

In this sub-head the expression "personal property situate within the jurisdiction" means personal property which, on the death of an owner thereof intestate would form subject-matter for the grant of Letters of Administration to his estate out of the Principal Probate Registry in Northern Ireland; the expression "Mortgage" means a Mortgage charge or lien of any description; the expression "Mortgagee" means a party for the time being entitled to or interested in a Mortgage; and the expression "Mortgagor" means a party for the time being entitled to or interested in property subject to a Mortgage.

2. Where leave is asked from the Court or a Judge to serve a Writ or Notice thereof under the last preceding Rule, the Court or Judge to whom such application shall be made shall have regard to the amount or value of the claim or property affected, and to the comparative cost and convenience of proceedings in Northern Ireland, or in the place of the defendant's residence, and particularly in cases of small demands where the defendant is resident in England or Scotland, to the powers and jurisdiction, under the Statutes establishing or regulating them, of the County Courts in England, and of the Sheriff's Courts or Small Debts Courts in Scotland respectively.

3. Notwithstanding anything contained in Rule 1 of this Order, the parties to any contract may agree—

- (a) that the High Court of Justice in Northern Ireland shall have jurisdiction to entertain any action in respect of such contract, and, moreover or in the alternative,
- (b) that service of any Writ of Summons, or of Notice of a Writ of Summons, in any such action may be effected at any place within or out of the jurisdiction on any party or on any person on behalf of any party or in any manner specified or indicated in such contract.

Service of a Writ of Summons or of Notice of a Writ of Summons at the place (if any) or on the party or on the person (if any) or in the manner (if any) specified or indicated in the contract shall be deemed to be good and effective service wherever the parties are resident, and if no place or mode or person be so specified or indicated, service out of the jurisdiction of such Writ may be ordered.

4. In Probate actions service of a Writ of Summons or Notice of a Writ of Summons may by leave of the Court or a Judge be allowed out of the jurisdiction.

5. Every application for leave to serve a Writ of Summons or Notice of a Writ of Summons on a Defendant out of the jurisdiction shall be supported by Affidavit, or other evidence, stating that in the belief of the Deponent the Plaintiff has a good cause of action, and showing in what place or country such Defendant is or probably may be found, and whether such Defendant is a British subject or not, and where leave is asked to serve a Writ or Notice thereof under Rule 1 of this Order stating the particulars necessary for enabling the Court or Judge to exercise a due discretion in the manner in Rule 2 of this Order specified, and no such leave shall be granted unless it shall be made sufficiently to appear to the Court or Judge that the case is a proper one for service out of the jurisdiction under this Order.

6. Such application shall be made before the issue of the Writ, and the Affidavit to ground same shall, when no action is pending, be entitled as between the parties to the intended action, and "In the matter of the Supreme Court of Judicature Act (Ireland), 1877."

7. Any Order giving leave to effect such Service or give such notice shall limit a time after such service or notice within which such Defendant is to enter an appearance, such time to depend on the place or country where or within which the Writ is to be served or the Notice given, and such leave may be given by the same Order by which leave is given to issue the Writ of Summons is to be given out of the jurisdiction.

8. When Defendant is neither a British subject nor in British Dominions, notice of the Writ, and not the Writ itself, is to be served upon him. Such Notice shall be served in the manner in which Writs of Summons are served.

9. Whenever an Order shall be made giving leave to serve such Writ or Notice on a Defendant out of the jurisdiction a copy of such Order shall be served along with the Writ or the Notice as the case may be.

10. Service out of the jurisdiction may be allowed by the Court or a Judge of the following processes or of notice thereof, that is to say:

(a) Originating Summonses under Order LIV. A or Order LV. Rule 4 or 5, in any case where if the proceedings were commenced by Writ of Summons they would be within Rule 1 of this Order.

(b) Any Originating Summons, Petition, Notice of Motion or other Originating proceedings—

- (1) in relation to any infant or lunatic or person of unsound mind, or
- (2) under any Statute under which proceedings can be commenced otherwise than by Writ of Summons, or
- (3) under any rule of Court of Practice whereunder proceedings can be commenced otherwise than by Writ of Summons.

(c) Without prejudice to the generality of the last foregoing sub-head, any Summons Order, or Notice in any Interpleader proceedings or for the appointment of an Arbitrator or Umpire, or to remit, set aside or enforce an Award in an Arbitration held or to be held within the jurisdiction.

(d) Any Summons, Order or Notice in any proceedings duly instituted whether by Writ of Summons or other such originating process as aforesaid.

Rules 2, 3, 5, 6, 7, 8 and 9 of this Order shall apply mutatis mutandis to such service.

Nothing herein contained shall in any way prejudice or affect any practice or power of the Court under which when lands, funds, choses in action, rights or property within the jurisdiction are sought to be dealt with or affected, the Court may, without affecting to exercise jurisdiction over any person out of the jurisdiction, cause such person to be informed of the nature or existence of the proceedings with a view to such person having an opportunity of claiming, opposing, or otherwise intervening.