1966 No. 1514

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (Amendment No. 3) 1966

Made - - - -	30*th November* 1966
Laid before Parliament	6*th December* 1966
Coming into Operation	
Rule 8 - - -	7*th December* 1966
Remainder - -	2*nd January* 1967

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 1965(b), as amended(c), shall be further amended in accordance with the following provisions of these Rules.

PART I

ACTIONS FOR POSSESSION OF LAND

2. At the end of Order 6, rule 2(1), there shall be added the following sub-paragraph:—

"(*c*) where the claim made by the plaintiff is for possession of land, with a statement showing—

(i) whether the claim relates to a dwelling-house ; and

(ii) if it does, whether the rateable value of the premises exceeds, in Greater London £400, and elsewhere £200."

3. Order 13, rule 4, shall be amended as follows:—

(1) In paragraph (1) after the word "then" there shall be inserted the words "subject to paragraph (2)".

(2) After paragraph (1) there shall be inserted the following paragraphs:—

"(2) Notwithstanding anything in paragraph (1), the plaintiff shall not be entitled, except with the leave of the Court, to enter judgment under that paragraph unless he produces a certificate by his solicitor, or (if he sues in person) an affidavit, stating either that the claim does not relate to a dwelling-house or that the claim relates to a dwelling-house of which the rateable value exceeds, in Greater London £400, and elsewhere £200.

(a) 1925 c. 49. (b) S.I. 1965/1776 (1965 III, p. 4995).
(c) There are no relevant amending instruments.

(3) An application for leave to enter judgment under paragraph (2) shall be by summons stating the grounds of the application, and the summons must, unless the Court otherwise orders and notwithstanding anything in Order 65, rule 9, be served on the defendant against whom it is sought to enter judgment.

(4) If the Court refuses leave to enter judgment, it may make or give any such order or directions as it might have made or given had the application been an application for judgment under Order 14, rule 1."

(3) Paragraph (2) shall stand as paragraph (5).

4. Order 19, rule 5, shall be amended as follows: —

(1) In paragraph (1) after the word " then " there shall be inserted the words " subject to paragraph (2) ".

(2) After paragraph (1) there shall be inserted the following paragraphs: —

" (2) Notwithstanding anything in paragraph (1), the plaintiff shall not be entitled, except with the leave of the Court, to enter judgment under that paragraph unless he produces a certificate by his solicitor, or (if he sues in person) an affidavit, stating either that the claim does not relate to a dwelling-house or that the claim relates to a dwelling-house of which the rateable value exceeds, in Greater London £400, and elsewhere £200.

(3) An application for leave to enter judgment under paragraph (2) shall be by summons stating the grounds of the application, and the summons must, unless the Court otherwise orders, be served on the defendant against whom it is sought to enter judgment.

(4) If the Court refuses leave to enter judgment, it may make or give any such order or directions as it might have made or given had the application been an application for judgment under Order 14, rule 1."

(3) Paragraph (2) shall stand as paragraph (5).

PART II

MISCELLANEOUS

5. The following paragraph shall be added at the end of Order 22, rule 1: —

" (7) Where—

(*a*) an action proceeding in a district registry is being tried at an assize town within the district of another district registry or at the Royal Courts of Justice, or

(*b*) an action proceeding in the Royal Courts of Justice is being tried at an assize town within the district of a district registry,

any payment into court under this rule made after the trial or hearing has begun may, if the defendant so desires, be made at the district registry within the district of which the assize town is situated or, if the action is being tried at the Royal Courts of Justice, in the same manner as if the action were proceeding there ".

6. For sub-paragraph (*a*) of Order 62, rule 22(4), there shall be substituted the following sub-paragraph:—

"(*a*) the costs are to be taxed by a principal clerk of the Principal Probate Registry".

7. In Order 99, rule 4, for the words "any order under section 1 or 4 of the Act shall be made by the judge in person" there shall be substituted the words "any permission of the court under section 2 of the Act and any order under section 1, 4 or 4A of the Act shall be given or made by the judge in person".

8. Order 106 shall be amended as follows:—

(1) In rule 1 the definition of "the Council" shall be omitted.

(2) In rule 6(2) after the word "solicitor" there shall be inserted the words "or a deceased solicitor, as the case may be"

(3) In rule 6(3) for the word "Council", where first occurring, there shall be substituted the words "Law Society" and for the word "Council", where subsequently occurring, there shall be substituted the word "Society".

(4) In rule 7(*b*) for the words "thereof the Council" there shall be substituted the words "or 11 thereof, the Law Society" and at the end of rule 7 there shall be added the following paragraphs:—

"(*d*) if the application is for an order under paragraph 8 thereof for the re-direction of postal packets addressed to a solicitor or his firm or to the personal representatives of a deceased solicitor, the solicitor, every member of the firm or those personal representatives, as the case may be;

(*e*) if the application is for directions under paragraph 13(2) thereof as to the transfer of moneys—

(i) where the application is made on the ground that the Law Society is unable to ascertain the person to whom the moneys belong, the banker and any other person having possession or control of the moneys;

(ii) where the application is made on some other ground, the person stated by proviso (*a*) to paragraph 13(1) of the said Schedule to be the person to whom the moneys belong;

(*f*) if the application is for an order under paragraph 14 thereof, the person against whom the order is sought".

(5) In rule 10(1) the words "the Council or" shall be omitted.

(6) In rule 10(2) for the words "under paragraph 1" there shall be substituted the words "under paragraph 7".

9.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 3) 1966.

(2) Rule 8 of these Rules shall come into operation on 7th December 1966 and the remainder on 2nd January 1967.

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

Dated 30th November 1966.

Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Cyril Salmon, L.J.
Geoffrey Cross, J.
Fenton Atkinson, J.
Eustace Roskill, J.
Hugh Griffiths.
N. Browne-Wilkinson.
W. O. Carter.

EXPLANATORY NOTE

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

The amendments of the Rules of the Supreme Court made by Part I of these Rules will ensure that, where an action is brought in the High Court for possession of premises to which the Rent Acts apply, no judgment is entered in default of appearance or defence except with the leave of the court. Of the miscellaneous amendments in Part II, rule 5 enables a payment into court during the trial of an action to be made at the place of trial instead of at the place where the action is proceeding, and rule 6 applies the procedure of provisional taxation to all cases in which the costs of a matrimonial cause are to be taxed by a principal clerk of the Principal Probate Registry. The amendments in rules 7 and 8 are consequential on the coming into force of the relevant provisions of the Solicitors Act 1965 and the Family Provision Act 1966.

(a) 1889 c. 63.