1960 No. 1262 (L. 12)

The Rules of the Supreme Court (No. 2), 1960

Made - - - -	22*nd July*, 1960
Laid before Parliament	29*th July*, 1960
Coming into Operation	1*st October*, 1960

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under subsection (4) of section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925(a), to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers as follows :—

1. In Rule 17 of Order XXII (which relates to investment of funds in court after "London County Six per Cent. Stock, 1975-1978" there shall be inserted the words "London County Five per Cent. Stock, 1980-1983".

2. For Rules 6 to 10 of Order LIV O (which relates to applications made pursuant to the Railway and Canal Commission (Abolition) Act, 1949(b)) there shall be substituted the following Rules:—

"6.—(1) Within seven days after the issue of the summons the applicant shall take an appointment before the assigned Master for the purpose of obtaining directions under paragraph (2) of this Rule and shall at the same time leave with the Master—

(*a*) an affidavit of facts in support of the summons, giving particulars of all persons known to the applicant to be interested in or affected by the application, and

(*b*) a draft of any proposed advertisement or notice of the application;

and shall forthwith serve notice of the appointment on the Minister.

(2) On the appointment the Master shall—

(*a*) fix a time within which any notice of objection must be given pursuant to the next following Rule,

(*b*) fix a date for the further hearing of the summons, and

(*c*) direct what, if any, advertisements and notices of the application and of the date fixed for the further hearing of the summons are to be inserted and given, and what persons, if any, are to be served in addition with a copy of the application and of any other documents in the proceedings.

7.—(1) Within the time fixed by the Master under paragraph (2) of the last foregoing Rule any person wishing to oppose the application shall serve on the applicant a notice of objection stating—

(*a*) his name and address and the name and address of his solicitor (if any),

(*b*) the grounds of his objection and any alternate methods of effecting the objects of the application which he alleges may be used, and

(*c*) the facts on which he relies.

(a) 15 & 16 Geo. 5. c. 49. (b) 12, 13 & 14 Geo. 6. c. 11.

(2) Any notice required to be served on a person who has given notice of objection (hereinafter called an objector) may be served by delivering it or sending it by prepaid post—

(*a*) where the name and address of a solicitor is stated in the notice of objection, to the solicitor at that address; and

(*b*) in any other case, to the objector at his address as stated in the notice of objection.

(3) Any objector shall be entitled, without entering an appearance, to appear in person or by solicitor or counsel at the further hearing of the originating summons and to take such part in the proceedings on the summons as the Master or Judge shall think fit; but if he does not appear as aforesaid, his notice of objection shall be of no effect and he shall not be entitled to take any part in the proceedings unless the Master or Judge otherwise orders.

(4) Any advertisement or notice inserted or given pursuant to a direction under paragraph (2) of the last foregoing Rule shall state the effect of the provisions of this Rule.

8. Not less than two clear days before the further hearing of the summons the applicant shall leave with the Master any notices of objection served on the applicant together with a list of objectors arranged in three columns and stating—

(*a*) in column 1, the names and addresses of the objectors,

(*b*) in column 2, the names and addresses of their respective solicitors (if any), and

(*c*) in column 3, short summaries of their respective grounds of objection.

9. At the further hearing of the summons the Master shall—

(*a*) give directions as to the procedure to be followed before the summons is set down for hearing, including, if he thinks fit, a direction—

(i) that further particulars be given of any of the grounds or facts relied upon in support of or in opposition to the summons,

(ii) that the applicant be at liberty to deliver a reply to any notice of objection,

(iii) that any particular fact be proved by affidavit,

(iv) that formal pleadings or points of claim or defence be filed; and

(*b*) adjourn the summons for hearing before the Judge in such manner, that is to say—

(i) in court or in chambers,

(ii) on oral evidence or on affidavit evidence, with or without cross-examination of any of the deponents, or partly in one way and partly in the other,

as he shall think best adapted to secure the just, expeditious and economical disposal of the proceedings."

3. The following amendments shall be made in the Supreme Court Costs Rules, 1959(a) :—

(1) For paragraph (2) of rule 30 there shall be substituted the following paragraph :—

"(2) The costs payable to his solicitor by any plaintiff in any such proceedings as are referred to in sub-paragraph (*a*) or sub-paragraph (*b*) of the foregoing paragraph, being the costs of those proceedings or incident to the claim therein or consequent thereon, shall be taxed under rule 29 of these rules ; and no costs shall be payable to the solicitor of any plaintiff in respect of those proceedings except such amount of costs as may be certified in accordance with this rule on the taxation under the said rule 29 of the solicitor's bill to that plaintiff."

(2) For paragraph (2) of rule 31 there shall be substituted the following paragraph :—

"(2) On any taxation to which this rule applies, no costs shall be disallowed, except in so far as those costs or any part of their amount should not, in accordance with the duty of the trustee or personal representative as such, have been incurred or paid, and should for that reason be borne by him personally."

4. These Rules may be cited as the Rules of the Supreme Court (No. 2), 1960, and shall come into operation on the first day of October, 1960.

Dated the 22nd day of July, 1960.

Kilmuir, C.
Parker of Waddington, C.J.
Evershed, M.R.
Merriman, P.
B. Ormerod, L.J.
Harold Danckwerts, J.
Reginald W. Goff.
John F. Donaldson.
W. Charles Norton.
W. O. Carter.

EXPLANATORY NOTE

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

Rule 1 adds London County 5 per cent. Stock, 1980-1983, to the list of securities in which money in court may be invested ; Rule 2 simplifies and expedites the procedure on an application to the High Court under the Mines (Working Facilities and Support) Act, 1923 ; and Rule 3 amends the Supreme Court Costs Rules in relation to the taxation of the costs of a plaintiff who is a person under disability and the costs payable to a trustee or personal representative out of the trust fund or estate.

(a) S.I. 1959/1958 (1959 II, p. 2535) (Second Schedule).