The Matrimonial Causes (District Registries) Order, 1951

1951 No. 2167 (L. 11)

Made - - - - 6*th December*, 1951
Coming into Operation 1*st February*, 1952

I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, in exercise of the power vested in me by rule 1 of the Matrimonial Causes Rules, 1950(a), and of all other powers enabling me in this behalf, and with the concurrence of Frank Boyd, Baron Merriman, President of the Probate, Divorce and Admiralty Division, do hereby make the following Order:—

1. Any matrimonial cause or matter may, subject to the provisions of the Matrimonial Causes Rules, 1950, be commenced and prosecuted—

(*a*) on and after the first day of February 1952, in the district registries of the High Court at Barrow-in-Furness, Bridgend, Merthyr Tydfil, Oxford and St. Helens, and

(*b*) on and after the first day of April 1952, in the district registry of the High Court at Canterbury,

in addition to the district registries set out in Appendix I of the said Rules.

2. This Order may be cited as the Matrimonial Causes (District Registries) Order 1951.

Dated the sixth day of December, 1951.

Simonds, C.

I concur,

Merriman, P.

The Rules of the Supreme Court (No. 1), 1951

1951 No. 839 (L. 3)

Made - - - - 9*th May*, 1951
Laid before Parliament 10*th May*, 1951
Coming into Operation 22*nd May*, 1951

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

1. The following amendments shall be made in Order LIIIA (which relates to proceedings under the Patents Act, 1949) that is to say:—

(1) In Rules 3 (*n*), 6, 15 and 16, there shall be inserted after the words "the Court" the words "or a Judge".

(2) The following paragraph shall be added at the end of Rule 7:—

"The respondent to the petition shall deliver his answer within twenty-one days after service of the petition upon him or within such further time as the petitioner may in writing agree or the Court or a Judge shall allow. If an answer is not delivered within the time limited for that purpose, the petitioner shall be entitled to give notice of trial."

(a) S.I. 1950 (No. 1940) II, p. 929.

2. The following amendments shall be made in Order LVIII (which relates to appeals to the Court of Appeal) that is to say:—

(1) In Rule 3 at the beginning of the Rule there shall be added the words "Except in cases to which Rule 20 or 21 of this Order applies".

(2) In Rule 9 there shall be substituted for the words "the Companies (Consolidation) Act, 1908" the words "the Companies Act, 1949" and the words "or in any other matter not being an action" shall be deleted.

(3) The following Rule shall be substituted for Rule 15:—

"Time for appealing and security for costs of appeal.

15.—(1) Except with the leave of the court or judge by whom the judgment or order appealed from was given or made, or of the Court of Appeal, no appeal from any interlocutory order shall be brought after the expiration of fourteen days, and no other appeal shall be brought after the expiration of six weeks, from the date on which the judgment or order was signed, entered or otherwise perfected.

(2) The Court of Appeal may in special circumstances order that such security shall be given for the costs of the appeal as the court may direct."

(4) The following Rule shall be substituted for Rule 15A:—

"Time for appealing against order made on further consideration and on summons to vary.

15A. Where a summons to vary a certificate and the further consideration of an action are heard together, the time for appealing against the order made on the summons to vary the certificate shall be the same as the time for appealing against the order made on further consideration."

(5) In Rule 16 there shall be inserted before the words "may direct" the words "or the Court of Appeal".

(6) The following Rule shall be substituted for Rule 19A:—

"Appeals from official referees and from certain tribunals.

19A. This Order shall, so far as applicable, apply to an appeal from an official referee or from any tribunal from which by or under any enactment an appeal lies to the Court of Appeal and for which no other provision is made by these Rules."

(7) The following Rule shall be substituted for Rule 20:—

"Appeals from county courts.

20. The following provisions shall apply to every appeal to the Court of Appeal from a decision of a judge of a county court not being an appeal to which Rule 21 of this Order applies:—

(1) The appeal shall be by notice of motion and the notice shall state the grounds of the appeal and whether the whole or part only of the judgment or order is complained of.

(2) The notice of motion shall be served on all parties directly affected by the appeal and on the registrar of the county court from which the appeal is brought, and there shall be at least eight clear days between the service of the notice and the day named therein for the hearing.

(3) The notice of motion shall be served and the appeal set down under Rule 8 of this Order within twenty-one days from the date of the judgment or order complained of, or within such further time as the Court of Appeal may allow.

