STATUTORY RULES OF NORTHERN IRELAND

2008 No. 156

JUDICATURE, NORTHERN IRELAND

The Court Funds (Amendment) Rules (Northern Ireland) 2008

Made - - - -	*2nd April 2008*
Coming into operation -	*19th May 2008*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by section 82(1) of the Judicature (Northern Ireland) Act 1978(**a**) and with the concurrence of the Treasury, makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Court Funds (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on 19th May 2008.

Amendments

2. The Court Funds Rules (Northern Ireland) 1979(**b**) are amended as follows.

3. In rule 2(1)—

(a) for "the Common Investments Funds Scheme" substitute "the Common Investment Scheme 2004"(**c**); and

(b) for "section 1 of the Administration of Justice Act 1965" substitute "section 42 of the Administration of Justice Act 1982"(**d**).

4. In rule 6(2) omit "of Ireland at its principal office in Belfast".

5. In rule 31 for "the Common Investment Funds Scheme 1965" substitute "the Common Investment Scheme 2004".

6. After Form 8 insert the new Form 9 set out in the Schedule.

(**a**) 1978 c.23
(**b**) S.R. 1979 No. 105 to which the most recent relevant amendments were made by S.R. 2004 No. 326
(**c**) S.I. 2004/266
(**d**) 1982 c.53

Signed by the authority of the Lord Chancellor

David Hanson
Minister of State
Ministry of Justice

Dated 18th March 2008

We concur

Dave Watts
Alan Campbell
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 2nd April 2008

SCHEDULE

Rule 6

"FORM 9 Rule 20(iii)

Lodgment pursuant to section 63 of the Trustee Act (Northern Ireland) 1958

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION

20…..No…..

Between

AB

Plaintiff

and

PQ

Defendant

Ledger Credit: In the Matter of the sale of and of PQ who may be entitled to the balance proceeds of sale

Notice is hereby given that the sum of £…….is to be lodged to the account of the Accountant General; that figure representing the surplus proceeds of sale in the hands of the Plaintiff AB as trustee (£……..) and interest accrued after the sale by the Plaintiff as mortgagee of the above-mentioned property.

Signed…..……..
Address……..

Dated…….20…….

Signed……
Solicitor for…….
Address and unique solicitor reference……
Dated……20……"

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Court Funds Rules (Northern Ireland) 1979 [S.R. 1979 No. 105] so as to—

- amend a number of references in respect of the Common Investment Scheme;
- remove a reference to the Bank of Ireland so that the Accountant General is no longer obliged to maintain the County Court Account at that particular institution; and
- add a new form of lodgment schedule for use in situations where a lending institution finds itself holding on behalf of an untraceable mortgagor the proceeds of sale of property it has sold as mortgagee and wishes to lodge same in court.

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