Court of Judicature (Consolidation) Act, 1925(a), and of every other power enabling me in this behalf, hereby make the following Rules:—

1. In these Rules a Rule referred to by number means the Rules so numbered in the Supreme Court Funds Rules, 1927(b), as amended.

2. In sub-paragraph (*f*) of paragraph (2) of Rules 67, after the words "Registration Fees" there shall be inserted the words "and after deduction therefrom of any commission which the Treasury may, for the time being, authorise to be paid to the stockbroker".

3. These Rules may be cited as the Supreme Court Funds Rules, 1957, and shall come into operation on the 22nd day of June, 1957.

Dated the 17th day of June, 1957.

Kilmuir, C.

Harwood Harrison
Edward Wakefield
} Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

After 1st June, 1957, the broker of the Supreme Court will be remunerated on a commission basis instead of receiving a salary; these Rules will authorise him to retain the agreed proportion before paying the brokerage to the Pay Office.

PROCEDURE

1957 No. 1178 (L. 14)

The Rules of the Supreme Court (No. 1), 1957

Made - - - -	3*rd July*, 1957
Laid before Parliament	10*th July*, 1957
Coming into Operation	1*st October*, 1957

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

PART I

WRITS OF INQUIRY AND ACTIONS ON BONDS

1. For Rules 5 to 7 of Order XIII (which relate to the entry of interlocutory judgment in default of appearance) there shall be substituted the following Rules:—

"5. If the claim indorsed on the writ is, as against any defendant, for unliquidated damages only, and that defendant fails to appear, the plaintiff may enter interlocutory judgment against him for damages to be assessed and costs, and proceed with the action against the other defendants, if any.

6.—(1) If the claim indorsed on the writ is, as against any defendant, for the detention of goods only, and that defendant fails to appear, the

(a) 15 & 16 Geo. 5. c. 49. (b) S.R. & O. 1927/1184 (1927, p. 1638).

plaintiff may enter interlocutory judgment against him for the return of the goods or their value to be assessed and costs, or, at the option of the plaintiff, interlocutory judgment for the value of the goods to be assessed and costs, and proceed with the action against the other defendants, if any.

(2) If the claim indorsed on the writ is, as against any defendant, for the detention of goods and also for unliquidated damages, but no other claim is made as against that defendant and that defendant fails to appear, the plaintiff may enter interlocutory judgment against him for the return of the goods or their value to be assessed, damages to be assessed and costs, or, at the option of the plaintiff, interlocutory judgment for the value of the goods to be assessed, damages to be assessed and costs, and proceed with the action against the other defendants, if any.

7. If the claim indorsed on the writ is, as against any defendant,—

(*a*) for unliquidated damages, or for the detention of goods, or for unliquidated damages and the detention of goods; and also

(*b*) for a debt or liquidated demand,

and no other claim is made as against that defendant, and that defendant fails to appear, the plaintiff may enter against that defendant, as respects the claim or claims for damages or detention of goods, such interlocutory judgment as is provided for by Rules 5 and 6 of this Order and, subject to the provisions of Rule 3 of this Order, such final judgment (with costs) in respect of the claim for a debt or liquidated demand as is provided for by the said Rule 3, and proceed with the action against the other defendants, if any."

2. Rule 14 of Order XIII (which relates to actions on bonds) shall be omitted.

3. Rule 7A of Order XIV (which relates to the assessment of damages and of the value of goods where judgment is given under that Order) shall be omitted.

4. For Rules 4 to 6 of Order XXVII (which relate to the entry of interlocutory judgment in default of defence) there shall be substituted the following Rules:—

"4. If the plaintiff's claim is, as against any defendant, for unliquidated damages only, and that defendant does not, within the time allowed for that purpose, deliver a defence, the plaintiff may enter interlocutory judgment against him for damages to be assessed and costs, and proceed with the action against the other defendants, if any.

5.—(1) If the plaintiff's claim is, as against any defendant, for the detention of goods only, and that defendant does not, within the time allowed for that purpose, deliver a defence, the plaintiff may enter interlocutory judgment against him for the return of the goods or their value to be assessed and costs, or at the option of the plaintiff, interlocutory judgment for the value of the goods to be assessed and costs, and proceed with the action against the other defendants, if any.