(4) It shall be the duty of the appellant to apply to the judge of the county court for a signed copy of the note made by him of any question of law raised before him, and of the facts in evidence in relation thereto, and of his decision thereon and on the question or matter submitted to him, and to furnish such copy for the use of the Court of Appeal. If such a note is not produced, the Court of Appeal may hear and determine the appeal upon any other evidence or statement of what occurred before the judge of the county court which the Court of Appeal may deem sufficient.

(5) The appeal shall not operate as a stay of proceedings in the county court unless the judge of the county court so orders or unless, within ten days from the date of the judgment or order appealed from, the appellant deposits a sum fixed by the judge not exceeding the amount of the money or the value of the property affected by the judgment or order, or gives such security for the said sum as the judge may direct.

(6) The Court of Appeal may amend the grounds of appeal or make any other order on such terms as the court thinks just to ensure the determination on the merits of the real questions in controversy between the parties.

(7) Subject to the foregoing provisions, the rules for the time being in force with respect to appeals from the High Court to the Court of Appeal shall, so far as applicable, apply to appeals to which this Rule applies."

(8) The following amendments shall be made in Rule 21, that is to say:—

(i) In the first sentence there shall be substituted for the words "the Representation of the People Act, 1918, section 14" the words "section 45 of the Representation of the People Act 1949".

(ii) The following paragraph shall be substituted for paragraph (3):—

"(3) The appeal shall be by notice of motion and the provisions of paragraphs (1), (2) and (3) of Rule 20 of this Order shall apply to the appeal."

(iii) In paragraphs (4), (5) and (8) the words "or Assistant Judge", wherever they occur, shall be deleted.

(9) The following Rule shall be added after Rule 22:—

"Cases stated by tribunals.

23. Where by or under any enactment any tribunal is or may be empowered or required to state a case on a question of law for determination by the Court of Appeal and no other provision for the statement of a case is made by these Rules the following provisions shall apply:—

(1) Any party to proceedings before the tribunal who is aggrieved by the tribunal's refusal to state a case may within twenty-one days after such refusal apply by motion to the Court of Appeal for an order requiring the tribunal to state a case.

(2) The notice of motion shall state in general terms the grounds of the application, together with the question of law on which it is desired that a case shall be stated and any reasons given by the tribunal for its refusal.

(3) The notice of motion shall be served upon the clerk or registrar of the tribunal and upon every other party to the proceedings before the tribunal at least two clear days before the day named in the notice for hearing the motion.

(4) Where a tribunal is ordered to state a case under this rule, the tribunal shall state and sign the case and shall cause it to be sent by registered post to the party on whose application the order was made within such time as may be directed by the order.

(5) The party at whose instance a case has been stated shall, within twenty-one days after receiving the case, lodge it with the proper officer of the Court of Appeal, together with a notice of motion setting forth that party's contentions on the question of law. The case shall be entered by the proper officer of the Court of Appeal in a list to be kept for that purpose.

(6) The notice of motion shall be served upon the clerk or registrar of the tribunal and, together with a copy of the case, upon every other party to the proceedings before the tribunal at least twenty-one days before the day named in the notice for hearing the motion. Where the enactment under which the case is stated provides that a Minister or Government department shall have a right to be heard in the proceedings on the case, a copy of the case and of the notice of motion shall be served upon the Minister or Government department concerned.

(7) On the hearing of the case the Court of Appeal may, if it thinks fit, amend the case or order it to be sent back to the tribunal for amendment and shall have power to draw inferences of fact from the facts set forth in the case.

(8) The proper officer of the Court of Appeal shall notify the clerk or registrar of the tribunal of the decision of the Court of Appeal on the case and of any directions given by the Court thereon.

(9) The ordinary practice of the Court of Appeal shall, so far as it is applicable and is not inconsistent with the provisions of this rule, apply to a case stated under this rule by a tribunal."

3. These Rules may be cited as the Rules of the Supreme Court (No. 1), 1951, and shall come into operation on the twenty-second day of May, 1951

Dated the ninth day of May, 1951.

Jowitt, C.
Raymond Evershed, M.R.
Merriman, P.
D. B. Somervell, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Gerald R. Upjohn.
G. G. Baker.
L. S. Holmes.
W. Charles Norton.