7. These Rules may be cited as the Rules of the Supreme Court (No. 3) 1954, and shall come into operation on the eleventh day of January, 1955.

Dated the 21st day of December, 1954.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
A. J. Denning, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
J. N. Gray.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

These Rules make a number of miscellaneous amendments in the Rules of the Supreme Court. Rule 38 of Order LIX, dealing with appeals to the High Court from the decisions of the disciplinary bodies of certain professions, has been revised so as to include appeals under the Architects (Registration) Act, 1931, and appeals from the Panel (Complaints) Tribunals set up under the Legal Aid Scheme.

Rule 3 gives effect to a recommendation made by the Committee on Supreme Court Practice and Procedure.

1954 No. 1728 (L. 25)

The Rules of the Supreme Court (Chancery Provisions) 1954

Made - - - -	*21st December*, 1954
Laid before Parliament	*4th January*, 1955
Coming into Operation	*11th January*, 1955

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. In Rule 2 of Order XIII (which requires the filing of an affidavit of service before proceeding upon default of appearance under that Order or under Order XV) after the words "this Order" there shall be inserted the words "or under Order XIVA".

2. For Order XIVA there shall be substituted the following Order:—

"ORDER XIVA

Summary Judgment in Actions for Specific Performance

1.—(1) In any action in the Chancery Division commenced by a writ of summons indorsed with a claim for specific performance of an agreement, whether in writing or not, for the sale or purchase of property, with

or without alternative claims for damages, for rescission or for the forfeiture or return of the deposit, the plaintiff may (whether the defendant has appeared or not), on affidavit made by himself, or by any other person who can swear positively to the facts, verifying the cause of action and stating that in his belief there is no defence to the action, apply to the court or a judge for judgment and the court or judge may thereupon give judgment in the action unless the defendant by affidavit, or by his own viva voce evidence or otherwise, satisfies the court or judge that he has a good defence to the action on the merits, or discloses facts sufficient, in the opinion of the court or judge, to entitle him to defend.

(2) Where an application is made under this Rule in proceedings by the Crown, the cause of action shall be deemed to be sufficiently verified if an affidavit is made by—

(*a*) an officer duly authorised by the department concerned; or

(*b*) the solicitor acting for the Crown; or

(*c*) an officer duly authorised by the solicitor acting for the Crown,

stating that to the best of his knowledge and belief the plaintiff is entitled to the relief claimed and there is no defence to the action.

(3) No application shall be made under this Rule in proceedings against the Crown.

2.—(1) An application by the plaintiff under Rule 1 of this Order shall be made by summons returnable not less than four clear days after service, accompanied by a copy of the affidavit and any exhibits referred to therein.

(2) The summons shall set out full minutes of the judgment sought by the plaintiff.

3.—(1) The defendant may show cause against the application by affidavit, or the court or judge may allow the defendant to be examined on oath.

(2) The court or judge may, if it or he thinks fit, order the defendant, or, in the case of a corporation, any officer thereof, to attend and be examined upon oath or to produce any document or any copy thereof or extract therefrom.

4. Leave to defend may be given unconditionally or subject to such terms as to giving security or time or mode of trial or otherwise as the court or judge may think fit; and where leave to defend is given, the court or judge shall give directions as to the further conduct of the action and Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application for judgment were a summons for directions under that Order.

5.—(1) The costs of and incident to all applications under this Order shall be dealt with by the court or judge on the hearing of the application, and the court or judge may order by and to whom and when the costs shall be paid or may refer them to the judge at the trial.

(2) If the plaintiff makes an application under this Order where the case is not within the Order or where the plaintiff in the opinion of the court or judge knew that the defendant relied on a contention which would entitle him to unconditional leave to defend, the application may be

dismissed with costs which may, unless the plaintiff is an assisted person, be ordered to be paid forthwith by the plaintiff."

3. For Rule 32 of Order XVI (which relates to representation orders) the following Rule shall be substituted:—

"32.—(1) In any proceedings concerning—

(*a*) the administration of an estate; or

(*b*) property subject to a trust; or

(*c*) the construction of a written instrument (including a statute),

the court or a judge may, if satisfied that it is expedient so to do and that one or more of the conditions specified in paragraph (2) of this Rule are satisfied, appoint one or more persons to represent any person (including an unborn person) or class who is or may be interested (whether presently or for any future, contingent or unascertained interest) in or affected by the proceedings, and the judgment or order of the court or judge given when the person or persons so appointed are before the court shall be binding on the person or class represented.

(2) The conditions for the exercise of the power conferred by paragraph (1) of this Rule are as follows—

(*a*) that the person, the class or some member of the class, cannot be ascertained or cannot readily be ascertained;

(*b*) that the person, the class or some member of the class, though ascertained, cannot be found;

(*c*) that, though the person or the class and the members thereof can be ascertained and found, it appears to the court or judge expedient (regard being had to all the circumstances, including the amount at stake and the degree of difficulty of the point to be determined) to exercise the power for the purpose of saving expense.