(2) If the plaintiff's claim is, as against any defendant, for the detention of goods and also for unliquidated damages, but no other claim is made as against that defendant and that defendant does not, within the time allowed for that purpose, deliver a defence, the plaintiff may enter interlocutory judgment against him for the return of the goods or their value to be assessed, damages to be assessed and costs, or, at the option of the plaintiff,

interlocutory judgment for the value of the goods to be assessed, damages to be assessed and costs, and proceed with the action against the other defendants, if any.

6. If the plaintiff's claim is, as against any defendant,—

(*a*) for unliquidated damages, or for the detention of goods, or for unliquidated damages and the detention of goods; and also

(*b*) for a debt or liquidated demand,

and no other claim is made as against that defendant, and that defendant does not, within the time allowed for that purpose, deliver a defence, the plaintiff may enter against that defendant, as respects the claim or claims for damages or detention of goods, such interlocutory judgment as is provided for by Rules 4 and 5 of this Order and, subject to the provisions of Rule 2 of this Order, such final judgment (with costs) in respect of the claim for the debt or liquidated demand as is provided for by the said Rule 2, and proceed with the action against the other defendants, if any."

5. Rules 56 to 58 of Order XXXVI shall be omitted and immediately before Order XXXVII there shall be inserted the following Order:—

"ORDER XXXVIB

ASSESSMENT OF DAMAGES, ETC.

1. No writ of inquiry shall be issued in any cause or matter.

2.—(1) Where judgment is given in the Chancery Division or the Queen's Bench Division for damages to be assessed and no provision is made by the judgment as to how they are to be assessed, the damages shall, subject to the provisions of this Order, be assessed by a Master, and the party entitled to the benefit of the judgment may, after obtaining the necessary appointment from the Master and, at least seven days before the date of the appointment, serving notice of the appointment on the party against whom the judgment is given, proceed accordingly.

Where the party against whom the judgment is given has not for the time being an address for service, a notice under this Rule shall be deemed to be properly served on him if left, or sent by post in a prepaid letter addressed to him, at his usual or last known residence, or, where the party is a body corporate, its registered or principal office, and, if served by post, to have been served at the time at which it would have been delivered in the ordinary course of post.

(2) Without prejudice to the applicability of Rules 16 and 17 of Order LV in the case of proceedings before a Master in the Chancery Division, the attendance of witnesses and the production of documents before the Master may be compelled by subpoena, and the provisions of Order XXXVI as to the proceedings at a trial shall, with any necessary adaptations, apply.

3. Where in pursuance of this Order or otherwise damages are assessed by a Master, he shall certify the amount of the damages and—

(*a*) in the Queen's Bench Division, the certificate shall, when judgment is entered, be filed in the Central Office; and

(*b*) in the Chancery Division the provisions of Order LV with respect to certificates under Rule 65 thereof shall apply to the certificate.

4. Where any such judgment as is mentioned in Rule 2 of this Order is given in default of appearance or in default of defence, and the action

proceeds against other defendants, the damages under the judgment shall be assessed at the trial unless the court or a judge otherwise orders.

5. The court or a judge may, in the case of any such judgment as is mentioned in Rule 2 of this Order, order either—

(*a*) that the assessment of the damages shall be referred to an official referee or to a special referee; or

(*b*) that the action shall proceed to trial before a judge (with or without a jury) as respects the damages,

and where the court or a judge orders that the action shall proceed to trial, 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 to the court or a judge in pursuance of which the court or judge makes the order were a summons for directions under the said Order XXX.

6. The preceding provisions of this Order shall apply in relation to a judgment for the value of goods to be assessed, with or without damages to be assessed, as they apply to a judgment for damages to be assessed, and references in those provisions to the assessment of damages shall be construed accordingly.

7. Where damages are to be assessed (whether under this Order or otherwise) in respect of any continuing cause of action, they shall be assessed down to the time of the assessment."

6.—(1) In Rule 7 of Order XLI (which relates to the entry of judgment on production of an order or certificate or the return to any writ) the words "or return to any writ" and the words "or of such return" shall be omitted.

