

The expression "application" means an application to the Court under section 1 of the Act.

2.—(1) For the purposes of paragraph (a) the court to which application is made shall be the court by which the judgment or order for the payment or recovery of a sum of money has been given or made or in which it is being sought.

(2) For the purposes of paragraph (b) the court to which application is made may be—

(a) in any case whatever, the High Court;

(b) alternatively, in cases where the value of the subject-matter (as hereinafter defined) of the application does not exceed one hundred pounds, the county court; and

(c) as a further alternative, in the case of distress for rent where the amount of the yearly rent does not exceed twenty pounds, or in cases where it is sought to enforce either the lapse of a policy to which sub-section (1) of section 1 of the Act applies, or a hire-purchase agreement the original liability on which does not exceed twenty pounds, a court of summary jurisdiction.

(3) For the purposes of this Rule, the value of the subject-matter of an application shall be deemed to be—

in the case of an application for leave to levy distress; the amount for which distress is proposed to be levied;

in the case of an application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, the amount of the sum sought to be recovered;

in the case of an application for leave to foreclose, or realise any security, the amount of the principal sum secured;

in the case of an application for leave to forfeit any deposit, the total amount payable in respect of which the deposit has been made; and

in the case of an application for leave to enforce the lapse of a policy of insurance to which sub-section (1) of section 1 of the Act applies, the amount ultimately recoverable under the policy.

(4) Applications shall, in the absence of special circumstances, be made to a county court or to a court of summary jurisdiction, as the case may be, where application to such a court is permitted by this Rule.

The court may order any increased costs occasioned by disregard of this sub-rule to be borne by the applicant.

Where an application is made to the High Court which in the opinion of that court ought to have been made to a county court or to a court of summary jurisdiction, the case may, if thought fit, be remitted or transferred to the proper court; and where an application is made to a county court which in the opinion of that court ought to have been made to a court of summary jurisdiction, the county court may remit or transfer the case to a court of summary jurisdiction.

THE COUNTY COURTS (EMERGENCY POWERS) RULES, 1914.

[NOTE.—For convenience of reference, notes are appended in brackets to these Rules, showing their relation to the annulled Rules: in the Notes "E.P." means the Courts

(Emergency Powers) Rules, 1914; "A.R." means the Additional Rules for County Courts.]

Applications under Paragraph (a).

1.—(1) In cases under paragraph (a), where no judgment or order has been already entered or made, application for leave to proceed to execution on or otherwise to the enforcement of the judgment or order may be made at the time when the judgment or order is entered or made: Provided that unless the debtor is present, either in person or by his solicitor, or by some person allowed by the court to appear for him, at the time when the judgment or order is entered or made, the application shall not be entertained unless the creditor shall have served on the debtor a notice according to the form in the Appendix of his intention to make the application. [E.P., 3 (2).]

(2) Any such notice as in the preceding paragraph mentioned may be annexed to and served with the summons or other document originating the proceedings; or it may be served at any later time, not being less than two clear days before the judgment or order is entered or made, unless in any case the court gives leave for shorter service. [E.P., 3 (3).]

(3) Any such notice, if it is to be served otherwise than with the summons or other document originating the proceedings, shall be served in accordance with the practice of the court as to service of notice of an interlocutory application. [E.P., 3 (4); A.R., 2.]

(4) Provided as follows:—

(i.) Notice of intention to apply under this rule shall not be served unless the creditor intends to apply at the time when the judgment or order is entered or made for an order for payment forthwith, or within fourteen days from the date of the judgment or order.

(ii.) Where any such notice is served, and an order is made for payment of a sum not exceeding twenty pounds, exclusive of costs, by instalments, or within a period longer than fourteen days from the date of the judgment or order, instead of an order for payment forthwith or within fourteen days, no costs of the notice shall be allowed against the debtor.

(iii.) In any case in which an order is made for payment by instalments, or within a period longer than fourteen days from the date of the judgment or order, either after notice has been served, or without notice having been served, leave to proceed shall not be given at the time when the judgment or order is entered or made: but in any such case, if default is made in payment, the creditor may proceed in accordance with Rule 2. [New.]

(5) Where leave to proceed is given at the time when the judgment or order is entered or made, and default is made in payment, a warrant of execution may be issued without further leave; or the creditor may proceed in accordance with Rule 2. [New.]

2. Where a judgment or order has been entered or made, and leave to proceed is not given at the time when the judgment or order is entered or made, the following provisions shall apply if default is made in payment, viz.:—

(i.) The creditor may issue a judgment