1979 No. 105

JUDICATURE, NORTHERN IRELAND

COURT FUNDS RULES (NORTHERN IRELAND) 1979

Made	3*rd April* 1979
Laid before Parliament	5*th April* 1979
Coming into operation	18*th April* 1979

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, hereby makes the following rules:—

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Court Funds Rules (Northern Ireland) 1979 and shall come into operation on 18th April, 1979.

Interpretation

2.—(1) Unless the context otherwise requires, expressions to which meanings are assigned by the Rules of the Supreme Court and the County Court Rules have the same meaning in these rules and

"the Act" means the Judicature (Northern Ireland) Act 1978;

"appropriate officer" means such officer as may be designated for the purpose in accordance with arrangements made by the Lord Chancellor;

"the Bank" shall mean (as the context requires):—

(*a*) the Governor and company of the Bank of Ireland at their principal office in Belfast; or

(*b*) such other bank or banks as the Lord Chancellor may, with the concurrence of the Treasury, designate under section 79 of the Act;

"Capital Fund" means the common investment fund of that name established by the Common Investments Funds Scheme 1965(**b**);

"to carry over" means to transfer a fund in court or any part thereof from one account to another in the books of the Court Funds Office;

"common investment fund" means a fund established by a scheme made under section 1 of the Administration of Justice Act, 1965(**c**);

"County Court Rules" means rules made under section 146 of the County Courts Act (Northern Ireland) 1959(**d**);

"court" means the Supreme Court or County Court as the case may be;

"Court Funds Office account" means the cash account in respect of Supreme Court funds maintained by the Accountant General at the Bank;

(a) 1978 c. 23
(b) S.I. 1965/1467 (1965 II, p. 4303)
(c) 1965 c. 2
(d) 1959 c. 25 (N.I.)

"duty" means capital transfer tax or, where relevant, estate or succession duty;

"foreign currency" has the meaning assigned to it by section 1(3) of the Exchange Control Act 1947(e);

"fund" or "fund in court" means any money, securities or other investments (including foreign currency assets) standing or to be placed to the accounts of the Accountant General, and includes money placed on deposit and any effects;

"interest" means interest accruing on funds and includes dividends;

"ledger credit" means the title of an account in the books of the Court Funds Office or the County Court Office to which any funds are credited or are to be credited;

"lodge in court" means pay or transfer into court or deposit in court;

"Master" means a master or registrar of the Supreme Court mentioned in the first column of Schedule 3 to the Act other than the Master (Taxing Office) and, in relation to the County Court, a circuit registrar;

"Office" means Court Funds Office or County Court Office as the case may be;

"order" or "order of the court" means an order of the High Court, Court of Appeal or County Court and includes an order of a Master;

"prescribed" means fixed by an order under section 116(1) of the Act;

"Rules" means the Rules of the Supreme Court for the time being having effect;

"securities" includes units and investments effected by placing money on deposit;

"taxing officer" means an officer in the County Court for the time being having authority to tax costs;

"unit" means one of the shares into which a common investment fund is treated as being divided.

(2) Unless the context otherwise requires, a rule, Part or Appendix referred to by number means the rule, Part or Appendix so numbered in these rules; a form referred to by number means the form so numbered in Appendix 1, or a form substantially to the like effect.

(3) Unless the context otherwise requires, any reference in these rules to any rule or enactment shall be construed as a reference to that rule or enactment as amended, extended or applied by any other rule or enactment.

Court Funds Office

3. The office of the Accountant General in the Royal Courts of Justice, Belfast, shall be re-named the Court Funds Office.

Discharge of Accountant General's functions

4.—(1) The functions of the Accountant General under these rules may be discharged, subject to such conditions as he may direct, by any deputy appointed by him to deal with Supreme Court or County Court funds.

(2) Any direction issued by the Accountant General for the purpose of giving effect to these rules shall be authenticated on his behalf by such officers as the Treasury may from time to time prescribe or approve.

(e) 1947 c. 14

Power to authorise use of additional forms

5. Nothing in these rules shall prejudice the power of the Accountant General to authorise and require the use of such forms as he may consider appropriate for any purpose for which no appropriate form is prescribed in Appendix 1.

County Court Accounts

6.—(1) The Accountant General shall maintain at the Bank for the County Court in each Division:

(i) a Civil Bill Account into which the funds mentioned in rule 18(1)(ii) shall be lodged;

(ii) a Criminal Injuries Account into which the funds mentioned in rule 18(1)(iii) shall be lodged;

(iii) a Security for Costs Account into which the funds mentioned in rule 22(iii) shall be lodged.

(2) All moneys paid into court which are not to be credited to the Civil Bill Account, the Criminal Injuries Account or the Security for Costs Account, shall be lodged to the credit of the Accountant General in the Bank of Ireland at its principal office in Belfast in an account to be known as the County Court Account.

PART I

AUTHORITIES FOR LODGMENT, PAYMENT OUT, TRANSFER, ETC.

Lodgment Schedule

7. Where lodgment of funds in court is directed by an order or authorised by a master, the authority to the Accountant General for such lodgment shall be the Lodgment Schedule.

Payment Schedule

8. Where an order directs the manner in which any fund in court is to be dealt with by the Accountant General, a Payment Schedule shall be lodged with him:

Provided that, where an order directs the payment out or transfer of money lodged in the County Court to the credit of the Civil Bill Account, the Criminal Injuries Account or the Security for Costs Account, such payment shall be made by the Accountant General in accordance with the order.