(2) Rule 8 of that Order (which relates to a Master's certificate of the amount for which a final judgment is to be entered) shall be omitted.

7. After Order LIIIF there shall be inserted the following Order—

"ORDER LIIIG

ACTIONS ON BONDS

1.—(1) The procedure prescribed by section 8 of the Administration of Justice Act, 1696, and sections 16 and 18 of the Civil Procedure Act, 1833, in the case of actions on bonds shall no longer be followed, and those sections are hereby repealed.

(2) In an action on a bond, the indorsement of the writ and the statement of claim shall be framed so as to claim the amount which the plaintiff is entitled to recover, regard being had to the rules of equity relating to penalties, and not the penalty provided for by the bond, and these Rules shall apply to any such action as they apply to any other action."

8. In Form No. 4 in Appendix F, the words "return to writ of inquiry or", and Forms No. 12 in Appendix G and Nos. 8 and 8A in Appendix J, shall be omitted.

PART II

DISTRICT REGISTRARS

9. For Rule 6 of Order XXXV (which relates to the powers of district registrars) there shall be substituted the following Rule:—

"6. Where a cause or matter is proceeding in any division in a district registry, the registrar may exercise all such authority and jurisdiction in

respect thereof as may be exercised by a Master in that division (or, in the case of the Probate, Divorce and Admiralty Division, a Registrar) subject—

(*a*) to the same limitations as are imposed by or by virtue of these Rules on the authority and jurisdiction of a Master or Registrar in that division; and

(*b*) in the case of a cause or matter in the Chancery Division, to any directions to the contrary given by the judges of the Chancery Division and to the right of any person to have an adjournment to the judge in person without any fresh summons for the purpose;

and references in these Rules to a Master or to a Registrar of the Probate, Divorce and Admiralty Division shall (subject to any such directions) be construed accordingly."

10. For Rules 9 and 10 of the said Order (which relate to appeals from district registrars) there shall be substituted the following Rule:—

"9. An appeal shall lie from the decision, order or judgment of a district registrar in any cause or matter in any division in the same circumstances and, except as hereinafter provided, subject to the same incidents as if the decision, order or judgment were made or given by a Master or Registrar in that cause or matter in that division, and the provisions of these Rules with respect to appeals and, in particular, Rules 21 and 24 of Order LIV and Rule 10 of Order XXXVIA shall apply accordingly, subject, however, in the case of the said Rule 21, to the modification that for the references therein to five days and one clear day there shall be substituted references to seven days and two clear days respectively."

11.—(1) In Rule 12 of the said Order (which relates to references by district registrars in causes or matters in the Chancery Division), for the words "Every reference to a judge by or appeal to a judge from a district registrar" there shall be substituted the words "Every reference or adjournment to a judge by a district registrar", and the proviso shall be omitted.

(2) In Rule 16 of the said Order (which relates to applications for removing cases from a district registry), after the word "appeal" there shall be inserted the words "or adjournment".

PART III

OFFICIAL REFEREES

12.—(1) In Rule 2 of Order XXXVI (which, among other things, empowers the court or a judge to order a trial by an official referee or special referee) the words "or special referee" shall be omitted, and at the end there shall be added the words "or by a special referee".

(2) Rules 45 to 55C of that Order (which relate to the distribution of business among official referees and the jurisdiction and powers of official referees and special referees) shall cease to have effect.

13. After Order XXXVI there shall be inserted the following Order:—

"ORDER XXXVIA

OFFICIAL REFEREES AND SPECIAL REFEREES

1. If, in any cause or matter in the Chancery Division or Queen's Bench Division other than a criminal proceeding by the Crown, the court or a

judge considers, upon application by any party interested, that having regard to the nature of the case it is desirable (whether on grounds of expedition, economy or convenience or otherwise) in the interests of one or more of the parties, the court or judge may, subject to any right to a trial with a jury, order that the cause or matter, or any question or issue of fact arising therein, shall be tried before an official referee, with or without assessors.

