STATUTORY INSTRUMENTS

1969 No. 1547 (L.26)

COUNTY COURTS

The County Court Funds (Amendment No. 2) Rules 1969

Made - - - -	30*th October* 1969
Laid before Parliament	10*th November* 1969
Coming into Operation	1*st December* 1969

The Lord Chancellor, with the concurrence of the Treasury and in pursuance of the powers contained in section 168 of the County Courts Act 1959(a), as amended by section 9 of the Administration of Justice Act 1965(b), hereby makes the following Rules:—

1. These Rules may be cited as the County Court Funds (Amendment No. 2) Rules 1969 and shall come into operation on 1st December 1969.

2. The County Court Funds Rules 1965(c), as amended(d), shall have effect subject to the amendments set out in the Schedule to these Rules.

Dated 27th October 1969.

Gardiner, C.

We concur

Dated 30th October 1969.

Ernest Armstrong,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 1959 c. 22.
(b) 1965 c. 2.
(c) S.I. 1965/1500 (1965 II, p.4343).
(d) There are no relevant amendments.

SCHEDULE

AMENDMENTS TO COUNTY COURT FUNDS RULES 1965

1. The following amendments shall be made in the Arrangement of Rules:—

(*a*) in Part IV, after the words "By post" and "By cheque", where they respectively occur, there shall be added the words "or through the National Giro"; and

(*b*) in the heading to Part X, for the words "Post Office Register", there shall be substituted the words "National Savings Stock Register".

2. In rule 2(1) (which relates to the interpretation of terms)—

(*a*) after the definitions of "the bank", "court" and "deposit account" respectively, there shall be inserted the following definitions:—

' "central control account" means the Accountant-General's county court account opened with the National Giro';

' "court's Giro account" means the account opened with the National Giro on behalf of a court and subsidiary to the central control account';

' "Director of Savings" means the person appointed as such in pursuance of section 93(1) of the Post Office Act 1969(a)'; and

(*b*) the definition of "Controller" shall be omitted.

3. For rule 3 (which relates to the payment of suitors' money into court), there shall be substituted the following rule:—

"3. Suitors' money to be paid into court may be so paid either—

(*a*) through the National Giro, or

(*b*) by post or otherwise into the office of the registrar, in which case payment may be made during office hours on any day on which the office is open and the registrar shall give a receipt therefor".

4. For rule 4 (which relates to suitors' money paid into court), there shall be substituted the following rule:—

"4. Money received pursuant to the last preceding rule which is not required for making authorised payments shall be paid by the registrar into the bank to the credit of his official account (or into the court's Giro account, as the registrar may determine) on the day of receipt or, if that is not practicable, on the next working day".

5. In rule 6 (which relates to the transmission of money from one court to another), after the word "transmitted", where it appears for the second time, there shall be inserted the words:—

"through the National Giro or".

6. The following amendments shall be made to rule 8 (which relates to the payment of suitors' money out of court):—

(*a*) in paragraph (3), after the words "crossed cheque", there shall be inserted the words "or through the National Giro"; and

(*b*) paragraph (4) shall be omitted.

7. The following amendments shall be made to rule 10 (which relates to the transmission of suitors' money by post):—

(*a*) at the end of paragraph (1), there shall be inserted the words "or through the National Giro";

(*b*) in paragraph (2)(*b*), after the words "crossed cheque", there shall be inserted the words "or through the National Giro";

(a) 1969 c. 48.

(*c*) in paragraph 2(*c*), after the words "sufficiently stamped", there shall be inserted the words "for the return of the proof of title and, where appropriate,";

(*d*) in paragraph (3), for the words "forward the money", there shall be substituted the words "pay the money through the National Giro or forward it".

8. At the end of rule 11 (which relates to payment of suitors' money out of court), there shall be inserted the words "or pay that sum through the National Giro".

9. In rule 12(1) (which relates to the payment of funds into court), after subparagraph (*a*), there shall be inserted the following subparagraph:—

"(*aa*) transmit the money through the National Giro, or".

10. In rule 13 (which relates to the transfer of funds from one court to another), for paragraph (1)(*a*), there shall be substituted the following subparagraph:—

"(*a*) in the case of stock on the National Savings Stock Register, through the Director of Savings;".

11. For rule 14 (which relates to the duties of registrars), there shall be substituted the following rule:—

"14—(1) All funds paid into court or transferred from a District Registry shall be paid by the registrar into the bank to the credit of his official account (or into the court's Giro account, as the registrar may determine) on the day of receipt or, if that is not practicable, on the next working day.

(2) The registrar shall, at such intervals as the Lord Chancellor may direct, give to the Accountant-General written notice of the total payments made by him in pursuance of paragraph (1), above.

(3) The registrar shall, whenever convenient, transfer to the court's Giro account any sum standing to the credit of his official account at the bank which is surplus to his requirements and shall, at such intervals as the Lord Chancellor may in the case of any court authorise, transfer to the central control account any sum then standing to the credit of the court's Giro account.

(4) All securities deposited with the registrar shall be kept in the office safe or placed in the custody of the bank".

12. The following amendments shall be made to paragraph (2) of rule 16 (which relates to the opening of deposit accounts):—

(*a*) in subparagraph (*a*), the words "and shall transmit that amount to the Accountant-General, and" shall be omitted;

(*b*) at the end of subparagraph (*b*) there shall be added the word "and"; and

(*c*) after subparagraph (*b*) there shall be inserted the following subparagraph:—

"(*c*) at such intervals as the Lord Chancellor may direct, give to the Accountant-General written notice of the total of the amounts paid in."

13. In rule 26 (which relates to the payment of funds out of court)—

(*a*) for paragraph (2), there shall be substituted the following paragraph:—

"(2) If the cash in hand and in the bank is insufficient to make the payment, the registrar shall (save where he makes the payment through the National Giro) transfer the sum required from the court's Giro account (irrespective of the amount, if any, standing to the credit of that account) to his bank account"; and

(*b*) after the words "crossed cheque" in paragraph (4), there shall be inserted the words "or through the National Giro".

14. In rule 28 (which relates to the duties of the Accountant-General), for the words

"by registrars for making payments out of court", there shall be substituted the words "for payment into the central control account so as to enable him to keep courts' Giro accounts in balance".

15. In the heading to Part X (which relates to funds invested in stock on the Post Office Register), for the words "*Post Office Register*", there shall be substituted the words "*National Savings Stock Register*" and, in rules 33 and 35, for the word "Controller", wherever it appears, there shall be substituted the words "Director of Savings".

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the County Court Funds Rules 1965 by providing for the payment of money into, or out of, a county court through accounts opened with the National Giro. The new rule substituted for rule 14 requires each registrar, at intervals to be specified by the Lord Chancellor, to transfer to the Accountant-General's central account with the Giro any sum standing to the credit of the court's Giro account, while the amendment to rule 28 requires the Accountant-General to make payments into the central account so as to enable him to keep courts' Giro accounts in balance. The Rules also make minor verbal amendments consequential on the coming into force of the Post Office Act 1969.

The Rules come into operation on 1st December 1969.