EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order exempts bakehouses in Northern Ireland from the prohibition of the employment of women on Sunday contained in Section 83 of the Factories Act (Northern Ireland), 1938. The exemption is in respect of Sunday, the 22nd day of December, 1957.

## SUPREME COURT

*Procedure, p.* 844 | *Winter Assize, p.* 853

## SUPREME COURT, NORTHERN IRELAND PROCEDURE

### The Supreme Court Rules (Northern Ireland), Order in Council, 1957.

1957. No. 104 **[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 that enactment applies to the Supreme Court of Judicature of Northern Ireland(b) 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 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(c) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland), Order in Council, 1957, and shall come into force on the first day of July, 1957.

Given at Government House, Hillsborough, this twelfth day of June, 1957.

*MacDermott*
*W. B. Topping*
*Brian Maginess*
*L. E. Curran*

(a) 40 & 41 Vict. c. 57. (b) S.R. & O. 1921 (No. 1802) p. 1,332.
(c) S.R. & O. 1936 (No. 70) II, p. 2,559.

## SCHEDULE

**1.** The following amendments shall be made in Order XIX (which relates to pleading):—

(1) The following Rule shall be substituted for Rule 6:—

"**6.** (1) In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading; provided that, if the particulars be of debt, expenses, or damages, and exceed three folios, the fact must be so stated, with a reference to full particulars already delivered or to be delivered with the pleading.

(2) In an action for libel or slander if the plaintiff alleges that the words or matter complained of were used in a defamatory sense other than their ordinary meaning he shall give particulars of the facts and matters on which he relies in support of such sense.

(3) Any pleading which does not comply with this Rule may be ordered to be struck out."

(2) Rule 23 shall be amended by adding thereto the following proviso:—

"Provided that where in an action for libel or slander the defendant pleads that any of the words or matters complained of are fair comment on a matter of public interest or were published upon a privileged occasion, the plaintiff shall, if he intends to allege that the defendant was actuated by express malice, deliver a reply giving particulars of the facts and matters from which such malice is to be inferred."

(3) After Rule 23 the following Rule shall be inserted:—

**23A.** Where in an action for libel or slander the defendant alleges that, in so far as the words complained of consist of statements of fact, they are true in substance and in fact, and in so far as they consist of expressions of opinion, they are fair comment on a matter of public interest, or pleads to the like effect, he shall give particulars stating which of the words complained of he alleges are statements of fact, and of the facts and matters he relies on in support of the allegation that the words are true."

**2.** In Order XXII (which relates to payment into and out of Court there shall be added at the end of Rule 5 the following paragraph:—

"(4) In an action for libel or slander against several defendants sued jointly, if any defendant pays money into Court, the plaintiff may within fourteen days elect to accept the sum paid into Court in satisfaction of his claim against the defendant making the payment and shall give notice to all the defendants as in Form 5A in Appendix B. The plaintiff may then proceed to tax his costs against the defendant who has made such payment in accordance with Rule 3(3) of this Order

and the action shall thereupon be stayed as against that defendant. The plaintiff may continue with the action against any other defendant but the sum paid into Court shall be set off against any damages awarded to the plaintiff against the defendant or defendants against whom the action is continued."

3. The following amendments shall be made in Order XXXI (which relates to discovery and inspection):—

(1) The following Rule shall be inserted after Rule 1:—

"**1A.** In an action for libel or slander where the defendant pleads that the words or matters complained of are fair comment on a matter of public interest or were published on a privileged occasion, no interrogatories as to the defendant's sources of information or grounds of belief shall be allowed."

(2) Rule 12 shall be amended by adding at the end thereof the following sentence:—

"In an action for libel or slander the Court or a Judge may grant discovery of documents relating to any issue raised in the action."

**4.** In Order LIV (which relates to applications and proceedings at Chambers) Rule 13 shall be amended by inserting as paragraph (17) the following paragraph:—

"(17) Applications to determine the steps to be taken in fulfilment of an offer of amends under section 4 of the Defamation Act (Northern Ireland), 1955."

**5.** The following amendments shall be made in Order LIX (which relates to Appeals and Cases Stated in Inferior Court Proceedings):—

(1) The heading of Part II shall be amended by adding the words and figures following, namely:—

*", as amended by Section 11 of the County Courts Act (Northern Ireland), 1955."*

(2) After the heading of Part II and before Rule 9 the following sub-heading shall be inserted:—

"A. CASES STATED IN EQUITY OR PROBATE MATTERS."

(3) After Rule 18 the following sub-heading and Rule which shall stand as Rule 18A shall be inserted.

"B. CASES STATED IN MATTERS OTHER THAN EQUITY OR PROBATE MATTERS."

**"18A.** Cases Stated in matters other than equity or probate matters shall be heard and determined by the Court of Appeal and Rules 9 to 18 of this Order shall apply to such cases with the substitution of references to the Court of Appeal for the references to the Judge by whom the case is heard."

(4) In Rule 39 after the words and figures "County Court Appeals (Ireland) Act 1889" there shall be inserted the words and figures "as amended by Section 11 of the County Courts Act (Northern Ireland), 1955".

**6.** The following amendments shall be made in Order LXV (which relates to costs):—

(1) In Rules 77 and 79 after the words and figure "appeals by case stated under Section 6 of the same Act" there shall be inserted the words and figures "as amended by Section 11 of the County Courts Act (Northern Ireland), 1955."

(2) In Rule 83 after the words and figures "County Courts Appeals (Ireland) Act, 1889" where they firstly occur, there shall be inserted the words and figures "as amended by Section 11 of the County Courts Act (Northern Ireland), 1955."

**7.** The following Form shall be added to Appendix B and shall stand as Form 5A:—

"No. 5A

Acceptance of Sum paid into Court by one of several defendants.

(0.22, r.5)

[*Heading as in Form I.*]

**Take** notice that the plaintiff accepts the sum of £ paid by the defendant **C.D.** into Court in satisfaction of his claim against that defendant.

Dated the day of , 19 .

**X.Y.**, Plaintiff's Solicitor.

To Mr. **P.Q.**, Solicitor for the Defendant **C.D.**,.....,
and
Mr. **R.S.**, Solicitor for the Defendant **E.F.**"

**8.** In Section III of Part II of Appendix S the heading shall be amended by inserting after the words and figures, "County Court Appeals (Ireland) Act, 1889 (52 & 53 Vict., c. 48)" the words and figures "as amended by the County Courts Act (Northern Ireland), 1955."

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## The Supreme Court Rules (Northern Ireland) (No. 2) Order in Council, 1957.

1957. No. 105 **[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 that enactment applies to the Supreme Court of Judicature of Northern Ireland(**b**) and of all other

(**a**) 40 & 41 Vict. c. 57. (**b**) S.R. & O. 1921 (No. 1802) p. 1,332.