EXPLANATORY NOTE

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

The Assizes (North-Eastern Circuit) Order, 1955, provides for the holding of Assizes at Sheffield, and these Rules enable long defended matrimonial causes to be tried at the Sheffield Assizes.

1955 No. 237 (L. 1)

The Matrimonial Causes (District Registries) Order, 1955

Made - - - - 9th February, 1955

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the power vested in me by rule 1 of the Matrimonial Causes Rules, 1950(**a**), and of all other powers enabling me in this behalf, and with the concurrence of Frank Boyd, Baron Merriman, President of the Probate, Divorce and Admiralty Division, do hereby make the following Order:—

1. On and after the first day of March, 1955, any matrimonial cause or matter may, subject to the provisions of the Matrimonial Causes Rules, 1950, be commenced and prosecuted in the District Registry of the High Court at Lancaster in addition to the District Registries set out in Appendix I of those Rules.

2. This Order may be cited as the Matrimonial Causes (District Registries) Order, 1955.

Dated the ninth day of February, 1955.

Kilmuir, C.

I concur

Merriman, P.

1955 No. 1884 (L. 17)

The Rules of the Supreme Court (No. 3) 1955

Made - - - - 13*th December,* 1955
Laid before Parliament 19*th December,* 1955
Coming into Operation 11*th January,* 1956

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

1. The following amendments shall be made in the scale of fees payable to examiners of the court which is appended to Rule 51 of Order XXXVII, that is to say:—

(1) the fee payable to the examiner's clerk shall be five shillings instead of half a crown;

(2) the fee payable to the examiner for an examination taking place within three miles from the principal entrance to the Royal Courts of Justice shall be ten shillings and sixpence for each half hour or part thereof occupied in the examination.

(a) S.I. 1950/1940 (1950 II, p. 929).

2. In Order LIX, after paragraph (1) of Rule 5 (which relates to applications for orders of mandamus, prohibition and certiorari) there shall be inserted the following paragraph—

"(1A) Unless, within fourteen days after leave has been granted, the notice or summons is put in the list for hearing, the leave shall lapse."

3. The following amendments shall be made in Order LXV :—

(1) Rules 16 and 17 (which relate to notices of taxing costs) are hereby revoked.

(2) In Rule 19C (which relates to the lodging of orders for taxation and the statement of the parties annexed thereto), before the words "(annexed to such copy)" there shall be inserted the words "except where the bill is, under the practice relating to short and urgent taxations, referred to the sitting Master for taxation."

(3) For Rule 19D the following Rule shall be substituted :—

"19D.—(1) On the copy of the order being received in the Supreme Court Taxing Office the proper officer shall forthwith notify to the parties whose bills are to be taxed the date by which those bills must, with all necessary papers and vouchers, be left or sent by post for taxation.

(2) The proper officer shall give to each party whose costs are to be taxed and to every other party concerned in the taxation thereof not less than four days' notice (or, in a case in which a solicitor is acting as agent for another solicitor, not less than seven days' notice) of the day and time appointed for taxation.

(3) Except on a taxation under section 66 of the Solicitors Act, 1932, each party whose costs are to be taxed shall, within two days of his receiving such notice as aforesaid, supply a copy of the bill to every other party concerned in the taxation thereof, and if he fails to do so the taxation may be adjourned if, in the opinion of the taxing officer, any party has been prejudiced by reason of such failure.

(4) The preceding provisions of this Rule shall not apply where a bill is, under the practice relating to short and urgent taxations, referred to the sitting Master for taxation ; but in that event the party whose costs are to be taxed shall give one day's notice of the taxation, together with a copy of the bill, to all other parties concerned in the taxation.

(5) Notwithstanding anything in this Rule, no notice of taxation need be given, and no copy of a bill need be supplied, thereunder to a party who has not entered an appearance in the proceedings in which the order for taxation was made and has taken no part therein :

Provided that this paragraph shall not apply to a taxation under section 66 of the Solicitors Act, 1932, at the instance of the solicitor."

4. These Rules may be cited as the Rules of the Supreme Court (No. 3) 1955, and shall come into operation on the eleventh day of January, 1956.

Dated the 13th day of December, 1955.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
A. T. Denning, L.J.
Frederic Sellers, J.
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.)

Rule 1 increases certain of the fees payable to examiners of the court. Rule 2 provides that where leave to apply for an order of mandamus, prohibition or certiorari has been granted the case must, within fourteen days thereafter, be put in the list for hearing if the leave is not to lapse. Rule 3 amends the rules governing the practice in regard to notice of taxation of costs.

1955 No. 1885 (L. 18)

The Rules of the Supreme Court (Appeals), 1955

Made - - - -	*13th December,* 1955
Laid before Parliament	*19th December,* 1955
Coming into Operation	*10th April,* 1956

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

1. Order XXXIX shall be omitted, and the following Orders shall be substituted for Orders LVIII, LVIIIA and LVIIIB:—

"ORDER LVIII

APPEALS TO COURT OF APPEAL

Application of Order

1. This Order applies, subject to the special provisions hereinafter contained with respect to particular appeals, to every appeal to the Court of Appeal, including, so far as it is applicable thereto, any appeal to that Court from an official referee or from any tribunal from which an appeal lies to that Court under or by virtue of any enactment, not being an appeal for which other provision is made by these Rules.

2. This Order (except so much of paragraph (1) of Rule 3 as provides that an appeal shall be by way of rehearing, and except paragraph (1) of Rule 10) applies to an application to the Court of Appeal for a new trial or to set aside a verdict, finding or judgment after trial with or without a jury, as it applies to an appeal to that Court, and references in this Order to an appeal and to an appellant shall be construed accordingly.

General Provisions as to Appeals

3.—(1) An appeal to the Court of Appeal shall be by way of rehearing and shall be brought by notice of motion (in this Order referred to as "notice of appeal").

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the court below; and every such notice shall specify the grounds of the appeal and the precise form of the order which the appellant proposes to ask the Court of Appeal to make.

(3) Except with the leave of the Court of Appeal, the appellant shall not be entitled on the hearing of an appeal to rely upon any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.