

Court made under the enactments hereinbefore mentioned and for the time being in force in Northern Ireland :

And whereas certain Rules of Court, entitled "The Rules of the Supreme Court (Ireland), 1905," are in force in Northern Ireland under and subject to the provisions aforesaid, and as altered from time to time by the Lord Lieutenant and the said Governor by Order in Council :

And whereas a majority of all the Judges of the said Supreme Court of Judicature and the other persons upon whose recommendation the said Governor may make, alter or annul Rules of Court as respects Northern Ireland, present on the 3rd day of December, 1928, at a meeting for that purpose held (of which majority the Lord Chief Justice of Northern Ireland was one) have passed the resolution set out in the Schedule hereto for the making of Rules of Court in the manner appearing in the said Schedule :

And whereas the provisions of Section 1 of the Rules Publication Act, 1893, have been complied with :

NOW, THEREFORE, His Grace the Governor of Northern Ireland is pleased by and with the advice of the Privy Council of Northern Ireland, in pursuance and by virtue of the Supreme Court of Judicature (Ireland) Act, 1877, as amended and applied to the said Supreme Court of Judicature as hereinbefore mentioned, and of all other powers enabling him in this behalf, and with the concurrence of a majority of all the Judges and the other persons hereinbefore mentioned and present at the meeting aforesaid, hereby to make the Rules of Court set out in the Schedule hereto.

And it is hereby ordered that the Rules made by this Order in Council shall take effect on and from the date hereof.

C. H. BLACKMORE.

SCHEDULE.

We, being a majority of the Judges of the Supreme Court of Judicature of Northern Ireland, and the other persons, pursuant to the twelfth Section of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897 (as adapted by Order in Council dated 21st day of November, 1921, made under the provisions of the Government of Ireland Act, 1920, which said latter Act was subsequently modified by the Irish Free State (Consequential Provisions) Act, 1922), upon whose recommendation the Governor of Northern Ireland may make, alter or annul Rules of Court, under the sixty-first Section of the Supreme Court of Judicature (Ireland) Act, 1877, present at a meeting for that purpose held (of which majority the Lord Chief Justice of Northern Ireland is one) do, pursuant to the powers conferred on us by the Government of Ireland Act, 1920, and the adaptation of the Judicature (Ireland) Acts, 1877 to 1897, made by said Order in Council, and of all other powers us thereunto enabling, hereby express our concurrence in an Order being made by the Governor of Northern Ireland in Council, making as Statutory Rules under the Rules Publication Act, 1893, the Rules of Court hereinafter expressed and set forth.

William Moore, L.C.J.
James Andrews
Richard Best
D. M. Wilson
T. W. Brown
J. B. McCutcheon
Arthur Black

3rd December, 1928.

ORDER V A.

1. No application for relief under the provisions of Article 18 of the Schedule to the Roads Improvement Act (Northern Ireland), 1928, shall be made to the High Court unless one calendar month's previous notice in writing in the form (a) in the Appendix to these rules, or as near thereto as circumstances may permit, shall have been given to the local authority by the intending applicant. Such notice may be signed by the intending applicant or by his Solicitor or Solicitors on his behalf, and shall be served by sending a copy thereof by registered post addressed to the Clerk or Secretary of the local authority at the office of such authority.

2. Every application for relief shall be made by Action in the High Court of Justice in Northern Ireland (Chancery), instituted by the applicant as Plaintiff against the local authority as Defendant.

3. The local authority shall, unless the Court or a Judge shall otherwise direct, within ten days after the service upon it of the Writ of Summons commencing such Action, or within such extended time as the Court or a Judge shall allow, serve upon the person to whom the money was paid by it, or if such person be dead upon his personal representative, a copy of such Writ of Summons together with a copy of the Rules of this Order and a Notice in the form (b) set out in the Appendix to these Rules, and any person so served shall be entitled to enter an appearance in the Action.

4. The Court or a Judge may, upon the application of any person who shall have entered an appearance in pursuance of Rule 3 of this Order, give such person liberty, upon such terms and subject to such conditions as the Court or Judge may think just, to deliver a defence to the Action, and to appear at the trial and take such part therein as may be just, and generally may order such proceedings to be taken, documents to be delivered, or amendments to be made, and give such directions as to the Court or Judge shall appear proper.

APPENDIX.

FORM (a).

To the Council.
Take Notice that of
in the County of will after the expiration
of one calendar month from the time of your being
served with this Notice cause a Writ of Summons to be
sued out of the High Court of Justice in Northern
Ireland (Chancery) against you the said
Council at the suit of the said

claiming under the provisions of Article 18 of the Schedule to the Roads Improvement Act (Northern Ireland), 1928, the relief following, that is to say :—

and will proceed thereupon according to law.

Dated the day of
(Signed)

FORM (b).

19 No.

IN THE HIGH COURT OF JUSTICE IN
NORTHERN IRELAND.
(CHANCERY.)

Between Plaintiff ;
AND Defendants.

Whereas an Action intituled as above has been instituted in the High Court of Justice (Chancery) in Northern Ireland, under the provisions of Article 18 of the Schedule to the Roads Improvement Act (Northern Ireland), 1928, by Writ of Summons (a copy of which is herewith sent you) by the above-named Plaintiff who claims to be entitled to a sum of £ which was paid to you by the above-named Defendants as compensation under the said Act.

And whereas by the said Article 18 of the said Schedule, it is enacted that in case the Court give judgment against the Defendants for the amount found due in respect of the Plaintiff's claim, the said amount shall be a debt due by you to the Defendants.