STATUTORY INSTRUMENTS

1983 No. 531 (L.10)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1983

Made - - - -	30*th March* 1983
Laid before Parliament	8*th April* 1983
Coming into Operation	1*st May* 1983

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981 (**a**) to make rules of court for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise those powers as follows:—

Citation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment) 1983 and shall come into operation on 1st May 1983.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965 (**b**).

Fixed costs

2. Part I of Appendix 3 to Order 62 shall be amended by substituting, for Table A (Basic Costs), the following Table:—

"

	A. *Basic costs Amount to be allowed in cases under following sub-paragraphs of paragraph 1 of this Appendix*		
	(*a*)	(*b*)	(*c*)
If the amount recovered is:—	£ p	£ p	£ p
not less than £600 but less than £2,000—			
(i) where the writ was served by post ...	36.00	47.00	82.00
(ii) where the writ was served on the defendant personally	39.00	50.00	85.00
not less than £2,000 but less than £3,000—			
(i) where the writ was served by post ...	39.00	50.00	85.00
(ii) where the writ was served on the defendant personally	42.00	53.00	88.00
not less than £3,000	50.00	70.00	100.00 ".

(**a**) 1981 c. 54.
(**b**) S.I. 1965/1776; the relevant amending instruments are S.I. 1967/1809, 1970/671, 1971/354, 1269, 1975/911, 1979/35, 1716, 1980/1010, 1981/1734.

Merchant Shipping Acts 1894 to 1979

3. For Order 74 there shall be substituted the following new Order:—

"ORDER 74

APPLICATIONS AND APPEALS UNDER THE MERCHANT SHIPPING ACTS 1894 to 1979

Assignment of proceedings

1.—(1) Subject to paragraph (2), proceedings by which any application is made to the High Court under the Merchant Shipping Acts 1894 to 1979 shall be assigned to the Queen's Bench Division and taken by the Admiralty Court.

(2) Proceedings by which an application under section 55 of the Merchant Shipping Act 1894 (**a**) is made shall be assigned to the Chancery Division.

Appeals and re-hearings

2.—(1) An appeal to the High Court under section 28 of the Pilotage Act 1913 (**b**) against a decision of a county court judge or a magistrate shall be heard and determined by a Divisional Court of the Queen's Bench Division constituted so far as practicable of Admiralty Judges.

(2) Subject to the provisions of this rule, Orders 55 and 57 shall apply in relation to an appeal to the High Court under the Merchant Shipping Acts 1894 to 1979 and for this purpose a re-hearing and an application under section 52(2) of the Merchant Shipping Act 1970 (**c**) shall be treated as an appeal.

(3) In the case of an appeal to which paragraph (2) applies, the documents required to be lodged before entry for the purposes of Order 57, rule 2(1) shall include the report, if any, to the Secretary of State containing the decision from which the appeal is brought.

(4) Where a re-hearing by the High Court is ordered under section 57 of the Merchant Shipping Act 1970, the Secretary of State shall cause such reasonable notice to be given to the parties whom he considers to be affected by the re-hearing as the circumstances of the case may, in his opinion, permit.".

Social Security and Housing Benefits Act 1982(**d**)

4. Order 111 shall be amended as follows:—

(1) For the title, there shall be substituted the following:—

"THE SOCIAL SECURITY ACT 1975 (**e**) AND THE SOCIAL SECURITY AND HOUSING BENEFITS ACT 1982".

(2) Rules 2, 3 and 4 shall be amended by substituting, for the words "21 days", wherever they occur, the words "28 days".

(3) After rule 5, there shall be added the following new rule:—

(**a**) 1894 c.60. (**b**) 1913 c.31. (**c**) 1970 c.36.
(**d**) 1982 c.24. (**e**) 1975 c.14.

"References and appeals under the Social Security and Housing Benefits Act 1982

6. Rules 1 to 5 shall apply in relation to references and appeals under section 11(4) and (5) of the Social Security and Housing Benefits Act 1982 as they apply in relation to references and appeals under the Social Security Act 1975.".

Dated 30th March 1983.

Hailsham of St. Marylebone, C.
Lane, C.J.
John Donaldson, M.R.
John Arnold, P.
R. E. Megary, V.C.
Peter Oliver, L.J.
Anthony Lloyd, J.
Iain Glidewell, J.
Mark Potter,
John G. McK. Laws,
P. F. Carter-Ruck,
R. J. Pannone.

EXPLANATORY NOTE

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

These Rules amend the Rules of the Supreme Court so as—

(*a*) to increase certain fixed costs recoverable under Appendix 3 to Order 62 where the sum claimed is within the county court limit (Rule 2);

(*b*) to substitute a new Order 74 which provides for applications and appeals under the Merchant Shipping Acts 1894 to 1979 (Rule 3);

(*c*) to provide for appeals and references to the High Court under section 11 of the Social Security and Housing Benefits Act 1982 (Rule 4).

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