3. This Order may be cited as The Supreme Court Fees Order (Northern Ireland), 1956, and shall come into operation on the 1st day of March, 1956.

Dated this 7th day of February, 1956.

MacDermott,
Lord Chief Justice of Northern Ireland.

We concur in this Order.

Martin Redmayne,
E. B. Wakefield,
Lords Commissioners of Her Majesty's Treasury.

PROCEDURE

The Supreme Court Rules (Northern Ireland) Order in Council, 1956.

1956. No. 52 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND
WAKEHURST

I, JOHN DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council in Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as amended by section twelve of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897(b), as those enactments apply to the Supreme Court of Judicature of Northern Ireland(c) and of all other powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as amended and applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the Rules of the Supreme Court of Northern Ireland(d) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) Order in Council, 1956, and shall come into force on the 26th day of April, 1956.

Given at Government House, Hillsborough, this twelfth day of April, 1956.

MacDermott
Brian Maginess
Geo. B. Hanna
Arthur Black.

(a) 40 & 41 Vict. c. 57.
(b) 60 & 61 Vict. c. 66.
(c) S.R. & O. 1921 (No. 1802) p. 1332.
(d) S.R. & O. 1936 (No. 70) II, p. 2559.

SCHEDULE

1. The following amendments shall be made in Order XXI (which relates to defence and counterclaim):—

(1) In Rule 1 the words " comprised in Order III, rule 6 " shall be omitted.

(2) For Rule 3 the following Rule shall be substituted:—

" 3. In actions for goods bargained and sold or sold and delivered, a defence in denial must deny the order or contract, the delivery, or the amount claimed, and in an action for money had and received, a defence in denial must deny the receipt of the money or the existence of those facts which are alleged to make the receipt by the defendant a receipt to the use of the plaintiff ".

2. The following amendments shall be made in Order LII (which relates to motions and other applications):—

(1) For Rule 9 the following Rule shall be substituted:—

" 9. The plaintiff may, without leave, serve any notice of motion or other notice or any petition or summons upon any defendant along with the writ of summons, or at any time after service of the writ of summons ".

(2) Rule 10 is hereby annulled.

3. For Rule 58 of Order LXII (which relates to funds in Court) the following Rule shall be substituted:—

" 58. When payments not exceeding in the aggregate £150 per annum are by an order directed to be made to a mother as guardian of her infant children, and such mother marries after the date of the said order, such payments may be made to her, notwithstanding her marriage, on her separate receipt ".

4. (1) The heading in Order LXXIII (which relates, inter alia, to proceedings under the Adoption of Children Act (N.I.) 1929), shall be amended by substituting the figures " 1950 " for the figures " 1929 ".

(2) In paragraph (ii) (*a*) of Rule 19 of Order LXXIII the words " originating summons " shall be substituted for the word " petition ".

5. The following amendments shall be made in Order LXXX (which relates to proceedings under the Patents Act, 1949):—

(1) In paragraph (2) of Rule 8 the words " if an answer is not delivered within the time limited for that purpose, the petitioner shall be entitled to give notice of trial " shall be omitted.

(2) In Rule 21 for the words in paragraph (1) down to the words "may make such application" there shall be substituted the following words:—

"In any action for infringement of a patent (whether or not any other relief is claimed) or in any petition for the revocation of a patent, the plaintiff or petitioner shall within seven days after a reply or answer has been delivered, or the time for delivery has expired, apply by summons returnable in not less than twenty-one days for directions as to the place and mode of trial, and if he fails so to apply, the defendant or respondent, as the case may be, may make such application".

The Supreme Court Rules (Northern Ireland), (No. 2), Order in Council, 1956.

1956. No. 189 [NC]

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, JOHN DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council in Northern Ireland, in pursuance and by virtue of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877(a), as amended by section twelve of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897(b), as those enactments apply to the Supreme Court of Judicature of Northern Ireland(c) and of all other powers enabling me in this behalf, upon the recommendation and with the concurrence of a majority of all the Judges of the said Supreme Court of Judicature for the time being (of which majority the Lord Chief Justice of Northern Ireland was one) and the other persons mentioned in the said section sixty-one as amended and applied as aforesaid, do by this Order make the Rules of Court set out in the Schedule hereto (which amend the Rules of the Supreme Court of Northern Ireland(d) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland), (No. 2), Order in Council, 1956, and shall come into force on the first day of January, 1957.

Given at the Royal Courts of Justice (Ulster), Belfast, this eleventh day of December, one thousand, nine hundred and fifty-six.

MacDermott
W. W. B. Topping
Brian Maginess
Arthur Black

(a) 40 & 41 Vict. c. 57.
(b) 60 & 61 Vict. c. 66.
(c) S.R. & O. 1921 (No. 1802) p. 1332.
(d) S.R. & O. 1936 (No. 70) II, p. 2559.