Preparation of Schedules

9. In any proceedings where an order is made directing the lodgment of funds or a dealing with funds in court, the appropriate officer shall prepare and sign the Lodgment or Payment Schedule and when it has been sealed, he shall forward it to the Accountant General.

Amendment of Schedules

10. Where it is necessary to amend a Schedule for the purpose of correcting a clerical mistake or an error arising from an accidental slip or omission, the appropriate officer shall—

(i) amend the Schedule and authenticate the amendment by his signature; or

(ii) issue a notice of amendment sealed and authenticated in the same manner as the Schedule.

Certificate of a Master (Taxing Office) or Taxing Officer

11.—(1) Where a Payment Schedule directs that a sum shall be ascertained by the certificate of a Master and afterwards dealt with by the Accountant General or directs that costs shall be taxed and paid out of funds in court, there shall be stated in the certificate of the Master (Taxing Office) or Taxing Officer, as appropriate—

(i) the amount so ascertained or the amount of the taxed costs (including the fees of taxation), as the case may be;

(ii) the name and address of the person to whom payment is to be made, and the certificate shall be sent to the Accountant General.

(2) Unless described as an interim certificate, a certificate issued by a Taxing Officer following a taxation shall be deemed to include all the costs directed to be taxed and paid out of funds in court.

Certificate of execution of documents

12. Where an order provides that funds in court shall be dealt with subject to the execution of a document, a statement to that effect shall be included in the Payment Schedule and, upon being statisfied as to the proper execution of the document, the appropriate officer shall send to the Accountant General a certificate as to its execution.

Authority for dealing with funds in court

13.—(1) Except where these rules otherwise provide and subject to paragraph (2), funds in court shall be dealt with by the Accountant General only in accordance with a Payment Schedule.

(2) Where directions are signed by a Master instructing the Accountant General—

(*a*) to deal with funds;

(*b*) to pay annual sums;

(*c*) to apply interest or to carry over a fund;

(*d*) to renew bonds or mortgages;

(*e*) to effect a conversion or exchange of securities by sale and re-investment or otherwise;

(*f*) to invest money or place money on deposit;

(*g*) to replace or deposit money withdrawn under rule 35(iii), or

(*h*) to invest interest on funds carried over to an account of unclaimed balances under rule 55

such directions shall be sufficient authority to the Accountant General to deal with the funds accordingly.

Particulars required for calculation of interest

14.—(1) Where interest is by an order directed to be paid on any sum in court, the Payment Schedule shall state—

(i) the rate per cent at which interest is payable;

(ii) the date from which and (if known) the date to which interest is to be calculated; and

(iii) the amount of such interest, if ascertainable when the Payment Schedule is drawn up.

(2) If the amount of interest payable cannot be stated in the Payment Schedule, then, unless the Schedule directs that the amount shall be ascertained by a certificate of a master, the party having carriage of the order shall agree in writing with the Accountant General a date (not being more than 14 working days after the date of the agreement) for payment of the interest and the amount thereof.

(3) Whenever interest is required to be calculated for a period which is, or includes, a period of less than a year, the interest shall be calculated on a daily basis.

Periodical payments

15. Where a Payment Schedule directs that periodical payments (not being interest payable as it accrues due) are to be made by the Accountant General, the Schedule may state the dates on which the payments are to be made and whether the payments are to be made with or without deduction of income tax.

Funds on which duty is payable

16.—(1) Where an order directs a dealing with a fund in court which is liable to the payment of duty but the order does not provide for such payment, the Payment Schedule shall state that the dealing is subject to duty; and, if a Payment Schedule directs the carry over of any part of a fund in respect of which duty may be chargeable, the words "subject to duty" shall appear in the Schedule relating to the account to which the fund is to be carried over.

(2) On receiving notice from the proper officer of the Inland Revenue that the fund standing to a particular ledger credit is liable to the payment of duty, the Accountant General shall note the ledger credit accordingly.

(3) Where the Accountant General is directed to dispose of a fund which is liable to duty, the party having carriage of the order shall obtain from the Inland Revenue and furnish to the Accountant General—

(i) a demand for the duty to be paid and a clearance certificate in the appropriate form, or

(ii) a certificate that all duty has been paid, or

(iii) a certificate that no duty is payable:

Provided that in the case of payment of duty by instalments the production of a receipt for duty shall suffice.

Foreign currencies

17. Where—

(i) a lodgment in court is made in a foreign currency, or

(ii) the court directs that interest on a security lodged in court is to be credited in a foreign currency,

then, unless the consent of the Treasury or the Bank has been obtained, the Accountant General shall not retain that currency and, where such consent is not given, he shall comply with the requirements of section 2 of the Exchange Control Act 1947 in respect of it.

PART II

LODGMENT OF FUNDS IN COURT

Payment into court in satisfaction of a claim

18.—(1) Where money is paid into court in satisfaction of a claim—

(i) under Order 22 of the Rules;

(ii) under Order 21 of the County Court Rules; or

(iii) under section 8(2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(f), Article 15(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(g) and Article 14(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977(h)

lodgment shall be effected on presentation at the Bank of a request for lodgment or a notice of payment into court in the county court signed by or on behalf of the person desiring to make such lodgment.

(2) The Bank shall send a receipt for such lodgment to the Court Funds Office or the County Court Office as the case may be.

Issue of Accountant General's directions to the Bank

19. Except as respects money paid into court under rule 18, the lodgment of a fund in court shall be supported by a direction of the Accountant General issued in accordance with rule 4.

