

STATUTORY RULES AND ORDERS OF  
A GENERAL CHARACTER  
ISSUED IN 1972

1972. No. 1

[NC]

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Rules of the Supreme Court (Northern Ireland) (No. 1) 1972

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. Order 39 of the Rules of the Supreme Court (Northern Ireland) 1936(b) shall be revoked.

2. For Order 58 there shall be substituted the Order set out in Schedule 1 hereto.

3. Order 59A shall be amended as follows—

- (1) in rule 1 for the words "Supreme Court" there shall be substituted the words "High Court", and
- (2) in rule 7 for the reference to Order 58, rules 1, 2, 4 and 8 there shall be substituted a reference to Order 58, rules 3, 5, 7, 9 and 10.

4. Order 79 shall be amended as follows—

- (1) rule 34 shall be revoked.
- (2) for rules 40, 41, 42 and 43 there shall be substituted the following rules—

*"Guarantee*

40.—(1) In this rule—

"the Act of 1971" means the Administration of Estates Act (Northern Ireland) 1971;

"directions" means the directions dated 15th February 1956 given by the Probate Judge under section 20 of the Administration of Estates Act (Northern Ireland) 1955.

(2) The Registrar shall not require a guarantee under section 1 of the Act of 1971 as a condition of granting administration except where it is proposed to grant it—

(a) 10 & 11 Eliz. 2. c. 30.

(b) S.R. & O. 1936, No. 70 (II, p. 2559).

- (a) by virtue of direction 3(6) or direction 4(4) to a creditor or the personal representative of a creditor or to a person who has no immediate beneficial interest in the estate of the deceased but may have such an interest in the event of an accretion to the estate;
- (b) under direction 9 to a person or some of the persons who would, if the person beneficially entitled to the whole of the estate died intestate be entitled to his estate;
- (c) under direction 10 to the attorney of a person entitled to a grant;
- (d) under direction 11 for the use and benefit of an infant;
- (e) under direction 12 for the use and benefit of a person who is by reason of mental or physical incapacity incapable of managing his affairs;
- (f) to an applicant who appears to the Registrar to be resident elsewhere than in the United Kingdom;

or except where the Registrar considers that there are special circumstances making it desirable to require a guarantee.

(3) Notwithstanding that it is proposed to grant administration as aforesaid, a guarantee shall not be required, except in special circumstances, on an application for administration where the applicant or one of the applicants is—

- (a) a trust corporation;
- (b) a solicitor holding a current practising certificate under the Solicitors Act (Northern Ireland) 1938;
- (c) a servant of the Crown acting in his official capacity.

(4) Where the Registrar considers that there are special circumstances under paragraphs (2) or (3), he shall give the applicant or his solicitor (where the application for a grant is made through a solicitor) an opportunity of being heard with respect to the requirement.

(5) Every guarantee entered into by a surety for the purposes of section 1 of the Act of 1971 shall be in Form 14 of Appendix R.

(6) Except where the surety is a corporation, the signature of the surety on every such guarantee shall be attested by an authorised officer, a commissioner to administer oaths or other person authorised by law to administer an oath.

(7) Unless the Registrar otherwise directs—

- (a) if it is decided to require a guarantee, it shall be given by two sureties, except where the gross value of the estate does not exceed £500 or a corporation is a proposed surety, and in those cases one will suffice;
- (b) no person shall be accepted as a surety unless he is resident in the United Kingdom;
- (c) no officer of the principal registry or district registry shall become a surety, nor in any case in which a person is solicitor for the applicant for a grant shall he or his clerk or apprentice become a surety without the leave of the Chief Registrar of the principal probate registry;

(d) the limit of liability of the surety or sureties given for the purposes of the Act of 1971 shall be the gross amount of the estate as sworn on the application for the grant;

(e) every surety, other than a corporation, shall justify.

(8) Where the proposed surety is a corporation there shall be filed an affidavit by the proper officer of the corporation to the effect that it has power to act as surety and has executed the guarantee in the manner prescribed by its constitution, and containing sufficient information as to the financial position of the corporation to satisfy the registrar that its assets are sufficient to satisfy all claims which may be made against it under any guarantee which it has given or is likely to give for the purposes of the Act of 1971:

Provided that the Chief Registrar of the principal probate registry may, instead of requiring an affidavit in every case, accept an affidavit made not less often than once in every year together with an undertaking by the corporation to notify the said registrar forthwith in the event of any alteration in its constitution affecting its power to become surety under the Act of 1971.

