2. PROCEDURE

(1) *Rules of the Supreme Court.*
(2) *Matrimonial Causes Rules*, p. 4052.
(3) *Non-Contentious Probate Rules*, p. 4056.

(1) RULES OF THE SUPREME COURT

[NOTE.—The Rules of the Supreme Court, 1883 (*i.e.*, the main Code of Rules), were reprinted in S.R. & O. Rev. 1904, XII, "Supreme Court E.", pp. 54-417, as amended to December 31, 1903. A reprint of the Rules (excluding the Appendices) as amended since 1883, and still in force on August 1, 1932, was published by H.M. Stationery Office in 1932. For the numerous amending Rules *see* the references in the "Index to S.R. & O. in Force December 31, 1946," at pp. 1136-42, and also the Index to Vol. I of the Annual Volume for 1947.]

The Rules of the Supreme Court (No. 1), 1948

1948 No. 939 (L. 5)

Made - - - -	*27th April*, 1948
Laid before Parliament	*4th May*, 1948
Coming into Operation	*1st June*, 1948

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

~~1. Order XXII (which relates to payment into and out of Court)~~ shall be amended as follows:—

(1) The following paragraph shall be substituted for paragraph (3) of Rule 1:—

"(3) The notice shall be in Form 3 in Part II of Appendix B. Receipt of the notice shall be acknowledged in writing by the plaintiff within three days.

The notice may be modified or withdrawn or delivered in an amended form by leave of the Court or a judge upon such terms as may be just; provided that the defendant may without leave deliver a notice increasing the amount of any sum paid into court."

(2) There shall be inserted after Rule 5 the following Rule:—

"Payment of hospital expenses.

5A. Where, in an action for personal injuries, any party claims a sum for hospital expenses, the party against whom such claim is made may, in addition to or without any payment into court, pay to the hospital the amount for which he may be liable to the hospital under sub-section (2) of section 36 of the Road Traffic Act, 1930, and such payment shall not be deemed to be an admission of liability.

Notice of the payment shall be given to all other parties to the action within seven days of the amount being paid."

(3) The following Form shall be substituted for Form 3 in Part II of Appendix B:—

"No. 3.

Notice of payment into Court (O. 22, r. 1).

[Heading as in Form 6.]

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Take notice that the defendant has paid into court £ and says that (£ part of) that sum is enough to satisfy the plaintiff's claim (for and £ the other part of that sum is enough to satisfy the plaintiff's claim for).

Dated the day of 19 .

P.Q., Solicitor for the defendant C.D.

To Mr. X.Y. the plaintiff's solicitor.
(and to Mr. R.S., solicitor for the defendant E.F.)

[To be filled in by the Bank of England.]

Received the above sum of pounds shillings and pence into Court in this action.

£ : : .

Dated the day of 19 ."

2.—(1) In Order XLI (which relates to entry of judgment) there shall be inserted after Rule 5 the following Rule:—

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"Judgment where Crown sues in respect of death duties or purchase tax.

5A. Every judgment or order entered or made in favour of the Crown for any sum payable in respect of death duties or purchase tax shall, unless the court or a judge otherwise order, be in the form of requiring the defendant to pay the sum due to the Crown."

(2) The following Form shall be added to Appendix F and shall stand as Form No. 5B:—

"No. 5B.

Judgment where the Crown sues in respect of death duties or purchase tax (O. XLI, r. 5A.).

[Heading as in Form 1.]

The day of , 19 .

[Insert appropriate recitals]

It is this day adjudged that the plaintiff recover against the defendant £ and £ costs (or, costs to be taxed) and that the defendant do pay such amount and costs to the plaintiff on the day of , 19 , or subsequently within days after service hereof, whichever is the later.

The above costs have been taxed and allowed at £ as appears by a taxing officer's certificate dated the day of , 19 ."

(3) The following Forms shall be added to Appendix K and shall stand as Forms Nos. 5B and 6B respectively:—

" No. 5B.

Summons under Order XIV where the Crown sues in respect of death duties or purchase tax (O. XLI, r. 5A.).

[Heading as in Form 1.]

Upon reading the affidavit of [the plaintiff, or as may be]

Let all parties concerned attend the Master in Chambers, Central Office, Royal Courts of Justice, Strand, London, On day the day of 19 , at o'clock in the noon on the hearing of an application on the part of the plaintiff that he be at liberty to sign final judgment in this action against the defendant for the amount indorsed on the writ, with interest, if any, and costs and that such judgment shall order that the defendant do pay such amount and costs to the plaintiff on the day of 19 , or subsequently within days after service thereof, whichever be the later.

Dated the day of 19 .

1962/2146

This Summons was taken out by
of Solicitor for
To ."

" No. 6B.

Order under Order XIV where the Crown sues in respect of death duties or purchase tax (O. XLI, r. 5A.).

[Heading as in Form 1.]

Upon hearing the solicitors for the plaintiff and defendant and upon reading the affidavit of filed herein,

It is ordered that the plaintiff be at liberty to sign final judgment in this action against for the amount indorsed on the writ, with interest, if any, and costs, and that such judgment shall order that the defendant do pay such amount and costs to the plaintiff on the day of 19 , or subsequently within days after service, whichever be the later.

Dated the day of 19 ."

3. After Order LIVL there shall be inserted the following Order:—

" Order LIVM.

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Procedure on Applications under the Middlesex Deeds Act, 1940.

1. An application to the High Court under Section 3 of the Middlesex Deeds Act, 1940, for the determination of any question arising as to

whether a person is entitled to an indemnity under that section, or as to the amount of any such indemnity, shall be made in the Chancery Division by originating summons.

2. The originating summons shall be inter partes and shall be intituled In the matter of the claimant and in the matter of the Act, and shall specify the provision of the Act alleged to have caused the loss in respect of which the indemnity is claimed.

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3. The parties to the application shall be the claimant and the Attorney-General and such other persons as the Court may direct.

4. If it shall appear to the Court or a Judge that the application involves questions of fact which are in dispute, the Court or Judge may, whether before or after affidavit evidence has been filed, direct particulars of claim and particulars of answer to be delivered and that the originating summons shall be heard with witnesses.

5. The Rules of the Supreme Court for the time being in force and the practice and procedure in the Chancery Division shall apply."

4. These Rules may be cited as the Rules of the Supreme Court (No. 1), 1948, and shall come into operation on the first day of June, 1948.

Dated the 27th day of April, 1948.

Jowitt, C.
Goddard, C.J.
Greene, M.R.
Merriman, P.
F. James Tucker, L.J.
F. L. C. Hodson, J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Cyril J. Radcliffe.
Gerald Gardiner.
Douglas T. Garrett.
L. S. Holmes.

The Rules of the Supreme Court (No. 2), 1948

1948 No. 1439 (L. 16)

Made - - - -	*28th June*, 1948
Laid before Parliament	*29th June*, 1948
Coming into Operation	*5th July*, 1948

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

1. In Order XVI the following paragraph shall be substituted for paragraph (1) of Rule 28B (which relates to the conduct of certain poor persons proceedings by a solicitor employed by the Law Society), namely:—

" (1) Where The Law Society or a Provincial Law Society has decided, after enquiry by the Poor Persons Committee of the Society, to issue a certificate admitting a poor person to institute, defend, or be a party to a matrimonial cause, or has issued such a certificate, the Committee may nominate as conducting solicitor for the