Chancery Division lodgments

20. In the Chancery Division, directions for the lodgment of funds in court shall be issued by the Accountant General—

(i) where the lodgment is directed by a Lodgment Schedule, on receipt of the Schedule;

(ii) where the lodgment is made under the Life Assurance Companies (Payment into Court) Act 1896(i) in accordance with the Rules on receipt of an office copy of the Lodgment Schedule annexed to the affidavit required under the Rules; and, where the Accountant General received from the company any notice of claim after the affidavit has been sworn, he shall note the ledger credit accordingly;

(iii) where the lodgment is made under the Trustee Act (Northern Ireland) 1958(j) in accordance with the Rules on receipt of an office copy of the Lodgment Schedule annexed to the affidavit;

(iv) where the lodgment is made under or pursuant to any enactment (other than the enactments referred to in paragraph (ii) or (iii) above), on receipt of a written request, together with any specific authority required by the relevant enactment;

(v) in any other case, on receipt of a Lodgment Schedule.

(f) 1971 c. 38 (N.I.)
(g) S.I. 1977/1247 (N.I. 14)
(h) S.I. 1977/1248 (N.I. 15)
(i) 1896 c. 8
(j) 1958 c. 23 (N.I.)

Queen's Bench or Family Division lodgments

21. In the Queen's Bench or Family Division directions for the lodgment of funds in court shall be issued by the Accountant General—

(i) where the lodgment is made pursuant to an order, on receipt of the Lodgment Schedule;

(ii) where the lodgment is made pursuant to the sale of any property in Admiralty proceedings, on receipt of a written request from the Admiralty Marshal;

(iii) in any other case, on receipt of the Lodgment Schedule:

Provided that, in matters proceeding in the Family Division or the Admiralty Court, a certificate signed by a Registrar to the effect that there is no objection to the lodgment shall be attached to the schedule.

County Court lodgments

22. In the County Court, directions for the lodgment of funds in court shall be issued by the Accountant General—

(i) where the lodgment is made pursuant to an order, or receipt of the Lodgment Schedule;

(ii) where the lodgment is made pursuant to an affidavit filed under section 63 of the Trustee Act (Northern Ireland) 1958(k), sections 6(3) or 7(1)(ii) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971, articles 12(3) and 14(1)(ii) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 or article 20(2) of the Criminal Injuries (Compensation) (Northern Ireland) Order, 1977 on receipt of an office copy of the Lodgment Schedule annexed to the affidavit;

(iii) when security is to be lodged pursuant to an order, on receipt of the Lodgment Schedule;

(iv) when the lodgment is made under or pursuant to any enactment (other than the enactments referred to in paragraph (ii) above) on receipt of a written request together with any specific authority required by the relevant enactment.

Lodgment pursuant to the Exchange Control Act, 1947

23. Where the lodgment of funds in court is to be made under the Rules pursuant to the Exchange Control Act 1947, directions for the lodgment shall be issued by the Acountant General on receipt of Form 1 and production of the appropriate notice of payment into court.

Lodgment of money in court

24.—(1) Money to be paid into court in accordance with rules 20 to 23 shall be paid into either the Court Funds Office or the Bank and, where payment is made by a banker's draft or cheque, shall be made payable to the Accountant General;

(2) Where money is paid in cash or by a banker's draft and it cannot be paid into the Accountant General's account on the day of acceptance in the Office, the amount shall be credited to the appropriate ledger credit on the next banking day, but the effective date of lodgment shall be the day of acceptance in the Office.

Securities transferable by delivery and deposit of effects

25.—(1) The lodgment in court of securities transferable by delivery and the deposit of effects shall be made by delivering them to the Office.

(k) 1958 c. 23 (N.I.)

(2) The Accountant General shall then transfer the securities to the Bank and the Bank shall give a written receipt for the delivery of any securities.

(3) Effects delivered to the Accountant General shall be secured in locked boxes in the Office.

Other securities

26. On the lodgment in court of securities (other than securities transferable by delivery), the Accountant General shall issue a lodgment direction and a stock transfer form (or, where appropriate, a deed of transfer) naming the Accountant General as the transferee.

Return of lodgment directions

27.—(1) Where—

(i) money lodged directly with the Bank has been received and credited to the Accountant General's account, or

(ii) securities (other than those transferable by delivery) have been transferred into the Accountant General's name in the books of the Bank or in the books of a company,

the Bank or company, as the case may be, shall certify on the lodgment direction issued under rule 19 that the funds have been lodged and shall send the certified direction to the Office.

(2) Where the transfer of securities has been credited to the Accountant General by a Company (other than the Bank) in accordance with paragraph (1)(ii) above, any document of title arising from the transfer shall accompany the certified lodgment direction.

PART III

APPROPRIATION

Appropriation of money lodged under Order 14 *of the Rules*

28.—(1) Where a defendant has lodged money in Court in accordance with Order 14 of the Rules as a condition of liberty to defend and desires to appropriate the whole or any part of such money in satisfaction of the whole or any part of the plaintiff's claim pursuant to Order 22 of the Rules, he shall lodge with the Accountant General a notice of appropriation in Form 2.

(2) On receipt of a notice of appropriation, payment shall be made by the Accountant General to the plaintiff in satisfaction of his claim, or to the person otherwise entitled thereto, or, on the written authority of either such person respectively, to his solicitor.

(3) For the purpose of payment out of court, the Accountant General shall deal with the sum appropriated in accordance with rule 43(1).

PART IV

INVESTMENT OF FUNDS AND PLACING OF MONEY ON DEPOSIT

Time for investment

29. Subject to any directions of the court and to the provisions of rules 30 and 31, money (including interest) shall be invested as soon as practicable.

