Requisitioning of Premises: County Court Rules

1945. No. 70

I, THE RIGHT HONOURABLE SIR JAMES ANDREWS, Baronet, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred upon me by sub-section (2) of section 4 of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and all other powers enabling me in that behalf, do hereby make and certify the Rules hereinafter set forth as rules to be in force in proceedings in the County Courts under the Housing (Requisitioning of Premises) Act (Northern Ireland), 1944.

Dated this 30th day of May, 1945.

(Signed) *James Andrews*,
Lord Chief Justice of Northern Ireland.

The Scale of Court Fees in the second part of the Second Schedule has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 5th day of June, 1945, in the presence of

(L.S.) *Thomas McCrea*,
Assistant Secretary.

HOUSING (REQUISITIONING OF PREMISES) ACT (NORTHERN IRELAND), 1944.

COUNTY COURT RULES, 1945.

Dated the 30th day of May, 1945.

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1. (i) The following rules shall have effect under the Housing (Requisitioning of Premises) Act (Northern Ireland), 1944 (hereinafter called " the Act ").

(ii) These rules may be cited as the Housing (Requisitioning of Premises) County Court Rules (Northern Ireland), 1945.

(iii) Expressions used in these rules shall have the same meaning as the same expressions used in the Act.

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

(v) These rules shall be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same; and, save where 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.

2. All applications under the Act for determination by the County Court shall be heard at the ordinary sittings of the County Court for the division of the County, or of the Recorder's Court of the County Borough, in which the premises to which the dispute relates are situate, except where part of the premises is situate in one County and part in another in which case the application may be heard by the County Court Judge of either County, provided that if any part of the premises is situate in a County Borough the claim shall be heard by the Recorder of that County Borough.

3. Unless the Judge shall otherwise direct, every application under the Act shall be listed and heard as if it were an ordinary civil bill in which the applicant was plaintiff.

4. Every application under the Act shall be by notice which shall be in Form No. 1 of the First Schedule hereto, or to the like effect.

5. Such notice shall be served upon the respondents fourteen clear days before the first day of the Sessions at which it is intended to have such application heard, and two copies thereof with the endorsement of service thereof, shall be lodged with the Clerk of the Crown and Peace at least six clear days before such Sessions.

6. Such notice shall be served in the manner provided by section 9 of the Act.

7. Every person making an application to the Court under the Act shall be called " the Applicant " and all other persons who have an interest in the subject matter of the application which would be affected by the decision of the Court thereon, shall be made parties to the application and shall be called " the Respondents ".

8. Every decision of the Court upon an application under the Act shall be in the form of an order. The order shall be in the form No. 2 in the First Schedule hereto, or to the like effect.

9. The order shall, unless the Judge shall otherwise direct, provide for payment to the successful party of the costs of the application, and such costs shall be in accordance with the scale in the first part of the Second Schedule hereto, provided that in all cases in which, having regard to the work actually performed or the peculiar difficulty or importance of the case, the allowance for costs shall appear inadequate, the Judge may allow such additional costs as he may think just and reasonable.

The Judge may, in any case, direct the costs to be taxed by the Clerk of the Crown and Peace or the Registrar ; such taxation shall be subject

to revision by the Judge. The Judge may make such order as to witnesses expenses as may seem just and reasonable.

In all cases Court fees shall be payable in accordance with the second part of the Second Schedule hereto.

10. In any proceedings in the County Court under the Act, any party requesting the Judge to direct a case to be stated, in pursuance of the provisions of the Act, shall lodge with the Clerk of the Crown and Peace within seven days from the date on which the decision of the Court shall have been pronounced, or within such further time as the Judge may allow, a requisition, in writing, signed by or on behalf of such party or his solicitor, which shall state concisely the question it is desired to raise by such case stated ; and no such requisition shall be received or acted upon, unless the same shall have been lodged as aforesaid.

11. When the Judge shall direct a case to be stated, the same shall be prepared by the party or parties to the application under the Act who shall have requested such case to be stated, or by such other party or parties as the Judge may direct, and shall be submitted to the other party or parties to the said application for approval ; and in the event of any dispute arising between the parties as to the contents of such case, the same shall be determined by the Judge.

12. Every such case shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and incorporate such documents as may be necessary to enable the High Court to decide the questions thereby raised.

13. Every such case shall be submitted to the Judge for approval and settlement by him by the party or parties by whom such case shall have been prepared, and shall be so submitted within a period of one calendar month from the date on which the Judge directed a case to be stated.

14. When the Judge shall have settled and approved of such case, he shall sign the same and shall give directions as to the party or parties who is or are to have the carriage of such case and the same shall thereupon be lodged with the Clerk of the Crown and Peace within ten clear days from the receipt thereof from the Judge.

FIRST SCHEDULE.

FORM 1.

Application

County Court of the County of

Division

In the matter of an application under the Housing (Requisitioning of Premises) Act (Northern Ireland), 1944,

A.B. of (address and description)

Applicant ;

C.D. of (address and description)

Respondent.