2. In any cause or matter in the Chancery Division or Queen's Bench Division other than a criminal proceeding by the Crown the court or a judge may, subject as aforesaid, refer to an official referee for inquiry and report any question or issue of fact arising therein ; and, unless the court or a judge otherwise orders, the further consideration of the cause or matter shall stand adjourned until the receipt of the official referee's report.

3. The powers conferred on the court or a judge by Rules 1 and 2 of this Order may also be exercised by the Court of Appeal, and those Rules shall have effect accordingly.

4.—(1) No order referring any business to an official referee under these Rules shall specify any particular referee.

(2) Any application under section 11 of the Arbitration Act, 1950, to an official referee shall be made to the referee to whom the reference has been allocated under the next following paragraph or any other official referee to whom the reference has been transferred under the following provisions of this Order.

(3) Before proceedings are taken before an official referee in pursuance of an order or arbitration agreement referring any business to an official referee, the order or agreement or a copy thereof shall be produced to the rota clerk to the senior official referee, who shall allocate the business to one of the official referees and shall indorse the name of the referee on the order, agreement or copy.

(4) Business shall be allocated by the clerk under this Rule to the referees in rotation.

5.—(1) Any business allocated under Rule 4 of this Order to any official referee shall forthwith be entered with that referee's clerk.

(2) Within fourteen days of the entry of any business under this Rule, application for directions shall be made to the official referee in question by the party by whom the order or agreement referring the business was produced to the rota clerk in pursuance of Rule 4 of this Order.

(3) If that party does not make an application for directions to the official referee in accordance with the last foregoing paragraph, any other interested party may do so or may apply to the official referee—

(*a*) in the case of any cause or matter referred for trial, for an order to strike out the pleadings of the party in default or, where the party in default is the plaintiff or has made a counterclaim, an order to dismiss the action or counterclaim ;

(*b*) in the case of any question or issue referred for trial or for inquiry and report, to have the matter referred back to the court or judge.

(4) Upon application by any party for an order under paragraph (*a*) of the last foregoing paragraph, the official referee may make the order asked for on such terms as may be just or deal with the application as if it were an application for directions.

(5) 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 order and directions which they desire and with any other necessary modifications, apply as if any application under this Rule were a summons for directions under that Order.

6.—(1) If, in the opinion of the Lord Chancellor or the Lord Chief Justice, it is expedient so to do having regard to the state of the business pending before the official referees, he may order the transfer of any business from any official referee to any other official referee.

(2) Any official referee may order the transfer of any business from himself to any other official referee who consents to the transfer.

(3) In the absence, or with the consent, of the official referee to whom any business was allocated or has been transferred, any interlocutory application may be made to any other official referee and that other referee may deal with the application and make any order thereon which could have been made by the first mentioned referee.

7.—(1) Subject to any directions contained in the order referring any business to an official referee,—

(*a*) the official referee shall for the purpose of disposing of any cause or matter (including any interlocutory application therein) or any other business referred to him have the same jurisdiction, powers and duties (including the powers of attachment and committal and discretion as to costs) as a judge, exercisable or, as the case may be, to be performed as nearly as circumstances admit in the like cases, in the like manner and subject to the like limitations ; and

(*b*) every trial and all other proceedings before an official referee shall, as nearly as circumstances admit, be conducted in the like manner as the like proceedings before a judge.

(2) Without prejudice to the generality of the foregoing paragraph, but subject to any such directions as are mentioned therein, an official referee to whom any cause or matter has been referred for trial shall have the like powers as the court or a judge with respect to claims relating to or connected with the original subject of the cause or matter by any party thereto against any person who is not a party thereto, and Order XVIA and Rule 15 of Order XXI shall, with any necessary modifications, apply in relation to any such claim accordingly.

(3) An official referee may hold any trial or any other proceeding before him at any place which appears to him to be convenient and may adjourn the proceedings from place to place as he thinks fit.

8.—(1) An appeal shall lie to the Court of Appeal—

(*a*) from a decision of an official referee on a point of law ;

(*b*) from a decision of an official referee on a question of fact relevant to a charge of fraud or breach of professional duty ; and

(*c*) subject to paragraphs (*a*) and (*i*) of subsection (1) of section 31 of the Act, from an order of attachment or committal made by an official referee or from an official referee's refusal to make such an order.

