1954 No. 1726 (L. 23)

The Rules of the Supreme Court (No. 3) 1954

Made - - - -	21*st December*, 1954
Laid before Parliament	4*th January*, 1955
Coming into Operation	11*th January*, 1955

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

1. In Rule 9 of Order XIV (which relates to the costs of applications for leave to enter judgment in proceedings commenced by a writ which is specially indorsed with or accompanied by a statement of the plaintiff's claim) for the words "the application may be dismissed with costs to be paid forthwith by the plaintiff" there shall be substituted the words "the application may be dismissed with costs which may, unless the plaintiff is an assisted person, be ordered to be paid forthwith by the plaintiff".

2. The following paragraph shall be added at the end of Rule 1B of Order XXXVI (which relates to the trial of proceedings by or against the Crown):—

"In this Rule the reference to a summons for directions includes a reference to any summons or application to which, under any of these Rules, Rules 2 to 7 of Order XXX are to apply, with or without modifications."

3. Rules 1 and 3 of Order XLIX (which deal with transfers of causes or matters from one Division to another) are hereby revoked and at the beginning of that Order there shall be inserted the following Rule:—

"1. Any cause or matter may, at any stage, be transferred from one Division to another by an order made by the court or a judge of the Division in which the cause or matter is proceeding, and neither the consent of the Lord Chancellor nor the consent of the President of the Division to which the cause or matter is to be transferred shall be necessary."

4. In Rule 3 of Order L (which deals, among other things, with orders for the inspection of property) for the words "then, except where the respondent is an assisted person, the court or judge shall order the costs of the application to be taxed and paid forthwith by the respondent unless the court or judge is satisfied that the respondent did not unreasonably fail or refuse to permit the inspection" there shall be substituted the words "then, unless the court or judge is satisfied that the respondent did not unreasonably fail or refuse to permit the inspection, the court or judge shall order the costs of the application to be paid by the respondent in any event, and, except where the respondent is an assisted person, shall order those costs to be paid forthwith".

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

(1) In Rule 7 the words "If an answer is not delivered within the time limited for that purpose, the petitioner shall be entitled to give notice of trial" shall be omitted.

(2) In Rule 20, for the words in paragraph (1) down to the words "may make such application" there shall be substituted the following words—

"In any action for infringement of a patent (whether or not any other relief is claimed) or in any petition for the revocation of a patent, the

plaintiff or petitioner shall within seven days after a reply or answer has been delivered, or the time for delivery has expired, apply by summons returnable in not less than twenty-one days for directions as to the place and mode of trial, and if he fails so to apply, the defendant or respondent, as the case may be, may make such application."

6. In Order LIX, the following amendments shall be made in Rule 38 (which relates to appeals to the High Court under certain Acts):—

(1) For paragraph (1) there shall be substituted the following paragraph:—

"(1) An appeal to the High Court under—

(*a*) sub-section (1) of section 7 of the Nurses Registration Act, 1919,

(*b*) section 9 of the Dentists Act, 1921,

(*c*) sub-section (4) of section 2 of the Therapeutic Substances Act, 1925,

(*d*) section 9 of the Architects (Registration) Act, 1931,

(*e*) sub-section (3) of section 14 of the Pharmacy and Poisons Act, 1933,

(*f*) sub-section (5) of section 6 or section 18 of the Veterinary Surgeons Act, 1948,

(*g*) sub-section (3) of section 6 of the Legal Aid and Advice Act, 1949, or

(*h*) sub-section (6) of section 3 of the Midwives Act, 1951,

shall be heard by a Divisional Court of the Queen's Bench Division, and shall be commenced by notice of motion served not less than eight clear days before the day named in the notice for the hearing.

Every such appeal shall be supported by affidavit and, if the court so directs at the hearing, by oral evidence."

(2) For the table appended to paragraph (3) there shall be substituted the following table:—

"*Enactments*	*Respondents*	*Persons to be served*
Nurses Registration Act, 1919, s. 7 (1).	The General Nursing Council.	The Registrar of the Council.
Dentists Act, 1921, s. 9 ...	The Dental Board of the United Kingdom.	The Registrar of the Board.
Therapeutic Substances Act, 1925, s. 2 (4).	The Minister of Health ...	The Solicitor to the Ministry of Health.
Architects (Registration) Act, 1931, s. 9.	The Architects' Registration Council of the United Kingdom.	The Registrar of the Council.
Pharmacy and Poisons Act, 1933, s. 14 (3).	The Pharmaceutical Society of Great Britain.	The Registrar of the Society.
Veterinary Surgeons Act, 1948, ss. 6 (5) and 18.	The Council of the Royal College of Veterinary Surgeons in case of appeals under s. 6 (5) and the Disciplinary Committee in case of appeals under s. 18.	The Registrar of the Royal College.
Legal Aid and Advice Act, 1949, s. 6 (3).	The appropriate Panel (Complaints) Tribunal set up under para. 29 of the Legal Aid Scheme, 1950.	The Clerk of the appropriate Tribunal.
Midwives Act, 1951, s. 3 (6).	The Central Midwives Board.	The Secretary of the Board."

7. These Rules may be cited as the Rules of the Supreme Court (No. 3) 1954, and shall come into operation on the eleventh day of January, 1955.

Dated the 21st day of December, 1954.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
A. J. Denning, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
J. N. Gray.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

These Rules make a number of miscellaneous amendments in the Rules of the Supreme Court. Rule 38 of Order LIX, dealing with appeals to the High Court from the decisions of the disciplinary bodies of certain professions, has been revised so as to include appeals under the Architects (Registration) Act, 1931, and appeals from the Panel (Complaints) Tribunals set up under the Legal Aid Scheme.

Rule 3 gives effect to a recommendation made by the Committee on Supreme Court Practice and Procedure.

1954 No. 1728 (L. 25)

The Rules of the Supreme Court (Chancery Provisions) 1954

Made - - - -	*21st December*, 1954
Laid before Parliament	*4th January*, 1955
Coming into Operation	*11th January*, 1955

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

1. In Rule 2 of Order XIII (which requires the filing of an affidavit of service before proceeding upon default of appearance under that Order or under Order XV) after the words "this Order" there shall be inserted the words "or under Order XIVA".

2. For Order XIVA there shall be substituted the following Order:—

"ORDER XIVA

Summary Judgment in Actions for Specific Performance

1.—(1) In any action in the Chancery Division commenced by a writ of summons indorsed with a claim for specific performance of an agreement, whether in writing or not, for the sale or purchase of property, with