STATUTORY INSTRUMENTS

1970 No. 121 (L. 4)

SUPREME COURT OF JUDICATURE, ENGLAND

The Supreme Court Funds (Amendment) Rules 1970

Made - - - -	30*th January* 1970
Laid before Parliament	6*th February* 1970
Coming into Operation for all purposes except those of paragraph 6 in the Schedule	16*th February* 1970
for the purposes of paragraph 6 in the Schedule	1*st March* 1970

The Lord Chancellor, with the concurrence of the Treasury and in pursuance of the powers contained in section 7(1) of the Administration of Justice Act 1965(**a**), hereby makes the following Rules—

1. These Rules may be cited as the Supreme Court Funds (Amendment) Rules 1970 and shall come into operation—

(*a*) for all purposes except those of paragraph 6 in the Schedule on 16th February 1970, and

(*b*) for the purposes of paragraph 6 in the Schedule on 1st March 1970.

2. The amendments set out in the Schedule to these Rules shall be made to the Supreme Court Funds Rules 1927(**b**), as subsequently amended(**c**).

Dated 29th January 1970.

Gardiner, C.

We concur

Dated 30th January 1970.

Joseph Harper,
Walter Harrison,

Two of the Lords Commissioners of Her Majesty's Treasury.

(**a**) 1965 c. 2. (**b**) S.R. & O. 1927/1184 (1927, p. 1638).
(**c**) The relevant amending instruments are S.R. & O. 1933/61, 912, 1935/666, 1942/983, 1943/1331, 1947/2547; S.I. 1951/210, 1960/728, 1931, 1961/2299, 1962/554, 1965/1608, 1966/876, 1968/106, 1969/206 (1933, pp. 1826, 1827; 1935, p. 1649; 1942 I, p. 807; 1943 I, p. 939; 1947 I, p. 2089; 1951 II, p. 679; 1960 III, pp. 3122, 3125; 1961 III, p. 4053; 1962 I, p. 531; 1965 II, p. 4621; 1966 II, p. 2069; 1968 I, p. 302; 1969 I, p. 521).

SCHEDULE

AMENDMENTS TO THE SUPREME COURT FUNDS RULES 1927

1. In rule 32 (which relates to lodgments in the Queen's Bench Division), the words " a copy " shall be substituted for the words " an office copy " in both places where they occur and the following proviso shall be added at the end of the second paragraph:—

" Provided that the Accountant General may issue a direction for lodgment notwithstanding such party's failure to produce an order or copy thereof, if he is satisfied that an order has been made (whether drawn up or not) and the reasons for such failure are set out in Form No. 23 ".

2. In rule 44(1) (which relates to the payment of money lodged under Order 22 of the Rules of the Supreme Court), the words " on the written authority of the plaintiff " and " or 37 " shall be omitted.

3. The following amendments shall be made in the proviso to rule 45 (which relates to the authority for dealing with funds in court):—

(*a*) in paragraph (1), for the words " £200 " and " £100 ", there shall be substituted the words " £500 " and " £250 " respectively; and

(*b*) in paragraph (2), for the words " £200 " in both places where they appear, there shall be substituted the words " £500 ".

4. Rule 51 (which relates to payments made on the authority of another person) shall be deleted.

5. In rule 67(2)(*l*) (which relates to the carrying over of accrued interest), for the words " rule 46(3) ", there shall be substituted the words " rule 43(2) ".

6. In rule 78(1) (which relates to the rate of interest accruing on money placed to a short-term investment account), for the words " 6½ per cent." there shall be substituted the words " 7 per cent.".

