

Note as to Effect of Act to be Subjoined to Summons in Inferior Courts.

7. In the case of any application under paragraph (h) either to a county court or to a court of summary jurisdiction the summons shall have subjoined to it a note stating the effect of the Act in terms similar to those of the note to Form II. in the schedule to these rules.

#### Procedure under Small Tenements Recovery Act.

8. The procedure under the Act and these Rules in the case of an application under section 1 of the Small Tenements Recovery Act, 1838, shall be the same as if the issue of a warrant under that section were an order of a court of summary jurisdiction.

#### Evidence in Support of Application.

9. It shall not be necessary in the first instance for a creditor to support any application either under paragraph (a) or under paragraph (b) by any affidavit or other evidence except such evidence, if any, as may be required to show the nature and extent of the relief required by him. But if any contest arises between the parties the court to which the application is made may make such requirements or give such directions as to evidence on the part of either party or both parties as the case shall require.

#### Power to Hear Cases in Private.

10. The court may at any stage of the proceedings on an application under the Act order that the case shall thenceforward be heard in private.

#### Power to Require Security.

11. The conditions on which under subsection (2) of section one of the Act a court may stay execution or defer the operation of any of the remedies therein referred to may, if the court thinks fit, include the giving of any undertaking or the deposit in court or otherwise of any securities or (in the case of the High Court or a county court) the appointment of a receiver or the granting of an injunction.

#### Power to Revoke or Vary Orders.

12. Any order made under the Act or these rules may, should subsequent circumstances render it just so to do, be suspended, discharged, or otherwise varied or altered on application by summons to the court which made such order.

#### Fees.

13. The following fees shall be payable under these rules, that is to say:—

On any summons in the High Court, 2s. 6d.

On any summons in a county court, 1s.

On any summons in a court of summary jurisdiction, 1s.

Provided that any court to which an application is made under the Act may remit or excuse in whole or part any court fees paid or payable under this rule in respect of the application.

#### Ordinary Practice of Court to be Followed.

14. The proceedings on any application under the Act shall, so far as not expressly

provided for by these rules, be conducted in accordance with the ordinary practice of the court to which the application is made in dealing with similar matters.

Palatinate Courts and City of London Court.

15. Any application under paragraph (b) which under these rules may be made to the Chancery Division of the High Court may, in cases within the jurisdiction of a palatinate court, be made to that court; and any such application which under these rules may be made to a county court may, in cases within the jurisdiction of the City of London court, be made to that court; and these rules shall apply to any such court accordingly with the necessary modifications.

#### Costs.

16. The costs of any application under the Act shall be in the absolute discretion of the court; and the court may, if it thinks fit, fix the amount of the costs, and direct that they shall be payable forthwith.

#### Short Title and Commencement.

17. These rules may be cited as the Courts (Emergency Powers) Rules, 1914, and shall come into operation forthwith.

Dated the 8th of September, 1914.

### SCHEDULE.

#### FORM I.—FORM OF NOTICE UNDER PARAGRAPH (a).

[Title of Proceedings.]

Take notice that on the occasion of the making of any judgment or order herein for the payment or recovery of a sum of money, I [we] intend to make without any further notice an application to the court under the Courts (Emergency Powers) Act, 1914, for leave of the court to proceed to execution on, or otherwise for the enforcement of any such judgment or order.

(Signature)

(Date)

NOTE.—The effect of the above-mentioned Act is to prevent execution on or enforcement of the judgment or order in question if the court is of opinion that you are unable immediately to make the payment thereby directed by reason of circumstances attributable directly or indirectly to the present war. It is for you to show this to the Court if it is the case.

#### FORM II.—FORM OF ORIGINATING SUMMONS UNDER PARAGRAPH (b).

In the High Court of Justice  
Division

(If in the Chancery Division add the name of the Judge to whom the matter is assigned.)

In the matter of the Courts (Emergency Powers Act), 1914.

Let A. B. of attend [if in the Chancery Division at the Chambers of Mr. Justice at the time specified in the margin hereof] [if in the King's Bench Division to the Judge [or Master] in Chambers, Central Office, Royal Courts of Justice, Strand, London] on the day