(2) Save as mentioned in the foregoing paragraph, no decision, order or judgment of an official referee in relation to any cause, matter, question or issue ordered to be tried by him shall be called in question by appeal or otherwise.

9.—(1) The report made by an official referee in pursuance of a reference under Rule 2 of this Order shall be made to the court and notice thereof served on the parties to the reference.

(2) An official referee may in his report submit any question arising therein for the decision of the court or make a special statement of facts from which the court may draw such inferences as it thinks fit.

(3) On the receipt of an official referee's report, the court may—

(*a*) adopt the report in whole or in part;

(*b*) vary the report;

(*c*) require an explanation from him;

(*d*) remit the whole or any part of the question or issue originally referred to him for further consideration by him or any other official referee; or

(*e*) decide the question or issue originally referred to him on the evidence taken before him, either with or without additional evidence.

(4) When the report of the official referee has been made, an application to vary the report or remit the whole or any part of the question or issue originally referred may be made on the hearing by the court of the further consideration of the cause or matter, after giving not less than four days' notice thereof, and any other application with respect to the report may be made on that hearing without notice.

(5) Where on a reference under Rule 2 of this Order the court or a judge orders that the further consideration of the cause or matter in question shall not stand adjourned until the receipt of the official referee's report, the order may contain directions with respect to the proceedings on the receipt of the report and the foregoing provisions of this Rule shall have effect subject to any such directions.

(6) In relation to a reference made to an official referee by the Court of Appeal under Rule 2 of this Order, anything required or authorised under this Rule to be done by, to or before the court shall be done by, to or before the Court of Appeal.

10. An order under Rule 1 of this Order may, with the consent of the parties to any cause or matter, direct the trial of the cause or matter, or any question or issue of fact arising therein, before a Master or special referee instead of an official referee, and—

(*a*) that Rule and Rule 7 of this Order shall, so far as they relate to references under the said Rule 1, apply in relation to Masters and special referees as they apply in relation to official referees, except that Masters and special referees shall not sit with assessors or have power to make orders of attachment or committal, Masters shall not have the powers conferred on official referees by paragraph (3) of the said Rule 7 and special referees shall not have the powers so conferred by paragraph (2) thereof;

(*b*) there shall be the same right of appeal from any decision, order or judgment of a Master in the Chancery Division or a special referee on a reference under the said Rule 1 as is conferred by Rule 24 of Order LIV in the case of a decision, order or judgment of a Master in the Queen's Bench Division on such a reference.

11. A reference under Rule 2 of this Order may be made to a special referee instead of to an official referee, and that Rule and Rules 3, 7 and 9 of this Order shall, so far as they relate to references under the said Rule 2, apply in relation to special referees as they apply in relation to

official referees, except that special referees shall not have power to make orders of attachment or committal.

12. Notwithstanding anything in this Order, no cause or matter to which Her Majesty or the Duke of Cornwall is a party or any question or issue therein shall be ordered to be tried before, or be referred for inquiry or report to, an official or special referee except with the consent of Her Majesty or the Duke of Cornwall, as the case may be."

14. Order LIXA (which relates to appeals from decisions of special referees on the trial of actions and issues and the assessment of damages) shall be omitted.

PART IV

APPEALS FROM JUDGES IN CHAMBERS AND MASTERS

15.—(1) In Rule 21 of Order LIV (which provides that, subject to exceptions, appeals from orders and decisions of Masters and Registrars in the Queen's Bench and Probate, Divorce and Admiralty Divisions shall lie to a judge in chambers) for the words "Rule 22A" in the first place where it occurs there shall be substituted the words "Rule 24", and for the words from "except that" to the end of the Rule there shall be substituted the words "except that in its application to the Admiralty Registrar a reference to Rule 10 of Order LVI shall be substituted for the reference to Rule 24."

