1978 No. 750 (L. 15)

COUNTY COURTS

The County Court Funds (Amendment) Rules 1978

Made - - - -	18*th May* 1978
Laid before Parliament	1*st June* 1978
Coming into Operation	3*rd July* 1978

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

1. These Rules may be cited as the County Court Funds (Amendment) Rules 1978 and shall come into operation on 3rd July 1978.

2. In these Rules a Rule referred to by number means the Rule so numbered in the County Court Funds Rules, 1965(**c**), as amended(**d**).

3. The Interpretation Act 1889(**e**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

4. In Rule 2, in the definition of "general account" the word "registrar's" shall be omitted, and after the definition of "cash account" there shall be inserted the following definition:—

"chief clerk" in relation to a county court means the chief clerk of that court or any other officer of that court authorised to act on his behalf."

5. In Rule 3, for the words "office of the registrar", and in Rule 36(3) for the words "registrar's office", there shall in each case be substituted the words "court office".

6. In the following Rules, for the word "registrar", wherever it appears, there shall be substituted the words "chief clerk":—

Rules 3, 4, 6, 12(1)(*c*), 12(2), 13(1)(*b*), 13(2), 14(2) and (3), 15, 16(1) and (2), 17(1), (2) and (3), 18(1) and (2), 20(3), 21(3), 22, 23(6), 24(4), 26(1), (2) and (3), 31(1) and (2)(*b*), 32(1), 34, 35(1), (4) and (5), 36(1) and (2), 39.

(**a**) 1959 c. 22. (**b**) 1965 c. 2. (**c**) S.I. 1965/1500.
(**d**) The relevant amending instruments are S.I. 1966/875, 1968/107, 1969/204, 1547, 1970/228, 1971/260, 1972/334, 1973/230, 1974/206, 1976/2234.
(**e**) 1889 c. 63.

7. In Rule 7, the words "(or, if the money has been paid into a District Registry, to the District Registrar," shall be omitted, and for the word "registrar" there shall be substituted the words "chief clerk".

8. For Rule 8 there shall be substituted the following Rule:—

"8.—(1) Subject to the provisions of this Rule, the chief clerk of every court shall appoint a day in each week on which all payments out of court shall be made.

(2) The day appointed under paragraph (1) may be varied from time to time as the circumstances may require.

(3) In each week on the day appointed the chief clerk shall, without demand, pay out of court all money to which a person has become entitled since the day appointed in the previous week.

(4) Money paid out of court pursuant to paragraph (3) shall be paid by crossed payable order to the person entitled thereto or to his solicitor, and the chief clerk shall at the same time furnish to him a statement of the money so paid.

(5) Notwithstanding anything in the previous paragraphs of this Rule, the chief clerk may, on request, pay money out of court to the person who he is satisfied is entitled thereto on a day other than the appointed day."

9. Rules 9, 10 and 11 shall be revoked.

10. In Rule 12—

(*a*) in paragraph (1)(*a*), for the words "office of the registrar who" there shall be substituted the words "court office, and the chief clerk".

(*b*) in paragraph (1)(*b*), for the words "into the names of the Accountant-General and the registrar, both for the time being" there shall be substituted the words "into the name of the Accountant-General"; for the word "registrar" shere shall be substituted the words "chief clerk", and for the word "notify" there shall be substituted the words "forward it to".

(*c*) in paragraph (1)(*c*), for the word "notify" there shall be substituted the words "forward it to".

11. In Rules 13(2), 15(*a*)(ii) and 16(1) for the words "Permanent Secretary to the Lord Chancellor," wherever they appear, there shall be substituted the words "Accountant-General".

12. For the title of Part VI there shall be substituted the title *"Accounting Procedure"*.

13. In Rule 14(1) the words "by the registrar" shall be deleted.

14. In Rule 23(2)—

(*a*) sub-paragraph (*a*)(ii) shall be omitted and sub-paragraphs (iii), (iv) and (v) shall be renumbered (ii), (iii) and (iv) accordingly.

(*b*) after the words "Provided that" there shall be inserted "(i)".

(*c*) at the end of the proviso there shall be added the following paragraph: —

"(ii) where money in the High Court has been ordered to be transferred to a county court, interest shall accrue and be calculated from the beginning of the calendar month next following the month up to the end of which the Accountant-General has certified that interest has been calculated in the High Court, or, as the case may be, that the money was received in the High Court."

15. In Rule 24, at the end of paragraph (1) there shall be added the following proviso:—

"Provided that where money in the High Court has been ordered to be transferred to a county court in pursuance of Rule 13(2), interest shall accrue and be calculated from the beginning of the calendar month next following the month up to the end of which the Accountant-General has certified that interest has been calculated in the High Court, or, as the case may be, that the money was received in the High Court."

16. In Rule 26(3) the words "money or" shall be omitted.

Elwyn-Jones, C.

Dated 15th May 1978.

We concur,

T. E. Graham,
J. Dormand,
Two of the Lord's Commissioners of Her Majesty's Treasury.

Dated 18th May 1978.

EXPLANATORY NOTE

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

Following the amendment of section 168 of the County Courts Act 1959 by section 19(2) of the Administration of Justice Act 1977 (c. 38), these Rules transfer to the chief clerk of the county court the administrative functions of the registrar in relation to funds in court.

They also make a number of minor amendments to take into account changes in accounting procedure.

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