Investment of Funds

30.—(1) Subject to paragraph (2) below, no sum of money of £20, or less shall be invested unless an order otherwise directs.

(2) Where money or interest credited to an account opened pursuant to a lodgment in court under section 63 of the Trustee Act (Northern Ireland) 1958 is invested in the manner specified in the Schedule to the affidavit, the Accountant General shall (if or so soon as such money shall amount to or exceed £20, or so soon as dividends accruing on such securities shall amount to or exceed £10) invest the same accordingly, without any order or further request for that purpose.

(3) When an order directs the investment and accumulation of dividends on securities in court, or to be transferred into court, or directed to be purchased with money in court, or to be lodged in court, the Accountant General upon receipt of the lodgment schedule shall, without any request, from time to time invest such dividends, if amounting to or exceeding £20, half-yearly, together with all accumulations of dividends thereon, in the securities named in that order.

(4) Unless the court otherwise directs or a request is received from the party or solicitor having carriage of the matter that the same shall not be invested the Accountant General shall, without any order or request invest all sums of cash not less than £50 lodged in court in the Chancery Division or in the County Court Account in any of the stocks, funds or securities mentioned in the Rules or in the County Court Rules and any interest accruing on any sum or sums so invested or deposited amounting to £10 or more shall be dealt with by the Accountant General in accordance with this rule.

Investment in common investment fund

31.—(1) Subject to paragraph (1) of rule 30, where funds are required to be invested in common investment fund units or such units are required to be realised, the purchases and sales shall be effected on the first available valuation day appointed by the Public Trustee for the fund in question in pursuance of powers conferred on him by the Common Investment Funds Scheme 1965.

(2) Funds shall not be directed to be invested in Capital Fund units unless the authority giving the direction is satisfied that the funds are likely to remain so invested for at least five years:

Provided that this paragraph shall not apply in any case where there is an express request for investment in Capital Fund units by or on behalf of one or more persons interested in the fund or, if no such person is ascertained or traceable, by the person who pays the fund into court.

Money placed on deposit

32. Money ordered to be placed on deposit shall be placed as follows—

(i) where it is less than £500 on deposit account at the Bank;

(ii) where it exceeds £500 with the Belfast City Council or with such other body as may, from time to time, be designated by a judge or Master.

Time for placing money on deposit

33. Subject to any directions of the court and to the provisions of rule 34, all money (including interest) shall be placed on deposit not later than the next working day after the receipt of the Schedule or other authority is received

in the Court Funds Office or on the day on which the money is credited in the books of the Office, whichever is the later.

Money not placed on deposit

34. Money (including interest) shall not be placed on deposit in the following cases—

(i) where the amount available is less than £10;

(ii) where the money is lodged in satisfaction of a claim under rule 18(1)(i), (ii) and (iii), unless directed by an order to be placed on deposit;

(iii) where security is given by a deposit of money under the County Court Rules, unless directed by an order to be placed on deposit;

(iv) where the money has been directed by an order or other authority to be dealt with otherwise than being placed on deposit;

(v) if the money stood to the credit of a fund in court before 18th April 1979 without a request that it is placed on deposit.

Withdrawal of money from deposit

35. Money shall be withdrawn from deposit in the following cases—

(i) where and to such an extent as the money, together with the interest credited thereon at the time of withdrawal, is required for the purposes of giving effect to a direction of the court or these rules:

Provided that such interest shall not be used if directed by the court to be otherwise dealt with;

(ii) where the amount is reduced to below £10;

(iii) where the money is required to be carried over to an account of unclaimed balances under rule 55.

Dealings with foreign currencies

36.—(1) Subject to rule 17, where foreign currency is lodged in court—

(i) if the court so orders, it shall be placed to an account in that currency either with the Bank or as the court may direct;

(ii) interest (if any) shall accrue from the date of the order or the date of placing to the account, whichever is the later,

and the Accountant General shall deal with any accrued interest in such manner as the court may direct.

(2) Any charges incurred by placing foreign currency to an account shall be deducted from the currency so placed or the accrued interest, as may be appropriate.

PART V

PAYMENT, TRANSFER AND DELIVERY OF FUNDS OUT OF COURT

Identification of payees etc.

37. Before paying any money out of court or issuing any directions for the delivery of securities or effects the Accountant General may require evidence to his satisfaction as to the identity and entitlement of the intended recipient.

Payments out of money by post

38.—(1) Subject to paragraphs (2) and (3) below, the payment out of money lodged in court shall be made by the Accountant General by post as follows—

(i) where the address of the person entitled to the payment is stated in the Payment Schedule or supplementary authority and that Schedule or authority is dated not more than two years prior to the date on which the Accountant General is able to make payment, he shall send a cheque crossed generally to that person at the address so stated;

(ii) where the Payment Schedule or supplementary authority is dated more than two years prior to the date on which the Accountant General is able to make payment, he shall on receipt of Form 3, send a cheque crossed generally to the payee.

(2) On receipt of a written request from the person entitled to payment the Accountant General may, and where he is requested by a donee under a power of attorney given by the payee shall, make payment to a bank in the United Kingdom for the credit of the account of the payee at that bank or at a bank in the country in which he resides.

(3) The Acountant General may, if he thinks fit, refuse to make a remittance by post in any individual case.