(2) For Rule 22A of that Order (which confers a right of appeal to the Divisional Court from certain decisions of Masters in the Queen's Bench Division) and Rules 23 and 24 thereof (which relate to appeals from decisions in chambers in matters other than of practice and procedure) there shall be substituted the following Rules:—

"23.—(1) Without prejudice to the provisions of paragraph (*i*) of subsection (1) of section 31 of the Act, in the Queen's Bench Division an appeal shall lie to the Court of Appeal from any decision, order or judgment of a judge in chambers, except a decision, order or judgment made or given in proceedings to which Order LIX applies.

(2) Without prejudice to the provisions of paragraph (i) of subsection (1) and subsection (3) of that section, in the Probate, Divorce and Admiralty Division an appeal shall lie to the Court of Appeal from any decision, order or judgment of a judge in chambers either—

(*a*) with the leave of the judge or the Court of Appeal; or

(*b*) after an application to set aside or discharge the decision, order or judgment has been made to the judge sitting in court and has been refused;

and not otherwise.

24.—(1) An appeal shall lie to the Court of Appeal from any decision, order or judgment of a Master in the Queen's Bench Division made or given—

(*a*) on the hearing or determination of any cause, matter, question or issue tried by or referred to him, whether by consent or otherwise (including applications made to him under section 17 of the Married Women's Property Act, 1882); or

(*b*) on an assessment of damages under Order XXXVIB; or

(*c*) on the hearing or determination of any interpleader or garnishee matter or issue, whether by consent or otherwise, and whether by way of summary decision or adjournment of the interpleader or garnishee summons or order nisi, or on an issue directed or otherwise.

(2) An appeal shall lie to the Court of Appeal from any decision, order or judgment of a Registrar of the Probate, Divorce and Admiralty Division made or given—

(*a*) on the hearing of any application made to him under section 17 of the Married Women's Property Act, 1882; or

(*b*) on the hearing or determination of any interpleader or garnishee matter or issue as mentioned in sub-paragraph (*c*) of the foregoing paragraph.

(3) In the case of an appeal on an interpleader or garnishee matter or issue, the time within which notice of appeal must be served shall be the same as in the case of an appeal from an interlocutory order."

16. After Rule 14C of Order LV there shall be inserted the following Rule:—

"14D. Without prejudice to the provisions of paragraph (*i*) of subsection (1) and subsection (3) of section 31 of the Act, an appeal shall lie to the Court of Appeal from any decision, order or judgment of a judge in chambers either—

(*a*) with the leave of the judge or the Court of Appeal; or

(*b*) after an application to set aside or discharge the decision, order or judgment has been made to the judge sitting in court and has been refused;

and not otherwise."

17. In Rule 1 of Order LVIII (which specifies the appeals to which that Order applies) after "official referee" there shall be inserted the words "Master or other officer of the Supreme Court".

18.—(1) In paragraph (5) of Rule 3 of Order LIX (which relates to appeals from the refusal of a judge in chambers to grant leave to apply for an order of mandamus, prohibition or certiorari) the words "in accordance with Rule 24 of Order LIV" shall be omitted.

(2) After the said paragraph (5) there shall be inserted the following paragraph:—

"(6) An appeal under this Rule shall be by motion made within eight days after the refusal to give leave or, if the Divisional Court does not sit within that period, on the first day on which it sits thereafter."

PART V

PROCEEDINGS UNDER COPYRIGHT ACT, 1956

19. After Rule 50 of Order XVI there shall be inserted the following Rule:—

"51. Any application under subsection (3) of section 19 of the Copyright Act, 1956, by the owner or the exclusive licensee of any copyright for leave to proceed with an action brought by him without joining the other as a plaintiff or adding him as a defendant shall be made by summons in the action."

20. After Order LV H there shall be inserted the following Order:—

"ORDER LVJ

CASES STATED BY PERFORMING RIGHT TRIBUNAL

1.—(1) A case stated by the Performing Right Tribunal under section 30 of the Copyright Act, 1956, shall be heard by a judge of the Chancery Division in court.

(2) Any such case shall be stated and signed by the Chairman of the Tribunal and shall be sent by the Secretary of the Tribunal by registered post to the party at whose request the case was stated.

2.—(1) An application to the court for an order directing the Tribunal to state a case under the said section 30 shall be made in the Chancery Division.