7. The following amendments shall be made in the Appendix (which contains the Forms referred to in the Rules):—

(1) in Form No. 11 (Payment Schedule), there shall be deleted the column headed " Name in full and address of the Person (if any) to give authority for payment ";

(2) in Part I of Form No. 23 (form of request for a direction for lodgment in the Queen's Bench Division), for paragraphs (A), (B), (C) and (D) there shall be substituted the following paragraphs:—

" (A) On behalf of the defendant [*state name*] in satisfaction of claim of above named [*state name of party*], subject to Order 22, rule 1 of the Rules of the Supreme Court 1965; the hearing has/has not* begun.

(B) On behalf of defendant [*state name*] against claim of above named [*state name of party*] with defence setting up tender, subject to Order 22, rule 1 of the Rules of the Supreme Court 1965.

(C) Under Order dated [*If neither the Order nor a copy thereof is produced, state here the reasons for failure to produce it*].

(D) In the following circumstances [*here state the circumstances (not being circumstances falling within paragraphs (A), (B) or (C) above) in which the money is to be lodged*]. ";

(3) for Form No. 36 (Request for payment of money lodged), there shall be substituted the following Form:—

" FORM NO. 36

Rule 44(1)

In the High Court of Justice, ...Division

(1) Request for payment of money lodged or appropriated in satisfaction of claim under rule 1 or rule 8 of Order 22.

Ledger Credit ..... v. .....19.....

To the Accountant General, Royal Courts of Justice, W.C.2.

I hereby notify that the sum of £ : : paid into Court and placed to the above ledger credit has been accepted by the plaintiff in satisfaction of the claim in respect of which it was paid in, and I request that payment of the said sum may be made to:

*(1) the Plaintiff [*give full name*] .....

of .....

(2) Messrs. .....

of .....
the solicitors for the plaintiff.

I declare that:—

(i) due notice has been given of the acceptance within the time limited by Order 22, rule 3;

(ii) the plaintiff is not a person in respect of whom a certificate under Part I of the Legal Aid and Advice Act 1949 is, or has been, in force in these proceedings;

†(iii) the payment is not to, or for the credit of, a person resident outside the scheduled territories, as defined by the Exchange Control Act 1947.

Witnessed by
(Address)
(Occupation)

(Signature) .....
a partner in the firm of
[delete if inappropriate]

Witnessed by
(Address)
(Occupation)

(Signature) .....

Date ..... 19.....

N.B. This request, which may be signed either by the plaintiff or by a partner in the firm of his solicitors, must be accompanied by the original receipt and notice of payment in and by a copy of the notice of acceptance.

A request made by a plaintiff company must be completed under the company's seal.

* Delete (1) or (2) as the case may be.

† If this declaration (iii) cannot be made, it should be deleted and permission from the Exchange Control authorities must be obtained before payment can be made.

(2) Request for Remittance by Post

(If remittance by post is required, the person to whom payment is to be made, i.e. the plaintiff or his solicitor, as the case may be, should complete the following request.)

Date ..... 19.....

I request that the above sum of £ : : may be remitted to me by post at the above address by cheque to my/our account at ....Bank.

(Signature) .....

(In the case of a firm, one partner to sign as "A partner in the firm of ....." , and in the case of a company, the secretary may sign) ";

(4) Forms Nos. 37, 56 and 57 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Supreme Court Funds Rules 1927. The amendment to rule 32 enables money to be paid into court in the Queen's Bench Division in pursuance of an order without the production of the order or an office copy. The amendments affecting rules 44 and 51 and Forms 11, 36, 37, 56 and 57 are consequential upon the amendment to Order 22, rule 10(2) of the Rules of the Supreme Court made by the Rules of the Supreme Court (Amendment No. 2) 1969 (S.I. 1969/1894) which abolish the need for a solicitor to have his client's express authority to receive money paid out of court. The amendments to rule 45 increase the amounts which can be paid out of court, or otherwise dealt with, without an order; the amendment to rule 78(1) increases from $6\frac{1}{2}$ per cent. to 7 per cent. per annum the rate of interest on money standing to the credit of a short-term investment account.

The Rules also make minor and consequential amendments to the Appendix of Forms.

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