Payment out to minors on attaining their majority

39. When a minor (not being a person of unsound mind) entitled to funds lodged in Court attains the age of 18 years the Accountant General, unless otherwise ordered, shall, upon production of satisfactory evidence of life, transfer or realise any investment and pay the proceeds of such realisation, together with any cash to credit to the person so entitled or as he or she shall direct.

Payment etc. to women who later marry

40. Where the payment, transfer or delivery of a fund in court is directed by the court to be made to a woman who marries before the payment, transfer or delivery is completed, the Accountant General shall, before dealing with the fund, require evidence of the marriage.

Payment etc. to representatives of deceased persons

41.—(1) Unless the court otherwise directs, where a fund in court is directed to be paid, transferred or delivered to a person entitled thereto in his own right or as sole or sole surviving executor and that person dies, the Accountant General may, on proof of death in Form 4 and production of a grant of probate or (where the deceased was entitled to the fund in his own right) letters of administration in respect of the deceased's estate, pay, transfer or deliver the fund to the legal personal representative of the deceased:

Provided that—

(i) payment, transfer or delivery of funds not exceeding £1,500 in value may be made to the legal personal representative on production to the Accountant General of the grant of probate or (where the deceased was entitled to the funds in his own right) letters of administration;

(ii) where the deceased, being entitled to the fund in his own right, died intestate leaving assets (including the fund in court) not exceeding

£1,500 in value but no grant of administration has been issued, the fund may, on lodgment in the Court Funds Office or the County Court Office as the case may be, of a declaration in form 5, be paid, transferred or delivered to the person, who, being a widower, widow, child, father, mother, brother or sister of the deceased, would have the prior right to a grant of administration in respect of the estate.

(2) Where funds in court are directed to be paid, transferred or delivered to persons as legal personal representatives and any of those representatives dies before the funds are dealt with, the funds may be paid, transferred or delivered to the surviving legal personal representatives on lodgment in the Office of proof of death.

(3) Where a sum of money not exceeding £1,500 is payable to two or more persons as legal personal representatives payment may, unless the court otherwise directs, be made to any one of them.

Payment etc. where change in parties after decree

42.—(1) Subject to rule 41 above, where any change has taken place after decree or order in the parties to any cause or matter and there is money standing in court to the credit of the action or matter, any person claiming to be entitled to the money may give to the Accountant General notice in writing accompanied by an affidavit verifying the facts stated in the notice.

(2) The Accountant General may, if satisfied as to the title of the person so claiming, pay the money to him or may refer the matter to the court, and may require notice of the application to be given by the claimant to any other person or persons.

Payment out without order of money lodged in satisfaction

43.—(1) Subject to paragraph (2) below, money lodged in court in satisfaction of a claim under Order 22 of the Rules (including money appropriated in accordance with rule 27 above), which has been accepted under Order 22 of the Rules, shall be paid by the Accountant General to the plaintiff by cheque on receipt of a request in Form 6 and a duly certified copy of the Notice of Acceptance:

Provided that, if the plaintiff is a person in respect of whom a legal aid certificate under Part I of the Legal Aid and Advice Act (Northern Ireland) 1965(l) is or has been in force in the proceedings in which the money was lodged or appropriated, payment shall be made only to his solicitor on receipt of a request in Form 7.

(2) No payment shall be made by the Accountant General under paragraph (1) above where—

(i) money has been lodged by some only of a number of defendants sued jointly or in the alternative, unless the plaintiff discontinues the action against all the other defendants and those defendants consent in writing to the payment and a copy of the notice of discontinuance is lodged with the Accountant General.

(ii) a defence of tender before action has been pleaded;

(l) 1965 c. 8 (N.I.)

(iii) the claim is made by, or for the benefit of a minor or a patient within the meaning of the Mental Health Act (Northern Ireland) 1961(**m**);

(iv) money has been lodged in proceedings under the Fatal Accidents (Northern Ireland) Order 1977(**n**) and the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937(**o**), or under the above-mentioned Order where more than one person is entitled to the money;

(v) money has been lodged in court (or money in court has been increased by a further lodgment) and has been accepted under Order 22 of the Rules after the hearing of the action has begun;

(vi) except with the permission of the Treasury or the Bank, the payment is to, or for the credit of, a person resident outside the schedule territories.

(3) In this rule references to a plaintiff and a defendant are to be construed as references to a person (however described on the record) who is in the position of plaintiff or defendant, as the case may be, in the proceedings in question, including proceedings on a counterclaim.

(4) Payment out of money lodged in the Civil Bill Account and Criminal Injuries Account shall be made by the Accountant General in accordance with County Court Rules.

Payment out of money lodged pursuant to the Exchange Control Act, 1947

44. Money lodged in court under the Rules pursuant to the Exchange Control Act 1947 shall be paid out (together with any accrued interest) by the Accountant General to the person entitled to it on receipt of a request in Form 8 and production of the written permission of the Treasury or the Bank.

Payment out of interest on securities

45. Where securities are lodged in court under rules 20(iv) and 22(iv) or money lodged under those rules is invested, any interest accruing shall (subject to any contrary provision contained in the relevant enactment) be paid out by the Accountant General to the person in whose name the lodgment was made.

Transfer or delivery of securities

46. Where, pursuant to directions of the court or under these rules, the Accountant General is required to transfer or deliver any securities or effects held in his name, he shall issue directions accordingly which shall be sufficient authority for the transfer or delivery and, in the case of a transfer of securities on sale, for the Bank to receive the proceeds of sale.