(2) Any such application shall be made by notice of motion served, within fourteen days of the receipt by the applicant of notice of the Tribunal's refusal to state a case, upon the Secretary of the Tribunal and every other party to the proceedings before the Tribunal and stating 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) Where the court makes an order directing the Tribunal to state a case with reference to any proceedings, the court may, if it thinks fit, suspend the operation of any order made in the proceedings.

3.—(1) The party at whose request a case has been stated by the Tribunal shall—

(*a*) serve on every other party to the proceedings before the Tribunal a copy of the case, together with a notice of motion setting forth his contentions on the question of law ; and

(*b*) serve a copy of the notice on the Secretary of the Tribunal.

(2) On the hearing of the case the court may, if it thinks fit, amend the case or order it to be sent back to the Tribunal for amendment.

(3) The procedure and practice of the Chancery Division relating to a special case stated for the decision of the court with respect to a question of law under subsection (1) of section 21 of the Arbitration Act, 1950, shall apply to a case stated by the Tribunal.

4. The proper officer of the court shall notify the Secretary of the Tribunal of the court's decision on any case stated or application to the court under the said section 30 and of any directions given by the court thereon."

PART VI

MISCELLANEOUS

21. In Rule 4 of Order VII (which relates to the withdrawal of a solicitor who has ceased to act for a party in any proceedings) the word " registered " shall be omitted from sub-paragraph (*a*) of paragraph (4).

22. In paragraph (11) of Rule 14 of Order XXII (which requires the taxation of plaintiffs' costs in claims by infants or persons of unsound mind) for the words " any such cause or matter " there shall be substituted the words " any cause or matter in which money or damages are claimed by or on behalf of a person who is an infant or of unsound mind ", and at the end of that paragraph there shall be inserted the following proviso:—

" Provided that on a taxation as between solicitor and client for the purposes of this paragraph no question shall be raised as to the propriety of anything done with the approval, or in pursuance of the directions, of the Judge in Lunacy or the Court of Protection."

23. In paragraph (12) of the said Rule 14, for the words "after such transfer" there shall be substituted the words "after the money has been transferred or paid into the county court."

24.—(1) These Rules may be cited as the Rules of the Supreme Court (No. 1) 1957 and, subject to the following provisions of this Rule, shall come into operation on the first day of October, 1957.

(2) Part I of these Rules shall not affect any action on a bond commenced before that date and shall not affect any other cause or matter if a writ of inquiry has already been issued therein.

(3) Part III of these Rules shall, with any necessary modifications, apply to any cause, matter, question or issue referred before that date to an official or special referee for trial or for inquiry and report as it applies to any other cause, matter, question or issue.

(4) Part IV of these Rules shall not affect any appeal brought before that date.

Dated the third day of July, 1957.

Kilmuir, C.
Goddard, C.J.
Evershed, M.R.
Merriman, P.
B. Ormerod, L.J.
H. B. Vaisey, J.
Colin H. Pearson, J.
E. Milner Holland.
J. R. Cumming-Bruce.
Leonard S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

Parts I to IV of these Rules give effect, with some modifications, to recommendations made by the Committee on Supreme Court Practice and Procedure in its Second Interim Report (Cmd. 8176) and its Final Report (Cmd. 8878). Part I abolishes the writ of inquiry and makes provision for the assessment of damages by a Master instead of a sheriff's jury. Part II restates the rules relating to the jurisdiction of, and appeals from, district registrars. Part III sets out in a new Order 36A the provisions relating to official referees and special referees hitherto divided between the existing Order 36 and sections 88 to 97 of the Supreme Court of Judicature (Consolidation) Act, 1925, those sections being repealed by section 15 of the Administration of Justice Act, 1956. Rule 7 of Order 36A confers powers of attachment and committal on official referees and Rule 8 makes new provision for appeals from their decisions. Part IV deals with appeals from Judges in chambers and Masters and provides that such appeals are in certain cases to go direct to the Court of Appeal.

Part V relates to proceedings under the Copyright Act, 1956. The new Order 55J provides that a case stated on a point of law by the Performing Right Tribunal is to be heard by a Judge of the Chancery Division. Part VI makes miscellaneous minor amendments in the Rules of the Supreme Court.