41. An application for leave of the High Court under section 1(3) or section 4(5) of the Administration of Estates Act (Northern Ireland) 1971 to sue a surety on a guarantee shall be made by summons to the Chief Registrar or Assistant Registrar who may direct the matter to be brought before a Judge and notice of the application shall in any event be served on the administrator, the surety and any co-surety."

(3) in rule 44 the following paragraph shall be deleted—

"No surety shall be required from a trust corporation unless the Judge or Principal Registrar shall so direct."

(4) rule 45 shall be revoked.

(5) immediately after rule 51 the following rule shall be inserted—

"51A. Unless otherwise directed by a Registrar every oath of executor or administrator shall state where the deceased died domiciled."

(6) rules 80, 81, 82, 97 and 98 shall be revoked.

(7) for rule 104 there shall be substituted the following rule:—

"104. The certificate of delivery of any inland revenue affidavit required by section 30 of the Customs and Inland Revenue Act 1881 to be borne by every grant shall, subject to any necessary variations and modifications, which the officer of the court giving the certificate is hereby authorised at his discretion to make, be in the following form:

'And it is hereby certified that an inland revenue affidavit has been delivered wherein it is shown that the gross value of the estate of the said deceased in the United Kingdom (exclusive of what the deceased may have been possessed of or

entitled to as a trustee and not beneficially) amounts to  
 £                      and that the net value of the estate amounts to  
 £                      ;

And it is further certified by a receipt signed by an inland  
 revenue officer on the said affidavit that £                      on account  
 of estate duty and interest on such duty has been paid.’”

(8) for rule 109 there shall be substituted the following rule—

“109. On an application for the sealing of a grant under the  
 Colonial Probates Acts 1892 and 1927—

- (a) the Registrar shall not require sureties under section 4 of  
 the Administration of Estates Act (Northern Ireland) 1971  
 as a condition of resealing the grant, except where it appears  
 to him that the grant is made to a person or for a purpose  
 mentioned in paragraphs (a) to (f) of rule 40(2) or except  
 where he considers that there are special circumstances  
 making it desirable to require sureties;
- (b) rule 40(3), (4), (6), (7) and (8) shall apply with any necessary  
 modifications;
- (c) a guarantee entered into by a surety for the purposes of the  
 said section 4 shall be in Form 15 of Appendix R; and
- (d) an application to sue on a guarantee shall be made in  
 accordance with rule 41.”

(9) in rule 134 for the word “bonds” there shall be substituted the word  
 “guarantees”.

5. For the paragraph appearing after the notification of entering an  
 appearance in Form 1 in Part I of Appendix A there shall be substituted the  
 following paragraph—

“If judgment is given against you and there are special circumstances  
 which make it inexpedient to enforce the judgment or you are unable  
 to pay the amount due you may apply to the Enforcement of Judgments  
 Office, Bedford House, Belfast, for a stay of enforcement.”

6. Appendix R shall be amended as follows—

- (1) for Forms 14 and 15 there shall be substituted the forms set out in  
 Schedule 2 hereto.
- (2) Forms 16, 37 and 38 shall be revoked.

7.—(1) These rules may be cited as the Rules of the Supreme Court  
 (Northern Ireland) (No. 1) 1972.

(2) This rule, rule 4 (with the exception of paragraph (7)), rule 5 and rule  
 6 shall come into force on 1st January, 1972.

- (3) Rules 1, 2 and 3 shall come into force on 1st February 1972.
- (4) Paragraph (7) of rule 4 shall come into force on 1st June 1972.

Dated 1st January 1972.

(Signed) *Robert Lowry*  
*L. E. Curran*  
*Maurice W. Gibson*  
*Turlough O'Donnell*  
*Donald Murray*

## SCHEDULE 1

## RULE 2

Order to be substituted for Order 58 of the  
Rules of the Supreme Court

## ORDER 58

**Appeals to the Court of Appeal***Application of Order to appeals*

1. This Order applies, subject to the provisions of these Rules with respect to particular appeals, to every appeal to the Court of Appeal (including, so far as it is applicable thereto, any appeal to that Court from any tribunal from which an appeal lies to that Court under or by virtue of any enactment) not being an appeal for which other provision is made by these Rules.