TAKE NOTICE that at the County Court to be held at
on the day of 19
an application will be made by (applicant's name) for the order determining :—

(*a*) Whether any compensation is payable under the above mentioned Act to

(*b*) The amount of compensation payable under the above mentioned Act to

in respect of premises requisitioned under the above mentioned Act by

and particulars of which are set out on the Schedule hereto.

SCHEDULE ABOVE REFERRED TO.

1. Situation and precise description of the premises requisitioned. Particulars of buildings or parts of buildings within the same curtilage of which possession has not been taken.	
2. Nature of Interest. If OWNER-OCCUPIER, state date of last known letting and give short particulars thereof. If a TENANT state :— (*a*) Landlord's name and address ; (*b*) Nature of tenancy or lease ; (*c*) Date of tenancy or lease and short particulars and any special covenants or circumstances ; (*d*) How determinable and term unexpired ; (*e*) Rent payable ; and (*f*) Who is responsible for :— (i) Tenants rates and taxes (ii) Repairs (iii) Insurance ; and (iv) Other expenses or outgoings if any.	
3. Rateable value	
4. Particulars of Mortgages, charges, or other incumbrances, stating names and addresses of mortgagees, charges or incumbrancers.	
5. Particulars of all outgoings, *e.g.* ground rent, insurance, etc.	
6. Date possession taken by local authority.	
7. Particulars of claim for compensation, showing how the amount claimed is arrived at.	

Dated the day of 19 .

Signed.....

Solicitors for Applicant.

FORM 2.

ORDER.

(Title as in Form 1)

It appearing to the Court that the Applicant has applied to the Court for an order determining

(state nature of order sought)

in respect of premises situate at (state description of premises) which premises were requisitioned under the above-mentioned Act by on the day of 19 .

Upon hearing

The Court doth order

and doth further order that

do recover against the sum of £ for costs and £ witnesses expenses.

And the several Under-Sheriffs in Northern Ireland are hereby commanded to take in execution the goods of to satisfy the said costs and witnesses expenses.

Dated at the day of 19 .

..... (SEAL)
Clerk of the Crown and Peace.

.....
Solicitor for

SECOND SCHEDULE.

FIRST PART.

SCHEDULE OF COSTS.

Solicitor :—

Where the Poor Law Valuation of the land to which the proceedings relate does not exceed £25	£3	3	0
Exceeds £25 but does not exceed £50	4	4	0
Exceeds £50 but does not exceed £100	6	6	0
Exceeds £100 but does not exceed £250	8	8	0
Exceeds £250 but does not exceed £500	12	12	0

An additional sum of £1 1s. 0d. shall be allowed for each £100 or part thereof by which the Poor Law Valuation exceeds the sum of £500

Brief for Counsel (if any) 6d. per folio.

Where the Poor Law Valuation exceeds £50 an additional sum of £1 1s. 0d. shall be allowed as Instruction for Brief (if any).

Counsel :—

Fee on hearing	£3	3	0

Additional allowances :—

The above-mentioned fees payable to solicitor and counsel respectively may be increased by such further sum as the Judge may allow.

SECOND PART.

COURT FEES.

(County Court Stamps)

Fee on application	£0	5	0
On each copy for service		1	0
Entry Fee		2	6
On final order		5	0
On any interim order		1	0
On case stated, for comparing draft case, engrossing same and copy, where the case does not exceed five folios of ninety words each		10	0
Where the case exceeds five folios, then for every additional folio ...		1	0
On every subpœna or witness' summons		1	6

Requisitioning of Premises : Finance

REGULATIONS, DATED 15TH FEBRUARY, 1945, MADE BY THE MINISTER OF HEALTH AND LOCAL GOVERNMENT, UNDER SECTION EIGHT OF THE HOUSING (REQUISITIONING OF PREMISES) ACT (NORTHERN IRELAND), 1944.

1945. No. 21.

The Ministry of Health and Local Government for Northern Ireland (hereinafter referred to as " the Ministry "), in exercise of the powers conferred upon it by section eight of the Housing (Requisitioning of Premises) Act (Northern Ireland), 1944 (hereinafter referred to as " the Act ") and of all other powers enabling it in that behalf, and with the concurrence of the Ministry of Finance for Northern Ireland, hereby makes the following regulations :—

1. These regulations may be cited as the Housing (Requisitioning of Premises) (Finance) Regulations (Northern Ireland), 1945.

2.—(1) In these regulations, unless the contrary intention appears, the following expressions have the meanings hereby assigned to them, that is to say :—

" the Act " means the Housing (Requisitioning of Premises) Act (Northern Ireland), 1944 ;

" the Clerk " means and includes any person, by whatever name called, who performs, or may be required to perform, under or by direction of the local authority, any duty or duties herein directed to be performed by a Clerk ;

" financial year " means the period of twelve months ending on the thirty-first day of March ; and

" quarter " means the period of three months ending on the thirty-first day of March, thirtieth day of June, thirtieth day of September, and thirty-first day of December, respectively.