(3) If in any proceedings concerning—

(*a*) the administration of an estate; or

(*b*) property subject to a trust; or

(*c*) the construction of a written instrument (including a statute),

several persons having the same interest in relation to the matter to be determined attend at the hearing by separate solicitors or counsel, then, unless the court or judge consider that the circumstances justify separate representation, not more than one set of costs of the hearing shall be allowed to those persons, and the judgment or order shall be framed accordingly."

4. In Rule 6A of Order XXXV (which relates to the duties of the district registrar in Chancery actions in the Liverpool and Manchester district registries) the two provisos shall be omitted.

5. In Rule 9 of Order LII (which relates to the service of a notice of motion with the writ or before the time limited for appearance) for the words "by leave of the court or a judge to be obtained ex parte" there shall be substituted the words "(without leave)".

6. In Rule 2 of Order LV (which specifies certain matters which are to be disposed of in chambers in the Chancery Division), for paragraphs (1), (2), (2A) and (3) the following paragraph shall be substituted—

"(1) Applications for payment or transfer to any person of any cash or securities standing to the credit of any cause or matter or for payment

to any person of the dividends or interest on any such securities or for the transfer of any such cash or securities to a separate account ".

7.—(1) For Rules 15 and 15A of Order LV (which relate to the matters which may be dealt with by Masters in the Chancery Division) the following Rule shall be substituted:—

" 15.—(1) In the Chancery Division the Masters shall, subject to the right of any party to have an adjournment to the judge in person without any fresh summons for the purpose, have power to transact all such business and exercise all such authority and jurisdiction as may be transacted and exercised by a judge in chambers, except such business, authority and jurisdiction as the judges of the Division may from time to time direct to be transacted by a judge in person or as may by any of these Rules be expressly directed to be transacted or exercised by a judge in person:

Provided that where an originating summons raises for the determination of the court a question as to the construction of a document or a question of law, nothing in this Rule shall authorise a Master to determine that question.

(2) Every order made in chambers which is not made by a judge in person shall bear upon it the name of the Master responsible for the Order."

(2) In Rule 35A of Order LV (which confers on the judge in person power to order that persons service on whom of notice of a judgment or order for accounts and inquiries is dispensed with shall be bound as if served except where the judgment or order has been obtained by fraud or non-disclosure) the words " in person " shall be omitted.

8. For Form 22 of Appendix L, the following form shall be substituted:—

" No. 22

Affidavit verifying Receivers' Account (0.50 *r.* 20)

In the High Court of Justice,
Chancery Division,
Group .

[*Title*]

I , of , the receiver appointed by order herein dated 19 , make oath and say as follows—

1. The document now shown to me marked A is, as it purports to be, a full and true account of
for the period therein specified.

2. and , my sureties named in the guarantee [*or* undertaking] dated , 19 , are both alive and neither of them has become bankrupt or insolvent.

[*or*

2. The Co. Ltd., my surety named in the guarantee [*or* undertaking] dated 19 , is still carrying on business and no petition or other proceeding for its winding-up is pending.] "

9.—(1) These Rules may be cited as the Rules of the Supreme Court (Chancery Provisions) 1954.

(2) These Rules shall come into force on the eleventh day of January, 1955, and shall, with any necessary modifications, apply in relation to causes or matters commenced before that date as well as to causes or matters commenced on or after that date.

Dated the 21st day of December, 1954.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
A. J. Denning, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
J. N. Gray.
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L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

These Rules give effect to a number of recommendations in regard to proceedings in the Chancery Division made by the Committee on Supreme Court Practice and Procedure in their Second Interim Report (Cmd. 8176).

1954 No. 1585 (L. 17)

The Rules of the Supreme Court (Landlord and Tenant) 1954

Made - - - -	*26th November*, 1954
Laid before Parliament	*2nd December*, 1954
Coming into Operation	*6th December*, 1954

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. At the end of rule 1 of Order XLVII (which relates to the issue of a writ of possession) there shall be added the following paragraph:—

"(3) In the case of an order for the recovery of possession the operation of which is suspended for fourteen days in accordance with subsection (2) of section 16 of the Landlord and Tenant Act, 1954, such leave shall not be given unless it is also shown that the applicant has not received notice in writing from the tenant that he desires that the provisions of paragraphs (*a*) and (*b*) of that subsection should have effect."

2. For Order LIIID there shall be substituted the following Order:—

"ORDER LIIID

THE LANDLORD AND TENANT ACTS, 1927 AND 1954

1.—(1) A claim under section 1 of the Act of 1927 for compensation in respect of any improvement, or a claim by a mesne landlord under subsection