*Application of Order to applications for new trial*

2. This Order (except so much of rule 3(1) as provides that an appeal shall be by way of rehearing and except rule 11(1)) applies to an application to the Court of Appeal for a new trial or to set aside a verdict, finding or judgment after trial with or without a jury, as it applies to an appeal to that Court, and references in this Order to an appeal and to an appellant shall be construed accordingly.

## GENERAL PROVISIONS AS TO APPEALS

*Notice of appeal*

3.—(1) An appeal to the Court of Appeal shall be by way of rehearing and shall be brought by giving notice of appeal.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the court below; and every such notice must specify the grounds of appeal.

(3) Except with the leave of the Court of Appeal, the appellant shall not be entitled on the hearing of an appeal to rely on any grounds of appeal or to apply for any relief, not specified in the notice of appeal.

(4) A notice of appeal must be served on all parties to the proceedings in the court below who are directly affected by the appeal; and, subject to rule 8, it shall not be necessary to serve the notice on parties not so affected.

(5) A notice of appeal shall be a 4 day notice when given in respect of an interlocutory order and a 14 day notice in any other case.

*Time for appealing*

4.—(1) Subject to the provisions of this rule, every notice of appeal must be served under rule 3(4) within the following period (calculated from the date on which the judgment or order of the court below was filed) that is to say—

- (a) in the case of an appeal from an interlocutory order and in the case of an appeal from a judgment or order under Order 14, 21 days;
- (b) in the case of an appeal from an order or decision made or given in the matter of the winding-up of a company or in the matter of any bankruptcy, 21 days;
- (c) in any other case, 6 weeks.

(2) Where a summons to vary or discharge a certificate and the further consideration of an action are heard together, and an order is made on both, notice of appeal in respect of the order made on the summons may be served at any time before the expiration of the period within which notice of appeal could be served in respect of the order made on further consideration.

*Entry of appeal*

5.—(1) The appellant must, not later than 7 days after the service of the notice of appeal or within such further time as a Judge or the Court may allow, enter the appeal for hearing by lodging with the Registrar—

- (a) two copies of the notice of appeal of which one copy must be duly stamped and endorsed with particulars of service;
- (b) an office copy of the judgment or order of the court below.

(2) Upon the said documents being filed with the Registrar the appeal should be listed for hearing not earlier than the date named in the notice of appeal unless an earlier date is fixed at the request and with the written consent of both the appellant and the respondent.

*Respondent's notice*

6.—(1) A respondent who, not having appealed from the decision of the court below, desires to contend on the appeal that the decision of that court should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must give notice to that effect, specifying the grounds of that contention.

(2) A respondent who desires to contend on the appeal that the decision of the court below should be affirmed on grounds other than those relied upon by that court must give notice to that effect specifying the grounds of that contention.

(3) Except with the leave of the Court of Appeal, a respondent shall not be entitled on the hearing of the appeal to contend that the decision of the court below should be varied upon grounds not specified in a notice given under this rule, to apply for any relief not so specified, or to support the decision of the court below upon any grounds not relied upon by that court or specified in such a notice.

(4) Any notice given by a respondent under this rule (in this Order referred to as a "respondent's notice") must be served on the appellant, and on all parties to the proceedings in the court below who are directly affected by the contentions of the respondent, and must be served—

- (a) in the case of an appeal against an interlocutory order, within 7 days, and
- (b) in any other case, within 21 days,

after the service of the notice of appeal on the respondent.

(5) A party by whom a respondent's notice is given must, within 2 days after service of the notice, furnish two copies of the notice to the Registrar.

*Amendment of notice of appeal and respondent's notice*

7. A notice of appeal or respondent's notice may be amended by or with the leave of the Court of Appeal, at any time.

*Directions of the Court as to service*

8.—(1) The Court of Appeal may in any case direct that the notice of appeal be served on any party to the proceedings in the court below on whom it has not been served, or on any person not party to those proceedings.

(2) In any case in which the Court of Appeal directs the notice of appeal to be served on any party or person, the Court may also direct that any respondent's notice shall be served on him.

