5.—(1) Every application for an order under section 15 of the Act shall be made by originating summons.

(2) Where it is sought to examine a person in the capacity of director, manager, secretary or other officer of a body corporate to which notice has been given under section 14 of the Act, the body corporate, as well as that person, shall be made a respondent to the summons.

(3) Any order made under section 15 for the attendance and examination of any person shall be an order for his attendance and examination before the court or a judge.

(4) If any person who attends for examination in pursuance of such an order before a judge sitting otherwise than in open court refuses to be sworn or to answer any question which the judge may put or allow to be put to him, or to produce any particulars, documents or information which the judge has required him to produce, the judge may adjourn the examination into open court.

(5) When the examination of a person in pursuance of any such order has been concluded, the notes of the examination shall be filed in the Central Office.

6.—(1) An application for an authorisation or order under section 18 of the Act may be made either by originating summons or by originating notice of motion.

(2) In the case of an application for an authorisation under paragraph (*a*) of subsection (1) of section 18, one or more of the persons alleged to be parties to the agreement shall be made respondent to the summons or motion, and paragraph (4) of Rule 4 of this Order shall apply as it applies to a summons under that Rule.

(3) In the case of an application for any other relief under section 18, all persons against whom an order is sought shall be made respondents to the summons or motion.

7. Subject to the provisions of this Order, the Rules of the Supreme Court for the time being in force, and the practice and procedure in the Chancery Division, shall apply."

The Supreme Court Rules (Northern Ireland) (No. 4) Order in Council, 1957

1957. No. 111 **[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 of 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.

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(a) in the manner appearing in that Schedule).

This Order may be cited as the Supreme Court Rules (Northern Ireland) (No. 4) Order in Council, 1957, and shall come into force on the fourth day of July, 1957.

Given at Government House, Hillsborough, this twenty-fifth day of June, 1957.

MacDermott
Terence O'Neill
Brian Maginess
Arthur Black

SCHEDULE

1. In lieu of any Rules and scales of costs for the time being in force prescribing costs and fees payable to solicitors and counsel on appeal from a county court by way of re-hearing that are inconsistent with the Rules contained in this Order, the County Court Costs Rules (Northern Ireland), 1957(a), shall, subject to the provisions of Rule 2 hereof, apply *mutatis mutandis* to costs on appeal until further order.

2. (1) Where any item in the last mentioned Rules is appropriate only to county court proceedings the amount chargeable in respect thereof shall not be allowed as part of the costs of appeal.

(2) On such appeal the Judge may allow in respect of any item arising in the appeal for which there is no corresponding item in the County Court Costs Rules, such sum as having regard to all the circumstances appears to him to be just and reasonable.

WINTER ASSIZE

The Northern Ireland Winter Assize Order, 1957

1957. No. 213

This Order in Council was in operation only from 1st November, 1957 to 14th February, 1958 and is not printed at length in this volume.

(a) S.R. & O. 1936 (No. 70) II. p. 2,559.
(b) S.R. & O. (N.I.) 1957 No. 65.