Charges on purchase or sale of securities

47. Except where rule 31 applies and subject to any directions of the court—

(i) where money in court is invested in the purchase of securities, the payment for the purchase shall include broker's commission and value added tax;

(**m**) 1961 c. 15
(**n**) S.I. 1977/1251 (N.I. 18)
(**o**) 1937 c. 9 (N.I.)

(ii) where securities in court are sold, broker's commission and value added tax shall be deducted from the proceeds of sale.

Order of Priority of sale of securities

48.—(1) Where securities are directed by the court to be sold in a certain order and the broker is unable to comply with that direction, the Accountant General may authorise the broker to sell them in a different order.

(2) Where a security specified in a Payment Schedule is directed to be sold and the broker is unable to comply with that direction, the Accountant General may, on receipt of a written request by the party interested in the sale, authorise instead the sale of any other security so specified.

Application of funds dealt with before receipt of Payment Schedule

49. Unless otherwise directed by the court, where an order has been made dealing with a fund and, after the date of the order but before the Payment Schedule relating to it is received in the Office, interest has accrued or money or interest has been dealt with in accordance with a previous direction of the court or under these rules, the part of the fund attributable to accrued interest or to money or interest shall be treated as follows—

(i) interest accrued on securities directed to be transferred, delivered or carried over shall be dealt with as the securities are directed to be dealt with under the Payment Schedule;

(ii) interest accrued on securities directed to be sold (except where the sale is to raise a specified sum of money) shall be dealt with as the proceeds of sale are directed to be dealt with under the Payment Schedule;

(iii) where interest accrued on securities directed to be transferred, delivered or carried over has been invested in the purchase of further securities, the securities so purchased and any interest on them shall be dealt with as the original securities are directed to be dealt with;

(iv) where interest accrued on securities directed to be sold has been invested in the purchase of further securities, the securities so purchased shall be sold and the proceeds of sale added to the proceeds of the original securities;

(v) money or accrued interest which has been placed on deposit shall be withdrawn and, together with any interest credited on withdrawal, applied as directed by the Payment Schedule; provided that, where such money is directed to be invested, any interest credited on withdrawal shall be applied as interest accruing on the investment is directed to be applied.

Remittal to County Court and Removal to High Court

50.—(1) Where money has been lodged in the High Court in proceedings which are remitted to a County Court under the Rules, the money shall be remitted to the appropriate County Court on receipt of a written request from the appropriate officer of the County Court.

(2) Where money has been lodged in the County Court in proceedings which are removed to the High Court under the Rules, the money shall be removed to the High Court on receipt of a written request from the Master of the High Court.

PART VI

CONVERSION, ALLOTMENT AND WRITE OFF OF SECURITIES

Conversion and allotment of securities

51.—(1) Where a security in court has been converted into another security the Accountant General shall write off the original security from the ledger credit to which it is standing and shall place to that ledger credit the whole, or where appropriate a proportionate part, of the substituted security and shall, so far as practicable and unless otherwise directed by the court, deal with the substituted security and any interest thereon in the same manner as the original security and interest.

(2) Where a security in court is paid off and the money received is invested or placed on deposit, the security purchased or money on deposit and any interest thereon shall, unless the court otherwise directs be dealt with by the Accountant General in the same manner as the original security and interest.

(3) Where an allotment is made in respect of a security in court the Accountant General may—

(i) if the allotment is fully paid, credit the whole, or where appropriate a proportionate part, of the allotment to the ledger credit of the original security;

(ii) if the allotment is not fully paid, sell the allotment and credit the whole, or a proportionate part, of the proceeds of sale to that ledger credit.

Arrangements with Bank over paid off securities etc.

52.—(1) Where bearer or similar bonds or securities deposited at the Bank to the credit of the Accountant General are being paid off, the Bank shall take the necessary steps to receive the principal money and interest due and shall inform the Accountant General in writing of the amounts of the securities paid off and of the principal money and interest received.

(2) Where the interest on securities in court is payable on the presentation of coupons in series and the last coupon of any such series has been presented and paid, the Bank shall take the necessary steps for obtaining a new series of coupons.

Securities of dissolved companies

53. Where a company has been wound up and, in relation to any securities of that company lodged in court, the Accountant General has received—

(i) written notice from the liquidator that no assets are or will be distributable in respect of the securities of the company, or

(ii) written notice from the registrar of the Companies Registration Office or the Registrar of Companies in Northern Ireland that the company has been dissolved,

he shall write off the security from the ledger credit to which it stands.

PART VII

SPECIAL ACCOUNT

54. All moneys lodged in court in the Queen's Bench Division pursuant to Order 22 of the Rules or in an Admiralty action shall be credited by the

Bank to a single account in the name of the Accountant General for the time being and shall bear interest at the prevailing ordinary and special deposit rates of interest, and the interest on the said moneys shall be paid quarterly to the Accountant General and shall be paid by him into the Exchequer of the United Kingdom.

PART VIII

UNCLAIMED FUNDS IN COURT

Unclaimed funds in court

55.—(1) On or before 31st October in each year the Accountant General shall carry over unclaimed funds in court, to an account of unclaimed balances.

(2) On receipt of a Payment Schedule directing a dealing with a fund in court carried over in accordance with paragraph (1) above, the Accountant General shall carry back the unclaimed balance to the appropriate ledger credit.

(3) On or before 1st January in each year the Accountant General shall prepare a list of the ledger credits in respect of which funds have been carried over to an account of unclaimed balances in accordance with paragraph (1) above, which shall be filed in the Central Office and of which a copy may be inspected at the Office.