(3) The Court of Appeal may in any case where it gives a direction under this rule—

- (a) postpone or adjourn the hearing of the appeal for such period and on such terms as may be just, and

(b) give such judgment and make such order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

*Appeal books to be lodged by the appellant*

9. Not less than 7 days before the appeal is likely to be listed for hearing the appellant must cause to be lodged with the Registrar three appeal books (unless the Registrar directs a different number) containing the following documents, namely—

- (a) the notice of appeal;
- (b) the respondent's notice;
- (c) any amended notice directed by the Court to be served under rule 7;
- (d) the judgment or order of the court below;
- (e) the pleadings (including particulars), if any, and, in the case of an appeal in an Admiralty cause or matter, the preliminary acts, if any;
- (f) the transcript of the official shorthand note or mechanical recording, if any, of the judgment or order of the court below or, in the absence of such a note, the judge's note (if any) of his reasons for giving the judgment or making the order;
- (g) such parts of the transcript of the official shorthand note or mechanical recording, if any, of the evidence given in the court below as are relevant to any question at issue on the appeal or, in the absence of such a note, such parts of the judge's note (if any) of the evidence as are relevant to any such question;
- (h) any list of exhibits made under Order 36, rule 37A;
- (i) such affidavits, exhibits, or parts of exhibits, as were in evidence in the court below and as are relevant to any question at issue on the appeal;
- (j) in the case of an appeal from the verdict of a jury any objection to the charge of the trial judge or any requisition made thereon.

*General powers of the Court*

10.—(1) In relation to an appeal the Court of Appeal shall have all the powers and duties as to amendment and otherwise of the High Court.

(2) The Court of Appeal shall have power to receive further evidence on questions of fact, either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner, but, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits, no such further evidence (other than evidence as to matters which have occurred after the date of the trial or hearing) shall be admitted except on special grounds.

(3) The Court of Appeal shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require.

(4) The powers of the Court of Appeal under the foregoing provisions of this rule may be exercised notwithstanding that no notice of appeal or respondent's notice has been given in respect of any particular part of the decision of the court below or by any particular party to the proceedings in that court, or that any ground of allowing the appeal or for affirming or varying the decision of that court is not specified in such a notice; and the Court of Appeal may make any order, on such terms as the Court thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(5) The Court of Appeal may, in special circumstances, order that such security shall be given for the costs of an appeal as may be just.

(6) The powers of the Court of Appeal in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

(7) Documents impounded by order of the Court of Appeal shall not be delivered out of the custody of that Court except in compliance with an order of that Court.



Provided that where the Attorney General makes a written request in that behalf, documents so impounded shall be delivered into his custody.

(8) Documents impounded by order of the Court of Appeal, while in the custody of that Court, shall not be inspected except by a person authorised to do so by an order of that Court.

*Powers of the Court as to new trials*

11.—(1) On the hearing of an appeal the Court of Appeal may, if it thinks fit, make any such order as could be made in pursuance of an application for a new trial or to set aside a verdict, finding or judgment of the court below.

(2) The Court of Appeal shall not be bound to order a new trial on the grounds of misdirection, or of the improper admission or rejection of evidence, or because the verdict of the jury was not taken upon a question which the judge at the trial was not asked to leave to them, unless in the opinion of the Court of Appeal some substantial wrong or miscarriage has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision on any other question; and if it appears to the Court of Appeal that any such wrong or miscarriage as is mentioned in paragraph (2) affects part only of the matter in controversy, or one or some only of the parties, the Court may order a new trial as to that part only, or as to that party or those parties only, and give final judgment as to the remainder.

(4) In any case where the Court of Appeal has power to order a new trial on the ground that damages awarded by a jury are excessive or inadequate, the Court may, in lieu of ordering a new trial—

- (a) with the consent of all parties concerned, substitute for the sum awarded by the jury such sum as appears to the Court to be proper;
- (b) with the consent of the party entitled to receive or liable to pay the damages, as the case may be, reduce or increase the sum awarded by the jury by such amount as appears to the Court to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded;

but except as aforesaid the Court of Appeal shall not have power to reduce or increase the damages awarded by a jury.

(5) A new trial shall not be ordered by reason of the ruling of any Judge that a document is insufficiently stamped or does not require to be stamped.

*Evidence on appeal*

12. Where any question of fact is involved in an appeal, the evidence taken in the court below bearing on the question shall, subject to any direction of the Court of Appeal, be brought before that Court as follows—

- (a) in the case of evidence taken by affidavit, by the production of copies prepared as required by Order 66, rule 3(2), of such of the affidavits as have been printed, and office copies of such of them as have not been printed;
- (b) in the case of evidence given orally, by a copy of so much of the transcript of the mechanical recording as is relevant or by a copy of the judge's note, where he has intimated that in the event of an appeal his note will be sufficient, or by such other means as the Court of Appeal may direct.

