

summons in accordance with Rule 3, or a garnishee summons in accordance with Rule 5.

(ii.) If the creditor desires to apply for leave to proceed in any other way, he shall serve on the debtor a notice of his intention to apply for such leave, according to the form in the Appendix: Such notice shall be deemed to be a notice of an interlocutory application, and shall be served in accordance with the practice of the court as to service of notice of an interlocutory application. [Substituted for E.P., 3 (1, 4); A.R., 2.]

#### Judgment Summons and Order of Commitment.

3.—(1) A judgment summons may be issued as heretofore: Provided that there shall be annexed to such summons and served therewith a notice according to the form in the Appendix, and the indorsement or affidavit of service shall state that the notice was so served. [A.R., 1.]

(2) Paragraph 1 of Rule 2 of the Principal Rules shall not apply to any case in which a creditor desires to issue a judgment summons under Order XXV., Rule 29 or Rule 30, of the County Court Rules in a court other than the court in which the judgment or order was obtained. [A.R., 1.]

4.—(1) Where an order of commitment is made on the hearing of a judgment summons served with a notice annexed thereto in accordance with Rule 3, the following provisions shall apply—

(a) The order of commitment may be issued without further leave, unless the execution of the order is suspended for twenty-eight days or longer, pursuant to Order XXV., Rule 46, paragraph 2, of the County Court Rules:

(b) If the execution of the order is suspended for twenty-eight days or longer, liberty may be reserved to the creditor to apply under the notice already served, without payment of a further fee, for leave to issue the order; and the judge may on application so made on notice to the debtor served in accordance with Rule 2, paragraph (ii.), give leave accordingly. [New.]

(2) In any other case an order of commitment made before or after the passing of the Act shall not be issued without leave of the judge granted on application made on notice served in accordance with Rule 2, paragraph (ii.). [New.]

#### Attachment of Debts.

5.—(1) A garnishee summons may be issued as heretofore: Provided that a notice according to the form in the Appendix shall be substituted for the notice which is by Order XXVI., Rule 4b, of the County Court Rules required to be served on the judgment debtor with a copy of the garnishee summons.

(2) The provisions of these Rules as to applications for leave to proceed under paragraph (a) shall apply to applications for leave to proceed on any judgment entered or order made against a garnishee; and for the purposes of any such application the garnishee shall be deemed to be the debtor, and the forms in the Appendix shall be used with such modifica-

tions as may be necessary to adapt them to the case of a summons issued or a judgment or order entered or made against a garnishee.

(3) Paragraph 1 of Rule 2 of the Principal Rules shall not apply to any case in which a creditor desires to issue a garnishee summons under Order XXVI., Rule 2, of the County Court Rules against a garnishee who is not within the jurisdiction of the court in which the judgment or order was obtained. [New.]

#### Execution against Goods.

6.—(1) An application for leave to issue execution against goods, if made at the time when the judgment or order is entered or made, where the judgment or order is entered or made by the registrar, be made to him, subject to the provisions of Rule 16.

(2) An application for leave to issue execution against goods, if made after the judgment or order has been entered or made, may be made to the registrar, subject to the provisions of Rule 16. [A.R., 3.]

#### Appointment of Receiver.

7.—(1) These Rules shall not affect *ex-parte* applications for the appointment of receivers; but if an order is made on any such application it shall be an *interim* order only (with or without an injunction), and such order shall be served on the debtor in accordance with Rule 21.

(2) A final order for the appointment of a receiver shall not be made unless notice of the intention of the creditor to apply for such order, according to the form in the Appendix, has been served on the debtor in accordance with these Rules. [New.]

#### Other Applications for Leave to Proceed.

8. Any other application for leave to proceed under paragraph (a), not in these Rules provided for, shall be made to the judge. [A.R., 3.]

#### Applications under Paragraph (b).

9. Rule 2 of the Principal Rules shall have effect subject to the following modifications, viz.:—

(a) An application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, may be made to the county court where

(i.) the amount of the sum for enforcing payment or recovery whereof, or in default of payment or recovery whereof, the remedy is sought to be enforced, does not exceed one hundred pounds; and

(ii.) In the case of lands, tenements, or hereditaments, neither the value of the premises nor the rent payable in respect thereof exceeds one hundred pounds a year.

(b) An application for leave to foreclose or to realise any security may be made to the county court where the amount of the principal sum secured does not exceed five hundred pounds. [New.]

10.—(1) Applications to the County Courts under paragraph (b) may be made:—

(i.) in the case of an application for leave to levy any distress, to the court in the district of which the premises are situate;