10. These Rules may be cited as the Rules of the Supreme Court (No. 1), 1949, and shall come into operation on the 26th day of April, 1949.

Dated the 11th day of April, 1949.

Jowitt, C.
Goddard, C.J.
Greene, M.R.
F. James Tucker, L.J.
F. L. C. Hodson, J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Cyril Radcliffe.
James MacMillan.
Douglas T. Garrett.

The Rules of the Supreme Court (No. 2) 1949

1949 No. 1414 (L. 13)

Made - - - -	25*th July*, 1949
Laid before Parliament	28*th July*, 1949
Coming into Operation	1*st October*, 1949

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

1. In Order XXXV, Rule 9 (which relates to appeals from district registrars) shall be amended by inserting before the words " appeal to a judge " the words " (except in the cases provided for in Rule 22A of Order LIV)."

2. The following amendments shall be made in Order XXXVI (which relates to trial):—

(1) In rule 1, for the words " with a special jury or with a common jury " there shall be substituted the words " with a jury."

(2) The following rule shall be substituted for rule 9:—

" 9. The plaintiff or defendant in any cause or matter in which he is entitled to a jury and which is entered in the commercial list for trial in the King's Bench Division in London may have the issue tried by a City of London special jury on an application made at the time at which the mode of trial is fixed, or if the court or judge thinks fit at any later stage: Provided that the Court or a judge may at any time make an order for a City of London Special Jury upon such terms if any as to costs and otherwise as may be just."

(3) In rule 29, for the words " the special jury list, the common jury list " there shall be substituted the words " the jury list ".

3. Part VI of Order LVB (which relates to applications to the Court under the provisions of certain Acts) shall be amended as follows:—

(1) The following Rule shall be substituted for Rule 71:—

" 71. An application under—

(1) Section 162 of the Local Government Act, 1933, or

(2) Paragraph two of the Second Schedule to the Housing Act, 1936, or

(3) Paragraph two of Part III of the First Schedule to the Forestry Act, 1945, or

(4) Paragraph five of Part II of the Second Schedule to the Distribution of Industry Act, 1945, or

(5) Paragraph eight of the Second Schedule to the Water Act, 1945, or

(6) Section 19 (2) or section 27 (1) of the Requisitioned Land and War Works Act, 1945, or

(7) Paragraph fifteen of Part IV of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or

(8) The New Towns Act, 1946, or

(9) Section 11 (2) of the Town and Country Planning Act, 1947,

shall be made by an originating notice of motion to a Judge of the High Court."

(2) The following paragraph shall be substituted for paragraph (1) of Rule 74:—

"(1) The notice of motion shall within the time limited by the relevant Act for making the application be entered at the Crown Office and be served on the appropriate Minister and also—

(i) if the application relates to a clearance order or a compulsory purchase order, on the authority by whom the order was made, or

(ii) if the application relates to a development plan under the Town and Country Planning Act, 1947, on the local planning authority by whom the development plan has been prepared."

4. The following Rules shall be added to Order LVB and shall stand as Part VII of that Order under the title "References and Appeals under section 92 of the Town and Country Planning Act, 1947":—

"76. Proceedings on a reference of a question of law by the Minister of Town and Country Planning under section 92 (2) of the Town and Country Planning Act, 1947, (being a question relating to the application of section 85 of that Act) shall be instituted in the Chancery Division by originating summons inter partes.

77. The summons shall be intituled in the matter of the Act and in the matter of the reference, naming as parties the Minister and the person or persons as between whom and the Minister the question has arisen, and shall ask for a declaration on the question of law.

78. On taking an appointment to hear the summons the Minister shall file an affidavit stating the question referred by him to the Court, together with the facts relating thereto, and the Court or Judge shall give all necessary directions before adjourning the summons into Court for argument.

79. Any person aggrieved by the decision of the Minister on a question of law relating to the application of section 85 of the Town and Country Planning Act, 1947, (not being a question of law which has been referred by the Minister to the High Court) may within six weeks after notification of the decision or after the coming into operation of this Part of this Order (whichever is the later) or within such further time as the Court may allow, institute an appeal against the decision by issuing an originating summons in the Chancery Division. The respondents to the summons shall be the Minister and all parties to the proceedings before the Minister.

80. On taking an appointment to hear a summons issued pursuant to rule 79 the appellant shall file an affidavit stating the Minister's decision and the grounds of his appeal, and the Court or Judge shall give all necessary directions before adjourning the summons into Court for argument.

81. Upon any reference under rule 76 or any appeal under rule 79 any person who was not a party to the proceedings before the Minister but who claims to be interested in or affected by the question of law or the decision of the Minister may apply to the Judge by summons in the proceedings to be added as a party."

5. In Order LIX, Rule 38 (which relates to appeals to the High Court under certain Acts) shall be amended as follows:—

(1) In paragraph (1), the word " or " shall be deleted from sub-paragraph (*d*) and shall be added at the end of sub-paragraph (*e*) and there shall be inserted the following sub-paragraph:—

" (*f*) under subsection (5) of section 6 or under section 18 of the Veterinary Surgeons Act, 1948 "

(2) The following paragraph shall be substituted for paragraph (2):—

" (2) No appeal under subsection (4) of section 2 of the Therapeutic Substances Act, 1925, or under subsection (5) of section 6 or under section 18 of the Veterinary Surgeons Act, 1948, shall be entered for hearing after the expiration of three months from the date on which notice of the decision appealed from was given to the appellant."

(3) The table appended to paragraph (3) shall be amended by adding in the first column thereof the words and figures " 11 & 12 Geo. 6 c. 52, sections 6 (5) and 18 ", in the second column thereof the words " the Council of the Royal College of Veterinary Surgeons in the case of an appeal under section 6 (5) and the Disciplinary Committee in the case of an appeal under section 18 ", and in the third column thereof the words " the Registrar of the Royal College."

6. Rule 9 of the Rules of the Supreme Court (Criminal Proceedings) 1938 shall be amended by deleting the words " and either the prosecutor or the defendant may, except in the case of a felony, obtain a special jury in like manner and subject to the like notice as in civil cases."

7. These Rules may be cited as the Rules of the Supreme Court (No. 2) 1949, and shall come into operation on the first day of October, 1949.

Dated the twenty-fifth day of July, 1949.

Jowitt, C.
Goddard, C.J.
Raymond Evershed, M.R.
F. James Tucker, L.J.
F. L. C. Hodson, J.
H. B. Vaisey, J.
Gerald R. Upjohn.
L. S. Holmes.