

(3) For the purposes of this Rule, the value of the subject-matter of an application shall be deemed to be—

in the case of an application for leave to levy distress, the amount for which distress is proposed to be levied;

in the case of an application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, the amount of the sum sought to be recovered;

in the case of an application for leave to foreclose, or realise any security, the amount of the principal sum secured;

in the case of an application for leave to forfeit any deposit, the total amount payable in respect of which the deposit has been made; and

in the case of an application for leave to enforce the lapse of a policy of insurance to which subsection (1) of section one of the Act applies, the amount ultimately recoverable under the policy.

(4) Applications shall, in the absence of special circumstances, be made to a county court or to a court of summary jurisdiction, as the case may be, where application to such a court is permitted by this Rule.

The court may order any increased costs occasioned by disregard of this sub-rule to be borne by the applicant.

Where an application is made to the High Court which in the opinion of that court ought to have been made to a county court or to a court of summary jurisdiction, the case may, if thought fit, be remitted or transferred to the proper court; and where an application is made to a county court which in the opinion of that court ought to have been made to a court of summary jurisdiction, the county court may remit or transfer the case to a court of summary jurisdiction.

Mode of application under paragraph (a).

3.—(1) In cases under paragraph (a) where a judgment or order has been already made, application shall be made by summons to be served at such time and in such manner and to be dealt with according to such practice generally as may be in conformity with the practice of the court, or division of the court, in question.

Provided that such summons shall have appended to it a note corresponding, *mutatis mutandis*, with the note to the Notice of Application in Form I. in the Schedule to these Rules.

(2) In cases under paragraph (a) where no judgment or order has been already made, application may be made at the time of the making of the judgment or order without any summons: Provided that unless the debtor is actually present by himself or his solicitor at the time of the making of the judgment or order such application shall not be entertained unless the creditor shall have served on the debtor, in accordance with the practice of the court in question as to the service of summonses, a notice of intention to make the application, which shall be in the form or to the effect set out in Form I. in the Schedule to these Rules.

(3) Any such notice as in sub-rule (2) of this rule mentioned may be served either with

the writ or other document originating the proceedings or at any later time not being less than two clear days before the making of the judgment or order unless in any case the court shall otherwise order.

(4) The practice of the court in question as to the time and place and method of service and as to substituted service and otherwise shall apply to the service of a notice under this rule as if such notice were a summons.

Mode of Application to the High Court under Paragraph (b).

4.—(1) Applications to the High Court under paragraph (b) shall be made by way of originating summons, and shall be dealt with in chambers in accordance with the practice of the division of the High Court in which the application is made; but any such application may be adjourned into court at any stage of the proceedings or during the hearing.

(2) Application shall be to the Division of the High Court which ordinarily deals with subject matters similar to the subject matter of the application. Any application made in contravention of this sub-rule may be remitted to the proper division, but may, if it is thought fit, notwithstanding anything in this sub-rule, be dealt with by the division in which it is made.

(3) The debtor shall not be required to enter any appearance to any such originating summons as aforesaid, and accordingly Rule 4 E of Order LIV of the Rules of the Supreme Court as well as the general practice of the High Court shall apply thereto.

(4) Any originating summons under this rule shall be in the form or to the effect of Form II. in the Schedule to these Rules. In particular it shall have a note as to the effect of the Act subjoined to it in the form or to the effect shown in Form II.

Mode of Application to County Court under Paragraph (b).

5.—(1) Applications to the county court under paragraph (b) may be made to any court which would have jurisdiction in the matter if the creditor were a plaintiff, and the debtor a defendant, in an action for debt not exceeding £100.

(2) The application shall be made by means of a summons entitled "In the matter of the Courts (Emergency Powers) Act, 1914."

(3) Application may be made to the registrar of the court; but—

(i) the registrar may in any case refer the matter to the judge;

(ii) where the amount of the subject matter of the application exceeds five pounds, the registrar shall, on the application of either party, refer the matter to the judge; and

(iii) the judge may vary or rescind any order made by the registrar and may make such order as may be just.

Mode of Application to Courts of Summary Jurisdiction under Paragraph (b).

6. Applications to a court of summary jurisdiction under paragraph (b) shall be made by means of a summons entitled, "In the matter of the Courts (Emergency Powers) Act, 1914," and shall be dealt with by the court.