STATUTORY INSTRUMENTS

1965 No. 828 (L. 6)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court 1965

Made - - - -	*5th April* 1965
Laid before Parliament	*12th April* 1965
Coming into Operation	*27th April* 1965

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. The Rules of the Supreme Court(b) shall be amended in accordance with the following provisions of this instrument.

2. For the table of fees appended to Order 37, rule 51, there shall be substituted the following table:—

	£	*s.*	*d.*
"1. Upon giving an appointment to take an examination	5	5	0
2. For the examiner's clerk		5	0
3. For each hour or part thereof (after the first hour) occupied in an examination within 3 miles from the principal entrance of the Royal Courts of Justice ...	1	11	6
4. For each day of 6 hours or part of a day occupied in an examination beyond 3 miles from the principal entrance of the Royal Courts of Justice	10	10	0
5. For the examiner's clerk, where an examination occupies more than 3 hours (in addition to Fee No. 2), per day		5	0"

3. At the end of Order 66A there shall be added the following rule:—

"*Mechanical recording*

8. In this Order any reference to a shorthand note of any proceedings shall be construed as including a reference to a record of the proceedings made by mechanical means and, in relation to such a record, the reference in rule 6(1) to the official shorthand writer shall be construed as a reference to the person responsible for transcribing the record."

4. Order 80 shall be amended as follows:—

(1) The following amendments shall be made in rule 13:—

(*a*) In the cross-heading the words "and certain widows" shall be omitted.

(a) 15 & 16 Geo. 5. c. 49. (b) *See* S.I. 1962/2145 (1962 III, p. 2529); as to O. 37 r. 51, Rev. 1903 XII, p. 54, and S.R. & O. 1920/631, S.I. 1955/1884, 1960/545 (1920 II, p. 700; 1955 II, p. 2554; 1960 III, p. 3129).

(*b*) In paragraph (1) the figure (i), sub-paragraph (*a*)(ii) and in sub-paragraph (*b*) the words from "or by" to the end shall be omitted.

(*c*) In paragraph (3) the words "or to the widow on whose behalf the plaintiff sued" shall be omitted.

(*d*) At the end thereof there shall be added the following paragraph:—

"(5) The foregoing provisions of this rule shall apply in relation to a counterclaim by or on behalf of a person under disability, and a claim made by or on behalf of such a person in an action by any other person for relief under section 504 of the Merchant Shipping Act 1894(**a**), as if for references to a plaintiff and a next friend there were substituted references to a defendant and to a guardian ad litem respectively."

(2) The following amendments shall be made in rule 14:—

(*a*) In paragraph (1) the words "or a widow" shall be omitted.

(*b*) In paragraph (2)(*a*) the words from "and shall" to "(if any)" shall be omitted.

(*c*) In paragraph (2)(*b*) for the words from "the proper" to the end there shall be substituted the words "the district registrar shall, on receiving the money to be transferred, send a sealed copy of the judgment or order and a cheque for the amount to the registrar of the county court".

(*d*) In paragraph (3) the words from "and a" to "(if any)" shall be omitted.

(*e*) Paragraph (4) shall be omitted.

(3) For rule 15 there shall be substituted the following rule:—

"*Application of rr.* 13 *and* 14 *to money recovered by certain widows*

15. Rules 13 and 14 shall apply, with the necessary modifications, to money which is subject to be dealt with as provided by section 19(1) of the Administration of Justice Act 1965(**b**) (which provides for control by the Court, in certain cases, of money recovered by or on behalf of a widow under the Fatal Accidents Acts) as they apply to money recovered by a person under disability, and directions under rule 13 may include directions as to any payment to be made to the widow on whose behalf the claim in question was made."

5. Order 82 shall be amended as follows:—

(1) In rule 4 paragraph (1) shall be omitted and paragraphs (2) and (3) shall be re-numbered (1) and (2) respectively.

(2) In rule 5(1) for the words "takes out of court" there shall be substituted the word "accepts".

6. The following amendments shall be made in rule 30 of the Supreme Court Costs Rules 1959(**c**), as amended(**d**):—

(*a*) For paragraph (1)(*b*) there shall be substituted the following sub-paragraph:—

(**a**) 57 & 58 Vict. c. 60. (**b**) 1965 c. 2. (**c**) S.I. 1959/1958 (Schedule 2) (1959 II, p. 2535).
(**d**) The relevant amending instruments are S.I. 1960/1262, 1961/2365 (1960 III, p. 3135; 1961 III, p. 4362).

"(*b*) any proceedings under the Fatal Accidents Acts 1846 to 1959 in which money is recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, the widow of the person whose death gave rise to the proceedings in satisfaction of a claim under the said Acts or in which money paid into court is accepted by her or on her behalf in satisfaction of such a claim, if the proceedings were for the benefit also of a person who, when the money is recovered, or adjudged or ordered or agreed to be paid, or accepted, is an infant, and".

(*b*) In paragraphs (1)(*c*), (2), (3) and (4) for the words "such proceedings as are referred to in", where those words occur in each of those paragraphs, there shall be substituted the words "proceedings to which this rule applies by virtue of".

7. This instrument may be cited as the Rules of the Supreme Court 1965 and shall come into operation on 27th April 1965.

Dated 5th April 1965.

Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.
W. O. Carter.

EXPLANATORY NOTE

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

These Rules amend the Rules of the Supreme Court relating to money recovered by a widow under the Fatal Accidents Acts 1846 to 1959 so as to take account of the provisions of section 19 of the Administration of Justice Act 1965 (rules 4 and 6). They also increase the fees payable to examiners of the court (rule 2), enable the official note of witness actions in the Queen's Bench and Chancery Divisions to be taken by mechanical means instead of in shorthand (rule 3) and amend the rule relating to payment into court in actions for libel or slander (rule 5).