(4) On receipt of a written request for information concerning any fund carried over to an account of unclaimed balances in respect of which the person making the request claims to have a beneficial interest, the Accountant General may supply such information relating to that fund as he considers appropriate.

(5) For the purposes of this rule, a fund shall be treated as unclaimed if—

(i) it stands to the credit of a ledger credit which has not been dealt with (otherwise than by the continuous investment or placing on deposit of accrued interest, the compulsory conversion, redemption or acquisition of securities or the placing on deposit of any money arising therefrom or the payment of Department of Care and Protection percentage) for a period of 15 years immediately before the last preceding 15th October; and

(ii) the Accountant General is satisfied that all appropriate steps have been taken to effect payment to the person entitled to the fund:

Provided that a fund shall not be treated as unclaimed—

(*a*) in the case of an account for the benefit of a minor, until he has attained the age of 23 years or, if the date of his birth is not known, until the account has not been dealt with (otherwise than as stated in sub-paragraph (i) above) for a period of 25 years;

(*b*) where a person claiming an interest in the fund notifies the Accountant General that steps are being taken to deal with the fund and requests that it be not carried over.

PART IX

MISCELLANEOUS

Certificate of funds in Court

56.—(1) On receipt of a written request and on payment of the prescribed fee, the Accountant General may issue to a person claiming an interest in a fund in court a certificate as to the amount standing to its ledger credit; and, where appropriate, the certificate shall state particulars of any charges or restraints on the fund of which the Accountant General is aware and (if it be the case) that the fund has been carried over to an account of unclaimed balances in accordance with rule 55.

(2) A certificate issued by the Accountant General under this rule shall relate to the fund as it stood at the end of the day immediately preceding the date of the certificate.

Copies of accounts etc.

57.—(1) On receipt of a written request and on payment of the prescribed fee, the Accountant General may issue to a person claiming an interest in a fund in court a copy of the account relating to the fund.

(2) If so requested, the Accountant General may supply information relating to any particular transaction or any dealing with a fund standing to the credit of a ledger credit.

Dated 30th March 1979.

Elwyn-Jones, C.

We concur

Peter Snape
T. M. Cox
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 3rd April 1979.

FORM 1 Rule 23

Lodgment pursuant to Exchange Control Act 1947

In the High Court of Justice in Northern Ireland

Insert title of appropriate Division.

.....Division.

Request for Lodgment.

Ledger Credit .....

The Accountant General is hereby requested to receive for lodgment by ..... the sum of £..... which sum is paid in under Order ..... rule ..... of the Rules pursuant to the Exchange Control Act 1947.

Name of Solicitor for the other party .....

Signed .....

Address .....

.....

Solicitor for the .....

Dated ..... 19....

FORM 2 Rule 28(1)

Notice of appropriation under Order 22 of the Rules of money lodged pursuant to Order 14 of the Rules

In the High Court of Justice in Northern Ireland

Insert title of appropriate Division.

.....Division.

Title of Cause or Matter:

..... v. ..... 19.... No.....

To the Accountant General.

Date ..... 19....

Take notice that £ ..... of the money lodged in court in the above action under Order dated ..... 19.... is appropriated by the defendant [state name of party], in respect of the plaintiff's claim as under, viz.:—*

Signature .....

---

*Insert one of the following statements, as may be intended:—

(A) "in satisfaction of claim of plaintiff" [*state name of party*].

(B) "against claim of plaintiff" [*state name of party*] "with a defence denying liability".

FORM 3 Rule 38(1)(ii)

Request for remittance by post

Strike out words not applicable and insert appropriate Division.

In the High Court of Justice in Northern Ireland

.....Division.

In the County Court for the Division of .....

To the Accountant General.

Ledger Credit .....

Order dated ..... 19....

Strike out words not applicable.

Name(s) of payee(s) and full postal address(es)

.....

.....

1. Request

I/We request you to remit by post to [me] [us] at the address stated above the sum of £..... payable to [me] [us] under the above order.

Signed .....

Dated ..... 19....

2. Certificate of Identity

I certify that the person who has signed this request is known to me and to the best of my knowledge and belief is [the person] [one of the persons] to whom the above sum is directed to be paid by the said order.

Signed .....

Address .....

Occupation .....

Dated ..... 19....

NOTES:

(1) If the sum is payable to several persons jointly all must sign the request and be identified, unless they are executors in which case only one need sign.

(2) The certificate should be signed by a person who knows the payee personally and who is a Member of Parliament, Justice of the Peace, Minister of Religion, lawyer, doctor, bank officer, police officer or a person of similar standing. It should not be signed by a relative of the payee.

FORM 4 Rule 41(1)

Form of declaration proving representation

Strike out words not applicable and insert appropriate Division.

In the High Court of Justice in Northern Ireland

.....Division.

In the County Court for the Division of .....

Ledger Credit .....

I/We, ... (*insert name(s) and address(es) of legal personal representative(s)*) solemnly and sincerely declare as follows:—

.....

(*insert name and address of deceased payee*) to whom a payment is directed to be made under an order dated .....19....

died on the ..... day of ..... 19....

Strike out words not applicable.

and is the same person as the person named in the copy [Probate] [Letters of Administration] mentioned below.

[Probate of the Will of the deceased was] [Letters of Administration to the deceased's estate were] on the ..... day of ..... 19.... granted to [me] [us].

[I am] [We are] entitled to receive the said payment.

A copy of the [Probate of the said Will] [Letters of Administration] is now produced and marked with the letter A.

(Signature of declarant) .....

Declared at .....

in the County of .....

this ..... day of .....

19...., before me .....

.....

