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

purpose of the proceedings any solicitor employed by The Law Society for the purpose of conducting matrimonial causes on behalf of poor persons."

2.—(1) In Order LVB, Rules 1 to 38 inclusive and Forms 18B to 18D inclusive in Part II of Appendix B shall cease to have effect save in relation to any appeal or reference to the High Court with regard to any question arising before the day appointed for the commencement of insurance under the National Insurance Acts, 1946.

(2) The following Rules shall inserted in Order LVB and shall stand as Rules 1 to 13 in Part I under the title " National Insurance Acts 1946 ":—

" 1. Any person who is aggrieved by, and is desirous of appealing against, a decision of the Minister of National Insurance on such a question of law as is referred to in section 37 of the National Insurance (Industrial Injuries) Act, 1946 or in subsection (4) of section 43 of the National Insurance Act, 1946 may— 9 & 10 Geo. 6. c. 62. 9 & 10 Geo. 6. c. 67.

(*a*) within 21 days of receiving notice of the decision; or

(*b*) within 21 days of being furnished by the Minister with a statement of the grounds of the decision in accordance with regulations made under either of the said Acts

or within such further time as the Minister may allow, by notice in writing addressed to the Minister, require the Minister to state a case setting forth the facts on which his decision was based, and his decision thereon, and the Minister shall, as soon as may be, state the case and send it by registered post to the person aggrieved. A case stated by the Minister shall be signed by him or by such person as he may authorise in that behalf.

2. An appeal shall be instituted by an originating notice of motion to the King's Bench Division.

3. An originating notice of motion shall be filed by the person aggrieved in the Crown Office at the Royal Courts of Justice within 21 days of the receipt of the case from the Minister, or within such further time as the court may allow, and the notice of motion shall at least 21 days before the time fixed by the notice for making the motion be served upon the Minister and, together with a copy of the case, upon every party to the proceedings before the Minister. The notice of motion shall be in Form No. 18B in Part II of Appendix B, and shall state the grounds of the appeal. The case shall be entered in a list to be kept at the Crown Office for that purpose.

4. Proceedings on a reference of a question under section 37 of the National Insurance (Industrial Injuries) Act, 1946, or under subsection (4) of section 43 of the National Insurance Act, 1946, by the Minister of National Insurance to the High Court for decision shall be instituted by an originating notice of motion in Form No.18C in Part II of Appendix B. The notice of motion shall be filed in the Crown Office at the Royal Courts of Justice and shall be entered in the list referred to in Rule 3 and shall be heard by a judge of the King's Bench Division.

5. The Minister shall state the question referred by him to the court, together with the facts relating thereto in a case stated and signed in the same manner as on an appeal.

6. The Minister shall serve the notice of motion, together with a copy of the case, upon the person or persons as between whom and the Minister the question has arisen, at least 21 days before the time fixed by the notice for making the motion.

7. Upon the hearing of an appeal or reference the court shall have power if it thinks fit to amend the case or to order the case to be sent back to the Minister for him to amend the same or receive further evidence.

8. The court in all cases of appeals or references shall have power to draw inferences of fact from the facts set forth in the case, and shall determine all questions arising thereon, and in all cases of appeals shall have power to reverse, affirm, or amend the decision appealed against or to make such other order as it may think fit.

9. The decision of the court on an appeal or reference shall be final and the court may order the Minister of National Insurance to pay the costs of any other person, whether or not the decision is in his favour and whether or not the Minister appears on the appeal or reference.

10. The decision of the court on an appeal or reference shall be embodied in a certificate to be signed by the judge and the original thereof shall be filed at the Crown Office and a copy thereof sent by the Crown Office to the Minister of National Insurance and to the parties appearing at the hearing of the appeal or reference respectively.

11. Service of any document required or authorised by this Part of this Order to be served on the Minister of National Insurance shall be effected by delivering the document or sending it by registered post to the Solicitor to the Ministry of National Insurance, at 10 Belgrave Square, London, S.W.1.

12. The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable and are not inconsistent with the National Insurance Acts, 1946, or the Rules contained in this Part of this Order.

13. Nothing in this Part of this Order shall be construed to affect any right vested in the Crown by virtue of the Royal Prerogative."

(3) The following Forms shall be inserted in Part II of Appendix B and shall stand as Forms Nos. 18B and 18C respectively:—

"No. 18B

Notice of Motion on Appeal under section 37 of the National Insurance (Industrial Injuries) Act, 1946, or under subsection (4) of section 43 of the National Insurance Act, 1946. (O.55B r.3.)

In the High Court of Justice,

King's Bench Division.

In the matter of the National Insurance (Industrial Injuries) Act, 1946 (or, as the case may be, the National Insurance Act, 1946),

and

In the matter of an appeal against a decision of the Minister of National Insurance on a question as to the employment, etc. (or as the case may be).

TAKE NOTICE that the High Court of Justice, King's Bench Division, at the Royal Courts of Justice, Strand, London, will be moved at the expiration of 21 days from the service upon you of this notice or as soon thereafter as Counsel can be heard, by Counsel on behalf of that the decision of the Minister of National Insurance on a question as to whether of is or was employed in insurable employment within the meaning of the National Insurance (Industrial Injuries) Act, 1946 (or, as the case may be), as set forth in the case stated by the Minister of National Insurance, dated the day of 19 ,

a copy of which accompanies this notice, be reversed (or amended as the case may be) on the ground that such decision was wrong in law for that (here state the question of law) and that it may be adjudged (here state the relief claimed).

Dated the day of , 19 .

Solicitor for the said ....

To of ."

" No. 18c

Notice of Motion on Reference under section 37 of the National Insurance (Industrial Injuries) Act, 1946, or under subsection (4) of section 43 of the National Insurance Act, 1946. (O.55B, r.4.)

In the High Court of Justice,
King's Bench Division.

In the matter of the National Insurance (Industrial Injuries) Act, 1946, (or, as the case may be, the National Insurance Act, 1946),
and
In the matter of a reference by the Minister of National Insurance of a question as to the employment of (or as the case may be).

TAKE NOTICE that the High Court of Justice, King's Bench Division, at the Royal Courts of Justice, Strand, London, will be moved at the expiration of 21 days from the service upon you of this notice or as soon thereafter as Counsel can be heard, by Counsel on behalf of the Minister of National Insurance for the decision of the Court as to whether of
is or was employed in insurable employment within the meaning of the National Insurance (Industrial Injuries) Act, 1946 (or as the case may be), or that such other order may be made in the premises as the Court may think fit.

The employment to which this notice refers is employment (state the class of employment as clearly and succinctly as may be) the facts in relation to which employment are set forth in a case stated by the Minister of National Insurance and dated the day of , 19 , a copy whereof accompanies this notice.

Dated the day of , 19 .

Solicitor to the Ministry of National Insurance.

To of ."

3. These Rules may be cited as the Rules of the Supreme Court (No. **2**), 1948, and shall come into operation on the fifth day of July, 1948.

Dated the 28th day of June, 1948.

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