COUNTY COURT.

Rules (Seal and Investments).

THE COUNTY OFFICERS AND COURTS ACT (NORTHERN IRELAND) 1933, COUNTY COURT RULES, 1934, DATED THE 14TH DAY OF NOVEMBER, 1934.

1934. No. 106.

WHEREAS by an Act 40 and 41 Victoria Chapter 56 intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings and practice of the Civil Bill Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule, order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen, shall take effect from and after such day as shall be therein named:

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said Section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland:

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of Rules or Orders under Section 79 of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them to be nominated by the said Lord Chief Justice:

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour HERBERT MARSHALL THOMPSON, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour ARTHUR HENRY BATES, County Court Judge and Chairman of the County of Down, as the Chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act:

And whereas by an Act 23 and 24 George V, chapter 13, intituled "The County Officers and Courts Act (Northern Ireland), 1933," Section 7, it is enacted that for every County Court there shall be a seal of the Court, of which the prescribed officer of the Court shall have custody, and that rules shall be

made regulating the practice in relation to such seal and the date upon which such practice shall become operative :

And whereas by the said Act, Section 9, it is enacted that Rules of Court shall be made by the authority having power to make rules and orders for regulating the practice of the county courts in regard to the investment of funds lodged in court and the payment of the dividends or income of such funds :

Now I, The Right Honourable SIR WILLIAM MOORE, Baronet, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts and of all other powers thereunto us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in the County Courts under The County Officers and Courts Act (Northern Ireland), 1933.

Dated this 14th day of November, 1934.

(Signed), *William Moore*,
Lord Chief Justice.

(Signed), *Herbert M. Thompson*,
Recorder of Belfast and County Court Judge and Chairman of Antrim.

(Signed), *A. H. Bates*,
County Court Judge and Chairman of Down.

1.—(i) The following Rules shall have effect under The County Officers and Courts Act (Northern Ireland), 1933.

(ii) These Rules may be cited as The County Officers and Courts (Northern Ireland) Rules, 1934.

2. In these rules :—

"The Act" means The County Officers and Courts Act (Northern Ireland), 1933.

The Interpretation Act, 1889, and the Interpretation Act (Northern Ireland), 1921, shall apply for the purpose of the interpretation of these Rules as they apply for the purpose of the interpretation of an Act of Parliament.

These Rules shall also be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same, and save as otherwise provided herein the rules of interpretation applicable to such Rules shall apply also to these Rules and the provisions of such Rules shall apply to all proceedings under the Act.

" Order " includes every judgment, decree, order or award made under any of the Acts conferring jurisdiction on the County Court.

" Fund " shall include moneys, cash, stocks and securities.

3. For every County Court there shall be a Seal of the Court which shall incorporate the name of the County and shall be according to the form in Schedule I.

4. Every order which, prior to the passing of the Act, was by the Civil Bill Courts (Ireland) Act, 1851, or any other enactment, required to be signed by the County Court Judge, shall be sealed with the seal of the County Court in lieu of such signature.

5. The seal of the County Court shall be kept by and in the custody of the Clerk of the Crown and Peace, and shall be affixed by him or under his direction to any document by the said Act or by these rules required to be sealed.

6. Every such seal so affixed in accordance with the last preceding rule shall be authenticated by the signature of the Clerk of the Crown and Peace upon every such order, and no other authentication of the seal shall be necessary, provided that where any order directs that the Clerk of the Crown and Peace shall do any act or take any accounts or inquiries, the seal on such order shall be authenticated by the signature of the Clerk of the Crown and Peace or Registrar, as the case may be, and no other authentication shall be necessary, and provided further that in case of sickness or absence of the Clerk of the Crown and Peace, such seal may in the alternative be authenticated by such officer in the County Court service for the County as the Judge may from time to time direct.

7. Nothing in these rules shall affect the practice existing immediately prior to the passing of the Act in regard to—

(i) Cases Stated by the County Court Judge.
(ii) Appeals under the Income Tax Acts.
(iii) Cheques drawn upon any account in a Bank.