Qualification .....

NOTES:

(1) This declaration may be made before any person before whom an affidavit may be sworn for use in the Supreme Court or, in the United Kingdom, before a Minister of Religion.

(2) The declaration, together with the copy Probate or Letters of Administration, should be forwarded to the Accountant General.

FORM 5 Rule 41(1)(ii)

Declaration of nearest of kin (in respect of sums not exceeding £1,500)

Strike out words not applicable and insert appropriate Division.

In the High Court of Justice in Northern Ireland

.....Division.

In the County Court for the Division of .....

Ledger Credit .....

I, ... (*insert name and address of* applicant), solemnly and sincerely declare that I am the ..... (*state degree of relationship*) and nearest of kin of ..... (*insert name of deceased*) who died on ..... 19.... and that I am entitled to take out administration to [his] [her] estate, and to receive the sum of £..... directed to be paid to [him] [her] (or, to [his] [her] legal personal representative when constituted by an order dated ..... 19....).

Strike out words not applicable.

I further declare that the total value of the assets of the deceased, including the above sum, does not exceed £1,500 and that the funeral expenses of the deceased have been paid.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835(a).

(Signature of declarant) .....

Declared at .....

in the County of .....

this ..... day of .....

19...., before me .....

.....

A Commissioner for Oaths [or as the case may be].

NOTE:

This declaration must be made before a Commissioner for Oaths, a Notary Public or a Justice of the Peace.

(a) 1835 c. 62

FORM 6 Rule 43(1)

Request for payment of money lodged or appropriated in satisfaction of, or against, claim (under Order 22 of the Rules)

.....19.... No.....

In the High Court of Justice in Northern Ireland

.....Division.

Title of
Cause or
Matter

To the Accountant General.

I hereby notify that the sum of £..... paid into Court, in the above Action, has been accepted by the Plaintiff in satisfaction of the claim in respect of which it is paid in, and I declare that due notice under Order 22 rule 3(1) of the Rules, has been given of such acceptance thereof, and I request that payment of the said sum may be made to*

.....

.....

Signed .....

Address .....

.....

Dated this ..... day of ..... 19....

NOTES:

*If payment is to be made to the plaintiff's solicitor, the plaintiff must himself sign the request, and insert therein the words "the solicitor to me the plaintiff" (*naming such solicitor*); but if payment is to be made to the plaintiff in person, the request may be signed either by the plaintiff, who should insert "me the plaintiff" or by the solicitor of the plaintiff, who must insert "the plaintiff ....." (*naming him*). Payment will be made by a crossed cheque or crossed form of receipt which must be passed through a bank.

FORM 7 Rule 43(1)

Request for payment of money lodged or appropriated in satisfaction of a claim (under Order 22 of the Rules) where plaintiff is or was in receipt of legal aid

In the High Court of Justice in Northern Ireland

Insert title of appropriate Division. .....Division.

To the Accountant General.

Ledger Credit ..... v. .....19....

Notice is hereby given that the sum of £..... paid into court to the above ledger credit has been accepted by the Plaintiff in satisfaction of the claim in respect of which it is paid in, and I request that payment of the said sum may be made to me the Solicitor for the Plaintiff at the address below. The Plaintiff is a person in respect of whom a certificate under Part I of the Legal Aid and Advice Act (Northern Ireland) 1965 is or has been in force entitling him to legal aid in the above proceedings.

I declare that:—

(i) notice of payment into court was received on ..... 19.... and notice of acceptance was served on ..... 19....;

(ii) the payment is not to or for the credit of a person resident outside the scheduled territories as defined by the Exchange Control Act 1947.

Signed .....

[a partner in the firm of .....]

Solicitor for the .....

Address .....

Dated ..... 19....

NOTES:

(1) This request must be signed by the Plaintiff's solicitor.

(2) If more than one notice of payment into court has been received the date of receipt of the last notice should be inserted at paragraph (i) in the request.

FORM 8 Rule 44

Request for payment of money lodged under the Rules pursuant to the Exchange Control Act 1947

In the High Court of Justice in Northern Ireland

Insert title of appropriate Division.

.....Division.

To the Accountant General.

Ledger Credit .....

1. Request for Payment

I/We hereby request payment of the sum of £..... (together with accrued interest, if any) paid into court to the above ledger credit on the ..... day of ..... 19.... under Order ..... rule ..... of the Rules pursuant to the Exchange Control Act 1947.

Signed .....

[a partner in the firm of .....

.....]

Solicitor for the .....

Address .....

.....

Dated ..... 19....

Signed .....

Address .....

Dated ..... 19....

Witnessed by .....

Address .....

Occupation .....

Dated ..... 19....

2. Request for remittance by post

I/We authorise and request you to remit by post to (insert name of bank) Bank of (full postal address) .....
the above-mentioned sum (together with accrued interest, if any) by cheque made payable to the said bank for the credit of my/our account at the (name of bank if other than above) .....
Bank of (address) .....

Signed .....
[as in 1 above]

NOTES:

(1) This request must be signed either by the party's solicitor or by the party if acting personally and his signature witnessed.

(2) If this request is signed outside the United Kingdom the witness must be a British diplomatic or consular officer, a notary public or other person authorised to administer oaths in the country concerned.

(3) Permission of the Treasury or the Bank for payment must be produced to the Accountant General with this request.

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to indicate their general purport.)

These Rules provide a single code for the management of funds in the High Court and County Courts in Northern Ireland. The Rules further provide for the centralisation of funds under the control of the Accountant General of the Supreme Court.