, and shall give such other information as to his affairs, in the form of a statement of affairs or otherwise, as the officer may require, and may submit to the officer a proposal for an equitable and reasonable scheme of arrangement with his creditors.

Notice refusing application.

4.—If, after considering the information given to him by the debtor and the debtor's proposal for a scheme of arrangement (if any), the officer considers that his services cannot be of any use, or that the debtor is not in serious financial difficulties owing to war circumstances, or that such proposal is not equitable and reasonable, he shall so inform the debtor in writing and shall not proceed further with the application, and shall give notice of his decision to any court which to his knowledge has stayed proceedings against the debtor under section 20 (2) of the Act.

Where protection order needed.

5.—If, after considering the information given to him by the debtor and the debtor's proposal for a scheme of arrangement (if any), the officer considers that his services may be of use, and that the debtor is in serious financial difficulties owing to war circumstances and that such proposal is equitable and reasonable, but that it is necessary, in order to preserve the debtor's assets or for any other reason, that a protection order should be made forthwith, he shall advise the debtor to apply to the court for the adjustment and settlement of his affairs under section 3 of the Act and for a protection order, and may assist the debtor to make the application.

Notice to creditors. Form 12.

6.—(1) If the officer considers that a protection order is unnecessary, he shall communicate with the persons named by the debtor as his creditors or future creditors, and shall send to every such person a summary of the debtor's affairs and of his proposal for a scheme of arrangement (if any), and notice in writing of the date fixed under section 17 of the Act as the material date for determining what debts are provable, and shall require every such creditor to prove his debt, and, in the case of a secured creditor, to give particulars of the security

and to state whether, for the purposes of a scheme, he wishes to surrender his security and prove for the debt, or to value his security and prove for any balance of the debt, or to rely on his security without proving for any part of the debt.

(2) The proof of debts shall be conducted as nearly as may be in accordance with the practice of the King's Bench Division (Bankruptcy) in arrangement matters.

(3) The proof of a debt shall be in Form 13. Form 13.

Meeting of creditors.

7.—(1) After receiving the creditors' proofs, the officer may communicate further with the debtor or any of the creditors or future creditors, if he thinks it may be useful to do so in order to arrive at a settlement, and may, at whatever stage he thinks fit, summon a meeting of the creditors who have proved debts and any secured creditors and future creditors at such time and place as may seem to him to be convenient, and shall give to the debtor and to every such creditor such notice of the meeting as he thinks fit and shall send to every such creditor a form of proxy in Form 15. Form 14. Form 15.

(2) The officer shall preside at the meeting and may adjourn the meeting from time to time as he thinks fit.

(3) A creditor may be represented at the meeting by a proxy duly authorised by him in writing for the purpose.

(4) The officer may act as proxy for a creditor if expressly authorised in writing to do so.

Approval of scheme.

8.—(1) If the debtor and all the creditors who have proved debts assent to a scheme, or if the debtor and the majority in number and value of such creditors assent to a scheme, and signify their assent in writing by signing the scheme or otherwise, and if the other party to any lease, mortgage or other contract, the terms of which would be varied by the scheme, assents thereto and signifies his assent in like manner, the officer shall, if the scheme appears to him to be equitable and reasonable, approve, sign and date the scheme and serve notice of his approval in Form 16 on the debtor and on every such creditor and party, stating the terms of the scheme and whether it has been assented to by the debtor and all such creditors or by the debtor and the majority in number and value of such creditors and whether it has been assented to by the other party to any such lease, mortgage or contract. Form 16.

(2) The officer shall deposit the scheme at the court office together with the written assent of any assenting creditor or party who has not signed the scheme, and a copy of the scheme and a copy of any such written assent may at the discretion of the officer be made and kept at the adjustment office.

(3) The scheme shall be open to inspection at the court office during such hours as the office is open to the public and the registrar

shall supply a copy of the scheme to any person who applies therefor on payment of the prescribed fee.

Appeal by dissenting creditor.

9.—(1) Where a creditor who has not assented to a scheme desires to appeal against the approval thereof, the appellant shall, within 21 days after the service on him of a notice of the approval of the scheme, file in the court office in duplicate a request for the entry of the appeal containing sufficient particulars to identify the scheme and a statement of the grounds of the appeal.