8. The forms of order in use immediately prior to the passing of the Act shall be altered so as to provide for the use of the seal and its authentication in the manner prescribed as shown by the form given in Schedule II.

9. Section 7 of the Act shall come into force on the 1st day of January, 1935.

Investment of Moneys paid into County Court and Dealings therewith.

10. Moneys paid into court under the provisions of any enactment or in pursuance of the order of any court shall be invested in the names of the County Court Judge and the Clerk

of the Crown and Peace in such of the following securities as may be directed by the Judge :—

$2\frac{1}{2}\%$ Consolidated Stock.
$2\frac{3}{4}\%$ Annuities.
$2\frac{1}{2}\%$ Annuities.
3% Local Loans.
Guaranteed $2\frac{3}{4}\%$ Stock.
Guaranteed 3% Stock.
Ulster Loans $4\frac{1}{2}\%$ Stock, 1945-75.
$3\frac{1}{2}\%$ War Stock.
and any security issued under the authority of the respective Parliaments of the United Kingdom and Northern Ireland and charged upon or guaranteed by the Consolidated Funds of the United Kingdom or of Northern Ireland,

and pending or in lieu of such investment may be deposited in any Joint Stock Bank in Northern Ireland or in the Post Office Savings Bank.

Such direction may be given in the order directing investment, or subsequently on application of any person interested or at the instance of the court, and any such investment may be varied from time to time as may be deemed necessary.

Failing such order being made within one month of lodgment, such money, if exceeding £50, shall be invested in such one of the aforementioned stocks or securities as the Judge may from time to time direct.

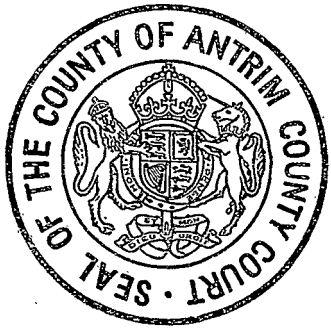
In respect to any moneys or investments, the court may from time to time direct to whom and at what time or times any such moneys, or the dividends or income of any such investments, shall be payable, and may vary such order as occasion may require, and may direct the transfer of such investments to such persons as may be decided to be entitled thereto.

11. For the purpose of realising investments ordered under the provisions of these rules, the County Court Judge and the Clerk of the Crown and Peace may execute Powers or Letters of Attorney authorising any person to realize such investments on their behalf either generally or for the purpose of any particular investments, and any such Powers or Letters of Attorney and any transfers or other documents relating to securities shall be executed by affixing thereto the seal of the Court, and the seals and signatures of the County Court Judge and the Clerk of the Crown and Peace, and no other act of execution of such Powers or Letters of Attorney shall be necessary.

12. Proceedings in respect of moneys that have been transferred to the Exchequer of Northern Ireland under Section 10 of the Act and of the payment out thereof shall be regulated by Order XXX of the County Court (Ireland) Rules, 1890, so far as the same is applicable thereto and any Petition, or notice of application filed under said Order shall be served on the Ministry of Finance of Northern Ireland as in manner therein provided.

SCHEDULE I.

Form of Seal to be used in accordance with these rules.



SCHEDULE II.

FORMS.

1.

Ordinary Decree.

County of
Division of

A.B., of
in the County of
(residence and addition)
Plaintiff ;

C.D. of
in the said County of
and Division of
(residence and addition)
Defendant.

By the County Court Judge.

It appearing to the Court that process to appear at this present sittings was duly served on the Defendant , and that the defendant justly indebted to the plaintiff in the sum of , for (here state cause of action from the Civil Bill). It is therefore ordered and decreed by the Court that the plaintiff , do recover from the defendant , the said sum together with the sum of for costs ; and the several Under Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the defendant to satisfy the said debt and costs.

Dated at this day of 19 .

Debt	..	£
Interest ..	..	£
Costs	..	£
Witnesses' Expenses	..	£
TOTAL		£

(*Seal*)

Clerk of the Crown and Peace for the said County.

The Plaintiff, *or*
Solicitor for the Plaintiff.