

be added to the costs of the proceedings hereby authorised to be taken].]

Dated this day of , 191 . Registrar.

To the Respondent (naming him).

SCHEDULE.

- (a.) That the Applicant be at liberty to levy a distress for rent amounting to £ due from the Respondent to him on premises situate at and known as ; or
(b.) That the Applicant be at liberty to take resume or enter into possession of certain chattels held by the Respondent under a hire-purchase agreement made between the Applicant and the Respondent; or
(c.) That the Applicant be at liberty to resume or enter into possession of certain property situate at ; or
(d.) That the Applicant be at liberty to exercise his right of re-entry on certain property situate at and held by the Respondent under him; or
(e.) That the Applicant be at liberty to fore-close on or to realise a security for the sum of £ given by the Respondent to him; or
(f.) That the Applicant be at liberty to forfeit a deposit of £ made under a contract made between him and the Respondent [state nature of contract]; or
(g.) That the Applicant be at liberty to enforce the lapse of a certain policy of insurance for the sum of £ granted to the Respondent by the Applicant: [or as the case may be].

STATUTORY RULES AND ORDERS, 1915.

No.

COUNTY COURT RULE AS TO APPLICATIONS FOR CERTIFICATES UNDER THE ARMY ACT, 1881, SECTION 115, SUB-SECTION 4, AND THE ACTS AMENDING THE SAME.

ORDER L.

PROCEEDINGS UNDER ACTS CONFERRING JURISDICTION ON THE COURTS.

The following Rule shall stand as Order L., Rule 59.

The Army Act, 1881, 44 & 45 Vict., c. 58, s. 115, and the Acts amending the same.

(1.) An application to a judge for a certificate under sub-section 4 of section 115 of the Army Act, 1881, and the Acts amending the same (herein referred to as the Act), fixing the amount of payment for any carriage, animal, vessel, or aircraft, may be made to any judge mentioned in the said sub-section in accordance with the provisions of this rule.

(2.) The application may be made either in or out of Court on notice in writing according to the form in the Appendix, which shall be served on the opposite party ten clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

(3.) Service of notice of the application may be effected in accordance with Order LIV., Rules 2 and 3.

(4.) Where the notice of the application is to be served on the Army Council, it may be served on the Permanent Secretary to the War Office or on the Solicitor to the Treasury.

(5.) No affidavit in support shall be used, except by leave of the judge, but the judge shall hear oral evidence tendered by either party.

(6.) On the hearing of the application, or at any adjournment thereof, the judge shall fix the amount in accordance with the said sub-section, and shall specify the amount in a certificate which shall be signed in duplicate and sent to the parties; but no order directing payment shall be inserted on the certificate except in the cases mentioned in the next following paragraph and in paragraph 5 of the Sixth Schedule to the Act.

(7.) If the judge orders any sum to be paid by way of costs to the Army Council, pursuant to paragraph 4 of the Sixth Schedule to the Act, and such sum exceeds the amount payable by the Army Council as the value of the article requisitioned, the judge shall certify the amount of the excess, and shall order the amount so certified to be paid to the Army Council, and the order shall be enforceable in like manner as a judgment of the County Court.

(8.) Subject to the provisions of the Act and this Rule, the practice and procedure of the Court in an action, and in particular the practice and procedure with respect to the summoning of witnesses, and with respect to discovery and inspection of documents, shall, with the necessary modifications, apply to proceedings on an application for a certificate.

APPENDIX.

453.

NOTICE OF APPLICATION FOR CERTIFICATE UNDER THE ARMY ACT, 1881, 44 & 45 VICT., C. 58, S. 115, AND THE ACTS AMENDING THE SAME.

In the County Court of , holden at

The Army Act, 1881, s. 115, and the Acts amending the same.

Between

A.B.

(address and description)

Applicant,

and

The Army Council Respondents.

(or as the case may be.)

TAKE NOTICE—

That , of intends to apply to the Judge at (state where application is to be made)

on the day of

at the hour of in

the noon, for a certificate fixing the

amount of payment for a certain carriage

[animal, vessel, or aircraft (as the case may

be)] furnished in pursuance of the Army Act

1881, section 115, and the Acts amending the

same.

Dated this

day of

(Signed)

Applicant,

[or Solicitor for the Applicant].

To the Registrar of the Court

and to the Army Council

(or as the case may be).

(Signed)

W. L. Selfe.

W. C. Smyly.

T. C. Granger.

H. Tindal Atkinson.