(2) The registrar shall serve a copy of the request on the officer, who shall be the only respondent, unless the court otherwise orders.

(3) Subject as aforesaid, the practice in relation to an appeal under Order LXXXVIII, Rule 3, of the Rules of the Supreme Court shall apply to any such appeal, with the necessary modifications.

(4) Pending the hearing of the appeal, the court may, on the application of the appellant, make an order suspending all or any of the provisions of the scheme if the court thinks fit.

Extending, revoking and enforcing a scheme.

10.—(1) Subject to the provisions of this rule, any application to the court under sub-sections (5), (6) or (7) of section 1 of the Act shall be regulated so far as may be by the rules and practice of the King's Bench Division (Bankruptcy).

(2) The officer and the debtor shall be respondents to an application by a creditor under any of the said sub-sections and the other creditors shall not be made respondents, unless the court otherwise orders.

(3) The debtor shall be the respondent to an application by the officer under any of the said sub-sections and the creditors shall not be made respondents, unless the court otherwise orders.

(4) The officer shall be the respondent to an application by the debtor under the said sub-section (7) and the creditors shall not be made respondents, unless the court otherwise orders.

(5) Where the court makes an order under section 1 of the Act, the registrar shall forthwith serve a copy of the order on the officer, and thereupon the officer shall serve a copy thereof on every person affected by the scheme ; and, if the scheme is varied or extended, the registrar shall make the appropriate alteration in the scheme.

Adjustment Order.

Application for adjustment and protection order.

11.—An application for a liabilities adjustment order (hereinafter called an adjustment order) may include an application for a protection order.

Debtor's application. Form 5.

12.—(1) An application by a debtor for an adjustment order shall be in Form 5 and no person shall be named as respondent thereto.

(2) Where the debtor has made an application to an officer and has been advised by him to apply to the court for an adjustment order and a protection order, the officer shall make a report to the court stating the grounds for his advice.

(3) The application shall be filed in the court office together with the report of the officer (if any) and, in the case of an individual, an affidavit in Form 8, or in the case of a firm, an affidavit in respect of the firm in Form 9 and an affidavit in respect of every partner in Form 8, and a copy of every such affidavit. Form 8. Form 9.

(4) The affidavit shall state that the applicant has or has not (as the case may be) made an application to an officer.

(5) On the filing of the application, the registrar shall enter it in the books of the court and shall fix a time for the hearing thereof and shall give the applicant due notice of such hearing.

Creditor's application.

13.—(1) An application by a creditor for an adjustment order shall be in Form 7, and the debtor shall be the respondent to the application. Form 7.

(2) The application shall be filed in the court office together with an affidavit in Form 11 and two copies of both documents. Form 11.

(3) On the filing of the application, the registrar shall enter it in the books of the court and shall fix a time for the hearing and give the applicant due notice of such hearing, and serve on the debtor a copy of the application and affidavit and a notice in Form 17. Form 17.

Preliminary hearing.

14.—(1) The first hearing of an application for an adjustment order (hereinafter called the preliminary hearing) shall be in private.

(2) At the preliminary hearing the judge may make an order dismissing the application, or where the application is not dismissed—

(*a*) may, if satisfied that a *prima facie* case has been made out as to the matters specified in paragraph (*a*) or paragraph (*b*) of subsection (1) of section 3 of the Act, make a protection order, and

(*b*) whether a protection order has been made or not, may refer the debtor's affairs or any question in the proceedings to an officer or to the registrar for investigation and report, or give such other directions as the judge may think fit as to the conduct of the proceedings, and adjourn the hearing.

Jurisdiction of registrar.

15.—(1) The jurisdiction of the judge at the preliminary hearing may, with the leave of the judge, given specially in any particular case or class of cases or generally, be exercised by the registrar, except that the registrar shall not have jurisdiction to make an adjustment order.

(2) Where the registrar makes an order dismissing the application for an adjustment order or refusing to make a protection order, the order may, on application, be set aside by the judge who may make such order in substitution therefor as he thinks fit.