*Stay of enforcement, etc.*

13.—(1) Except so far as the court below or the Court of Appeal may otherwise direct—

- (a) an appeal shall not operate as a stay of enforcement or of proceedings under the decision of the court below;
- (b) no intermediate act or proceeding shall be invalidated by an appeal.

(2) On an appeal from the High Court, interest for such time as enforcement has been delayed by the appeal shall be allowed unless the Court otherwise orders.

*Applications to the Court of Appeal*

14.—(1) Every application to the Court of Appeal shall be by motion and the provisions of Order 52 shall, with the necessary modifications, apply thereto.

(2) Any application to the Court of Appeal for leave to appeal (other than an application made after the expiration of the time for appealing) must, if the appellant is acting in person, be made *ex parte* in the first instance; but unless the application is then dismissed or it appears to that Court that undue hardship would be caused by an adjournment, the Court shall adjourn the application and give directions for the service of notice thereof on the party or parties affected.

(3) Where an *ex parte* application has been refused by the court below, an application for a similar purpose may be made to the Court of Appeal *ex parte* within 7 days after the date of the refusal.

(4) Wherever under these rules an application may be made either to the court below or to the Court of Appeal, it shall not be made in the first instance to the Court of Appeal, except where there are special circumstances which make it impossible or impracticable to apply to the court below.

*Extension of time*

15. Without prejudice to the power of the Court of Appeal under Order 64, rule 7, to extend the time prescribed by any provision of this Order, the period for serving notice of appeal under rule 4 or for making application *ex parte* under rule 14(3) may be extended by the court below on application made before the expiration of that period.

## SPECIAL PROVISIONS AS TO PARTICULAR APPEALS

*Appeal relating to validity of a law*

16. Every appeal under section 50 of the Government of Ireland Act 1920 shall be brought by giving notice of appeal in accordance with rule 3 and every such appeal shall be deemed to be an appeal from a judgment in an action and the rules of this Order shall apply accordingly.

*Appeal against order for revocation of patent*

17.—(1) The following provisions of this rule shall apply to any appeal to the Court of Appeal from an order for the revocation of a patent made on a petition under section 32 of the Patents Act 1949 or on a counterclaim under section 61 of that Act.

(2) The notice of appeal must be served on the Comptroller-General of Patents, Designs and Trade Marks (in this rule referred to as "the Comptroller") as well as on the party or parties required to be served under rule 3.

(3) If, at any time before the appeal comes on for hearing, the respondent decides not to appear on the appeal or not to oppose it, he must forthwith serve notice of his decision on the Comptroller and the appellant, and any such notice served on the Comptroller must be accompanied by a copy of the petition or of the pleadings in the action and the affidavits filed therein.

(4) The Comptroller must, within 14 days after receiving notice of the respondent's decision, serve on the appellant a notice stating whether or not he intends to appear on the appeal.

(5) The Comptroller may appear and be heard in opposition to the appeal—

(a) in any case where he has given notice under paragraph (4) of his intention to appear; and

(b) in any other case (including, in particular, a case where the respondent withdraws his opposition to the appeal during the hearing) if the Court of Appeal so directs or allows.

(6) The Court of Appeal may make such orders for the postponement or adjournment of the hearing of the appeal as may appear to the Court necessary for the purpose of giving effect to the foregoing provisions of this rule.

SCHEDULE 2

RULE 6

Forms to be inserted in Appendix R of the Rules of the Supreme Court No. 14

SURETY'S GUARANTEE

In the High Court of Justice in Northern Ireland Queen's Bench Division (Probate)

(1) Insert "Principal" or "District".....

The

(1) Probate Registry

In the Estate of

(2)deceased

(2) Full name of deceased. (3) Address and description of deceased.

WHEREAS

(2) of

(3)

died on the

day of

19

(4) Full name(s) and address(es) and description(s) of proposed administrator(s).

and

[and

](4)

(5) Delete whichever is inapplicable.

(hereinafter called "the administrator(s)") is/are (5) the intended administrator(s) of his/her(5) estate;

NOW THEREFORE

1. I/We(5)

of

(6) Full name(s) address(es) and description(s) of suret(y)(ies).

