

Now we, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of His Majesty's Privy Council in Ireland, in pursuance and by virtue of the Supreme Court of Judicature (Ireland) Act, 1877, as amended and applied to the said Supreme Court of Judicature as hereinbefore mentioned, and of all other powers Us thereunto enabling, and with the concurrence of a majority of all the Judges and the other persons hereinbefore mentioned and present at the meeting aforesaid, do order and declare that the Rules of Court set forth in the Schedule hereto shall be substituted for the Rules of Order XI. of the said Rules of the Supreme Court (Ireland), and shall take effect and be in force as Statutory Rules of Court from the date hereof.

Given at the Council Chamber, Stormont Castle, Belfast, this 24th day of October, 1922.

James Craig.	H. M. Pollock.
Londonderry.	R. Dawson Bates.
Dufferin and Ava.	John M. Andrews.
Denis S. Henry.	William Moore.
James Johnston.	T. W. Brown.
Sam. Cunningham.	R. D. P. Maxwell.
E. M. Archdale.	Richard Best.
T. Hamilton.	

SCHEDULE REFERRED TO IN THE FOREGOING ORDER.

We, being a majority of the Judges of the Supreme Court of Judicature of Northern Ireland, and the other persons, pursuant to the twelfth Section of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, (as adapted by Order in Council dated 21st day of November, 1921, made under the provisions of the Government of Ireland Act, 1920), upon whose recommendation the Lord Lieutenant may make, alter or annul Rules of Court, under the sixty-first Section of the Supreme Court of Judicature Act (Ireland) 1877, present at a meeting for that purpose held (of which majority the Lord Chief Justice of Northern Ireland is one) do, pursuant to the powers conferred on Us by the Government of Ireland Act, 1920, and the adaptation of the Judicature (Ireland) Acts, 1877 to 1897, made by said Order in Council and of all other powers Us thereunto enabling hereby express our concurrence in an Order being made by the Lord Lieutenant of Ireland in Council annulling the Rules of Order XI of the Rules of the Supreme Court (Ireland), 1905, and substituting the Order as hereinafter expressed and set forth.

(Signed)

Denis S. Henry, C.J.
William Moore, L.J.
James Andrews, L.J.
Samuel G. Crymble.
Arthur Black.

May 11, 1922.

RULES OF THE SUPREME COURT (IRELAND), 1905. ORDER XI.

All the several Rules of Order XI. are hereby annulled, and the following Rules substituted therefor, viz. :—

1. Service out of the jurisdiction of a Writ of Summons or notice of a Writ of Summons may be allowed by the Court, or a Judge, whenever :

- (a) The whole subject matter of the action is land situate within the jurisdiction (with or without rents or profits), or the perpetuation of testimony relating to land within the jurisdiction ; or
- (b) Any act, deed, will, contract, obligation, or liability affecting land or hereditaments, situate within the jurisdiction is sought to be construed, rectified, set aside, or enforced in the action ; or
- (c) Any relief is sought against any person domiciled or ordinarily resident within the jurisdiction ; or
- (d) The action is for the administration of the personal estate of any deceased person, who at the time of his death was domiciled within the jurisdiction, or for the execution (as to the property situate within the jurisdiction) of the trusts of any written instrument of which the person to be served is a trustee, which ought to be executed according to the law of Northern Ireland ; or
- (e) The action is one brought to enforce, rescind, dissolve, annul, or otherwise affect, a contract, or to recover damages or other relief for or in respect of the breach of a contract
 - (i) made within the jurisdiction. or
 - (ii) made by or through an agent trading or residing within the jurisdiction on behalf of a principal trading or residing out of that jurisdiction, or
 - (iii) by its terms or by implication to be governed by the law of Northern Ireland
 or is one brought against a defendant not domiciled or ordinarily resident in England or Scotland in respect of a breach committed within the jurisdiction of a contract wherever made, even though such breach was preceded or accompanied by a breach out of the jurisdiction which rendered impossible the performance of the part of the contract which ought to have been performed within the jurisdiction ; or
- (f) The action is founded on a tort committed within the jurisdiction ; or
- (g) Any injunction is sought as to anything to be done within the jurisdiction, or any nuisance within the jurisdiction is sought to be prevented or removed, whether damages are or are not also sought respect thereof ; or
- (h) Any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within the jurisdiction ; or
- (i) The action is for criminal conversation committed within His Majesty's dominions brought by a plaintiff domiciled within the jurisdiction ; or
- (j) The action is by a Mortgagee or Mortgagor in relation to a Mortgage of personal property situated within the jurisdiction and seeks relief of the nature or kind following, that is to say, sale, foreclosure, delivery of possession by the Mortgagor, redemption, re-conveyance, delivery of possession by the Mortgagee, but does not seek (unless and except so far as permissible under sub-head (e) of this Rule) any personal judgment or order for payment of any moneys due under the Mortgage.