[and

of

](6)

(7) Delete if only one surety.

hereby [jointly and severally](7) guarantee that I/we(5) will, when lawfully required to do so,(8) make good any loss which any person interested in the administration of the estate of the deceased may suffer in consequence of the breach by the administrator(s) of his/her/their(5) duty—

(8) An action on the guarantee may only be brought with the leave of the court.

- (a) to collect and get in the estate of the deceased and administer it according to law;
(b) when required to do so by the court, to exhibit on oath in the court a full inventory of the estate and, when so required, to render an account of the estate; or
(c) when so required by the court, to deliver up the grant to the court.

2. The giving of time to the administrator(s) or any other forbearance or indulgence shall not in any way affect my/our(5) liability under this guarantee.

3. The liability under this guarantee shall be continuing and shall be for the whole amount of the loss mentioned in paragraph 1 above, but [my] [our aggregate] total liability shall not in any event exceed the sum of £ (9)

(9) Insert gross value of estate (unless a Registrar has directed otherwise).

Dated this

day of

19

Signed, sealed and delivered by the above named in the presence of

(10) Attestation is not required in the case of a corporation.

a Commissioner for Oaths.(10)

[Further attestation clauses].

[The Common Seal of was hereunto fixed in the presence of

].

No. 15.

SURETY'S GUARANTEE  
ON APPLICATION FOR RESEALING UNDER  
COLONIAL PROBATES ACTS 1892 AND 1927

In the High Court of Justice in Northern Ireland  
Queen's Bench Division (Probate)  
The Principal Registry

In the Estate of

(1) deceased (1) Full name of deceased.

WHEREAS

(1) of

(2) (2) Address and description of deceased.

died on the

day of

19

and letters of administration of his estate were on the

day of

19

granted by the

(3) (3) Description of court by which grant was issued.

to

[and

](4) and are about to be sealed in Northern Ireland under the Colonial Probates Acts 1892 and 1927.

(4) Full name(s) and address(es) and description(s) of administrator(s).

NOW THEREFORE

1. I/We(5)

of

[and

(5) Delete whichever is inapplicable. (6) Full name(s) address(es) and description(s) of suret(y)(ies)

of

](6)

hereby [jointly and severally](7) guarantee that I/we(5) will, when lawfully required to do so(8), make good any loss which any person interested in the administration of the estate of the deceased in Northern Ireland may suffer in consequence of the breach by the administrator(s) of his/her/their (5) duty—

(7) Delete if only one surety. (8) An action on the guarantee may only be brought with the leave of the court.

(a) to collect and get in the estate of the deceased which is situated in Northern Ireland and administer it according to law;

(b) when required to do so by the court, to exhibit on oath in the court a full inventory of the estate which is situated in Northern Ireland and, when so required, to render an account of that estate.

2. The giving of time to the administrator(s) or any other forbearance or indulgence shall not in any way affect my/our(5) liability under this guarantee.

3. The liability under this guarantee shall be continuing and shall be for the whole amount of the loss mentioned in paragraph 1 above, but [my] [our aggregate] total liability shall not in any event exceed the sum of £ .(9)

(9) Insert gross value of estate in Northern Ireland (unless a Registrar has directed otherwise).

Dated this

day of

19

Signed, sealed and delivered by the above named in the presence of a Commissioner for Oaths.

[Further attestation clauses].(10)

(10) Attestation is not required in the case of a corporation.

[The Common Seal] of was hereunto affixed in the presence of

## EXPLANATORY NOTE

*(This note is not part of the rules, but is intended to indicate their general purport.)*

These Rules amend the Rules of the Supreme Court (Northern Ireland) 1936.

Rule 2 substitutes a new Order 58 for the existing Order 58, which relates to appeals to the Court of Appeal. The new Order requires the appellant in every appeal to state his grounds of appeal instead of the present practice under Order 39 rule 3, which only requires an appellant appealing from the verdict of a jury to do so. Order 39 is revoked by rule 1.

Rules 4 and 6 make amendments to Order 79 required by the coming into force of the Administration of Estates Act (Northern Ireland) 1971. That Act does away with the need for administration bonds under the law of Northern Ireland, although in certain cases specified in the Rules a guarantee may be required.

Rule 5 substitutes a new note in the form of writ of summons consequential on the establishment of the Enforcement of Judgments Office.

Rule 4 (with the exception of paragraph (7)) and rules 5, 6 and 7 come into force on 1st January 1972. Rule 4(7) comes into force on 1st June 1972, and the remaining rules on 1st February 1972.